

1 Tuesday, 23 April 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

11 PRESIDING JUDGE SMITH: As usual, we have a preliminary matter
12 to deal with this morning before we begin.

13 On April 4th, at transcript page 14398, lines 17, to page 14400,
14 line 2, the Panel ordered that waivers filed with the request from an
15 accused be sent -- or a request from an accused to be absent from the
16 courtroom during trial be communicated to the Panel no less than
17 24 hours before the relevant court session unless circumstances do
18 not allow.

19 It has been brought to the Panel's attention that a 24-hour
20 notice has considerable logistical and financial consequences. Such
21 consequences can be avoided if the waivers are communicated 48 hours
22 before the relevant court session.

23 For this reason, the Panel envisages amending the deadline to
24 submit waivers to 48 hours. Of course, we cannot cover all kind of
25 contingencies. In an emergency, we are certainly willing to consider

1 the request and its necessity. But on a regular basis, we would like
2 to use the 48-hour notice.

3 Would anyone like to be heard on this request? We can all live
4 with the 48 hours? I realise that's an imposition of some planning,
5 but I hope it'll work.

6 Since there's no submission, the Panel amends it's April 4
7 order, and orders that waivers filed with a request for an accused to
8 be absent from the courtroom during trial shall, unless circumstances
9 do not allow, be communicated to the Panel no later than two business
10 days, 48 hours, before the relevant court session. For example, when
11 an accused seeks to be absent from the courtroom on a Monday, the
12 waiver shall be communicated to the Panel the preceding Thursday
13 morning. I realise that's more days, but that allows the notice to
14 be given to the transport company prior to the close of business on
15 Friday.

16 Lastly, the Panel recalls that waivers shall sufficiently state
17 the reason for the requested absence so as to provide good cause.
18 The Panel will decide to allow or disallow the request based on such
19 waiver.

20 This concludes the Panel's oral order.

21 We'll now continue the hearing of the evidence of Prosecution
22 Witness W04071.

23 Madam Court Officer --

24 MS. D'ASCOLI: Your Honours, before the witness is brought in,
25 can I just raise one matter. It is with regard to the excerpts of

1 Mr. Jakup Krasniqi's book, "The Great Turning Point." I just wanted
2 to confirm that it is the SPO's preference that the excerpts tendered
3 yesterday be added to P189, which was admitted through bar table
4 decision F01596, and which is the exhibit that currently contains the
5 higher number of pages from that book as well as the cover page.

6 Madam Court Officer pointed out to the fact that Exhibit P729
7 contains three pages from the Pashtrik zone section. However, one of
8 those pages is redacted at the end. It does not contain the excerpts
9 that I put to the witness yesterday. And that's why I would
10 reiterate that pages tendered into evidence, U0015-8849 to 8853 for
11 the Pashtrik zone section, together with the U0015-8869 to 8873 from
12 the Nerodime section, be added to that excerpt. That P number, P189,
13 also contains the pages immediately after those that I tendered
14 starting from 8874, and so for that reason too is a better choice as
15 an exhibit to contain the bulk of the excerpts from the book.

16 PRESIDING JUDGE SMITH: Thank you. I'd just ask the
17 Court Officer, is that appropriate and can be taken care of? All
18 right. Thank you. So ordered.

19 MS. D'ASCOLI: Thank you, Your Honours.

20 PRESIDING JUDGE SMITH: So ordered.

21 Now, Madam Court Usher, please bring the witness in. We will be
22 in public session. We will break at 10.00 for just ten minutes.

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: Welcome back, Witness.

25 THE WITNESS: [Interpretation] Thank you for having me.

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Examination by Ms. D'Ascoli (Continued)

1 PRESIDING JUDGE SMITH: Today we will continue with your
2 testimony. I remind you to please try to answer the questions
3 clearly with short sentences. If you don't understand a question,
4 feel free to ask counsel to repeat the question or tell them you
5 don't understand and they will attempt to clarify.

6 Also, please remember to try to indicate the basis of your
7 knowledge of the facts and circumstances upon which you will be
8 questioned.

9 I also remind you that you are still under an obligation to tell
10 the truth as stated by you in your solemn declaration. Please also
11 remember to speak into the microphone and to wait five seconds before
12 answering a question, and speak at a slow pace for the interpreters
13 to catch up.

14 If you feel the need to take a break at any time, please let us
15 know.

16 We continue with the questions from the Prosecution.

17 Madam Prosecutor, you may continue.

18 MS. D'ASCOLI: Thank you, Your Honours.

19 WITNESS: RAMIZ QERIQI [Resumed]

20 [The witness answered through interpreter]

21 Examination by Ms. D'Ascoli: [Continued]

22 Q. Good morning, Witness.

23 A. Good morning.

24 Q. Before we continue with today's questions, there is a date from
25 yesterday's transcript that I would like to reflect fully on the

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Examination by Ms. D'Ascoli (Continued)

1 record.

2 The last document we discussed was a travel permit signed by
3 Commander Sokoli. Do you remember that? Shukri Buja.

4 A. Yes, I do.

5 Q. That is now in evidence as P11120. With regard to the date or
6 the period of the document, you were asked to clarify, you know, when
7 that would have been from, and you said, this was at page 137, line
8 22, of yesterday's provisional transcript, you said sometime in May.

9 Now just to clarify, you meant to refer to 1998; right?

10 A. Yes.

11 Q. Okay. I just wanted to put the year as well on the record.

12 So now, Witness, I would like to show you another travel permit.

13 MS. D'ASCOLI: Can I please call up ERN IT-03-66 P171 and
14 P171-A. And if I can have them both next to each other on the
15 screen.

16 Q. Can you now see the document on the computer, Mr. Qeriqi?

17 A. Yes.

18 Q. You were shown this document last week during the preparation
19 session, and you said you had not seen it before; correct?

20 A. I have not. That's right, I have not seen it.

21 Q. But you were familiar with travel permits, for example, in 1998,
22 as you did provide one yourself to the Court from your battalion's;
23 correct? Your battalion's archives.

24 A. Yes, that's correct. I think this is from the 3rd Battalion.

25 Q. Okay. So the header says:

1 "Kosovo Liberation Army, Operational Unit 'Celiku'"

2 It is dated 8 July 1998, and there is signed by Commander Tigri
3 plus signature. The document gives authorisation to travel along the
4 route Klecke and back. There is also a first word before Klecke that
5 is rendered -- is translated as illegible in the English.

6 Now with regard to Celiku unit, you gave evidence that those
7 units were under the command of Fatmir Limaj, Commander Celiku;
8 correct? And the reference is P1114.1, page 3572.

9 A. Yes.

10 Q. Are you familiar with the name or nickname Tigri?

11 A. Yes, I knew him. Skender Hoxha. No, I meant Skender Hoti.

12 Q. And he was the commander of --

13 A. The commander of the 3rd Battalion -- the 4th, I'm sorry. The
14 4th Battalion I meant to say.

15 Q. Yes, that is reflected in your evidence. He was the commander
16 of the 4th Battalion. And also you marked the areas of
17 responsibility of the four battalions of Brigade 121 on a map, which
18 is now at page 20 of the Associated Exhibit P1116.

19 Now looking at this document, are you maybe able to read the
20 original and have a look at the name that is indicated? This is the
21 second line where it says "*Relacionin*" before Klecke. You may be
22 able to read what that point is, what that location is.

23 A. I think you might have read it earlier.

24 Q. Yes, what I meant is that there is a word before Klecke. Can
25 you see what it says in the Albanian?

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Examination by Ms. D'Ascoli (Continued)

1 A. Ah. I can't really see it. I can see Klecke, but I can't
2 really make out the other word.

3 Q. Yes, it is difficult to read the handwriting. Okay. No
4 problem. Can you tell us where Base Celiku was? This is, like, at
5 the bottom line before the date and the signature of Commander Tigri.
6 Base Celiku, where was that?

7 A. In Klecke. Klecke. Klecke.

8 Q. Okay. Does this document reflect your evidence, again, for
9 reference, P1115.2, pages 35, 37, that soldiers needed permission to
10 move around; for example, to move from the area of Battalion 4 to the
11 area of another battalion?

12 A. Yes.

13 Q. Okay.

14 MS. D'ASCOLI: Your Honours, the SPO tenders this document into
15 evidence as a public exhibit.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MR. MISETIC: No objection.

18 MR. ELLIS: Your Honour, we will object on the basis the witness
19 had never seen this before. He hasn't authenticated it. And asking
20 a series of leading questions just inviting the witness to read off
21 the document doesn't do anything to authenticate it.

22 PRESIDING JUDGE SMITH: The exhibit will be admitted. It
23 satisfies the parameters of Rule 138.

24 THE COURT OFFICER: Your Honours, the ERN IT-03-66 171 will be
25 assigned Exhibit P1121. Thank you, Your Honours.

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1 MS. D'ASCOLI: Yes, thank you, Your Honours.

2 THE COURT OFFICER: If I may, my apologies, the classification
3 is public in the Legal Workflow?

4 MS. D'ASCOLI: Yes, it is.

5 THE COURT OFFICER: Thank you.

6 MS. D'ASCOLI:

7 Q. Witness, we were talking about the Celiku unit, and we have,
8 from your statement in evidence, that Isak Musliu was part of those
9 units under the command of Fatmir Limaj. You and Isak Musliu became
10 friends in Germany and travelled together to Kosovo; right? And this
11 is also in your evidence.

12 A. Yes, yes.

13 Q. And you also testified that Isak Musliu got his nickname
14 Qerqizi, P1114.2, page 3657, because he had a beard and resembled the
15 Albanian hero and guerilla fighter Qerqiz Topulli; right?

16 A. Yes.

17 MS. D'ASCOLI: Can I please call up ERN IT-03-66 P23 and P23A.
18 And, again, if I can have them one next to the other. You can call
19 up first the first page.

20 Q. Witness, what I'm going to show you now is a diary that was also
21 shown to you during the preparation session last week. If we go to
22 the next page in the Albanian. I believe you said you did not
23 recognise the handwriting; right?

24 A. That's correct.

25 Q. And then you commented about some portions of this notebook,

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1 this diary that mentions your name and describes events related to
2 you.

3 This was a public prosecution exhibit in the ICTY Limaj case
4 where Isak Musliu was a co-accused.

5 MS. D'ASCOLI: Now, can we move to page 11 of the original
6 document. The ERN is U003-2630 and to page 4 of the English
7 translation.

8 Q. Witness, you see already on your screen that portion of the
9 notebook, the heading at the top says: "A delayed diary." Now, I
10 understand the handwriting is not very easy to read. However, if you
11 try to follow on the original while I read the excerpt from the
12 English, you will also receive interpretation and that will
13 facilitate your understanding.

14 So I will start reading from -- this was page 4 of the English
15 translation.

16 MS. D'ASCOLI: If it can be -- if the Court Officer can please
17 scroll down the English document so that the portion "A delayed
18 diary" is fully visible. Okay, thank you. Yes.

19 Q. Witness, listen to the parts that I will read as I will have
20 some questions for you.

21 "Having penetrated in the territory of Kosovo from Albania,
22 somewhere near the hills of Konjushe village, three UCK members came
23 in order to take us in their responsibility. A person nicknamed
24 'Hoxha' was leading the way to Drenica. We turned /illegible/ above
25 the /illegible/ on the right side and in the evening we came down the

1 hill and reached the /?Drini/ bridge. We proceeded towards the
2 asphalt road leading to /?Camdanica/. Having passed
3 one /illegible/ where the Serb police checkpoint was located just
4 behind the /illegible/, we proceeded with the journey and arrived
5 near a workshop where /illegible/ were working. We asked for food
6 and we drank some water. We then asked the owner to help us find a
7 means of transport. We took a /illegible/ /?to/ Kostove and
8 proceeded towards Kolishan. We were heading in the direction of
9 Likoc. Near the /?station/, on the /?Drini bridge/, /?Afet/ twisted
10 his leg and we had to take him to the doctor once we arrived in
11 Likofc."

12 A. Yes, correct. I remember.

13 Q. What do you mean, "I remember"?

14 A. He has described the route we used to get to Likoc, and I
15 remember Afet hurt his leg, and that there was a house where there
16 were doctors and they looked after him.

17 Q. So let me summarise. Does this reflect how your trip to Likoc,
18 once you enter Kosovo from Albania, was?

19 A. Yes.

20 Q. And you --

21 A. Yes.

22 Q. -- told us that was between the end of March and beginning of
23 April 1998; is that correct?

24 A. That's correct.

25 Q. Now, if I remember correctly, you also gave evidence that the

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1 guy named Hoxha was escorting you; correct?

2 A. Yes. His *nom de guerre* was Hoxha, not his surname, by the way.

3 Q. Yes, yes. Absolutely.

4 MS. D'ASCOLI: Can we please move to the next page only for the
5 English translation, and if we can remain on the same page for the
6 Albanian.

7 Q. So, Witness, I'll continue reading.

8 "The doctor put his leg," Afet's leg, we were talking about Afet
9 being injured, "in plaster. Until then, we used to call him with the
10 nickname 'Kastriot' but from that moment, comrades changed it and
11 started calling him with the nickname 'Copo'."

12 A. Correct.

13 Q. So is this part also consistent with your recollection --

14 A. Yes.

15 Q. -- with the story of how Afet changed his nickname or got his
16 nickname?

17 A. Yes, it is.

18 Q. Do you remember what was Afet's full name?

19 A. Afet Bilalli.

20 Q. Okay.

21 MS. D'ASCOLI: Can we please move to the next page of the
22 original document, page 12 marked with ERN U003-2631. I'll continue
23 from the same page in the English, page 5.

24 Q. "The following day, we went out in the terrain and the
25 psychological, physical and tactical training started right away.

1 Only a few days later, about three or four days later, myself and
2 Ramiz aka 'Luan' got designated tasks in the area of /?Silak/ and the
3 Shtime ..."

4 And then it says something illegible.

5 "On that night, the so-called 'Commander Celiku', Fatmir Limaj,
6 came and picked us up. Together with 'Celiku' we /?went/ to Klecka
7 where we came across six or seven young men with masks who were UCK
8 members. They greeted us and when they found out who we were, they
9 took off their masks and continued the journey with us."

10 Is this part also consistent with your recollection of those
11 days?

12 A. Yes, it is, because we took this journey together as it is. I
13 cannot remember the ones we met, but the journey was like this with
14 Fatmir.

15 Q. And who else was with you on that journey?

16 A. Fatmir Limaj.

17 Q. Yes.

18 A. There was also a soldier, Sadik Shala, and he was with
19 Fatmir Limaj.

20 Q. And is this describing the journey together with Fatmir Limaj
21 that you took with Isak Musliu?

22 A. Yes.

23 Q. I'll read a couple more lines:

24 "We entered ..."

25 And this is kind of the middle of the page in the English.

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1 "We entered and there for the first time I met with
2 Commander Ismet Jashari ... 'Kumanova'. He was /illegible/ because
3 he was wounded on both his legs."

4 Do you remember on that journey meeting Ismet Jashari?

5 A. Yes, I do. I remember that he had been wounded in one leg, I
6 thought, rather than two. But, yes, I do remember.

7 Q. Okay. I will now skip some lines and continue reading from a
8 few lines down the page.

9 MS. D'ASCOLI: And for the original, if we can move to the next
10 page, page 13.

11 Q. So in the English, I'll continue, yes:

12 "One or two days later, myself and commander 'Luan', Ramiz
13 Qiriqi, were assigned designated tasks in the village of Stimlje
14 municipality. It's ... when I went home for the first time after two
15 years. It is worth mentioning the fact that when we met with Ismet
16 Jashari, he addressed me with the following words: 'This nickname
17 /illegible/', which I had been called by my friends for almost two
18 years and which Luan gave me, 'is not for you'. 'Congratulations on
19 your new nickname - Qerqiz, because you look like Qerqiz
20 /?Topulli/ anyways'! I smiled and said 'Thank you. I can carry it
21 but I fear this name is too big ... for me'!"

22 Witness, is this consistent with your recollection of how Isak
23 Musliu got his nickname Qerqiz?

24 A. Yes. Yes, the proposal came from Ismet Jashari. I didn't hear
25 any other words, or at least I do not recall that, but I remember

1 that Ismet put forward this proposal that he should have his nickname
2 as Qerqiz.

3 Q. Okay. Now, can we please move -- well, I'll read the very first
4 line in English: "We set off from Klecke and arrived in Guncat ..."

5 MS. D'ASCOLI: And can we now move to the next page in the
6 English. Thank you.

7 Q. "... in Guncat village in the evening. We arrived in Ferat's
8 house. He was Luan's brother-in-law. They received us ... well. A
9 night later, we wanted to penetrate into Qafa e Duhles in the
10 direction of Grejcefc village. We arrived in Bllace village and
11 stayed at Ferat's brother-in-law for several hours. When we wanted
12 to set off for Duhle, as soon as we came out in the yard, firing from
13 different weapons began. It was coming from Duhle. We did not know
14 what to do since we had no idea who was firing and what was going on.
15 We then decided to go to Luan's house."

16 Again, is this consistent with your recollection?

17 A. This is Duhel, the village where there was firing. It's called
18 Duhel. Whereas the village we stayed in, in Ferat's place, so my
19 sister was there, so she's married to him, but, basically, we were at
20 my sister's. He was my brother-in-law. But the firing took place in
21 Duhel. And then we continued our journey to Krojmir, to my village
22 where -- my village where I lived. That's correct, basically.

23 Q. What was Ferat's last name? You said already who Ferat was.

24 A. Ferat Shala.

25 Q. Did he have any position in the KLA at that time?

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1 A. No.

2 Q. And what happened after that, after you decided to go to your
3 house?

4 A. We went to my house and then we went to Isak's home, just as
5 it's been written there, as you can see.

6 MS. D'ASCOLI: Can we now go back to page 1 of the English and
7 page 3 of the original, which is marked with ERN U003-2622.

8 Q. Witness, you see there are here on this page the two entries
9 which are dated. The first is 26 February 1999; the second, 5 March
10 1999.

11 MS. D'ASCOLI: Now, if we can go all the way down to the
12 original and also the -- yes, also the English.

13 Q. Witness, can you please look at the last two lines of the page
14 of the original document. The very last two lines.

15 A. I can't make it out.

16 MS. D'ASCOLI: If we move to the next page of the original. All
17 the way down.

18 THE WITNESS: [Interpretation] Something about the brigade, the
19 base, but I am unable to read it.

20 MS. D'ASCOLI:

21 Q. Yes. Well, what I wanted to read is that there was the name
22 Qerqiz appeared, and I just wanted to confirm with you that that's
23 still Isak Musliu.

24 MR. MISETIC: May I ask counsel to point out in the English
25 where Qerqiz appears?

1 MS. D'ASCOLI: Yes. So that would be page 1 of the English. If
2 we go up. There was -- if we can scroll down. Maybe the next page.
3 I just don't find it on the screen. Yes. So on page 2 of the
4 English, the line at the end of the first paragraph. And then he
5 says Qerqiz a couple of times, line 5, line 8:

6 "As for me, Qerqiz, this is abnormal."

7 Now, this should be in page 5 of the original, U003-2624. The
8 next page, please. And at the very bottom. If you can scroll it all
9 the way down, but it is visible already. Yes.

10 Q. So, Witness, if you look at -- in correspondence of the time
11 19 hours and a half, do you see the name Qerqizi? The English says:

12 "As for me, Qerqiz, this is abnormal."

13 Which is the last line. I just wanted to confirm that Qerqiz is
14 Isak Musliu.

15 A. This here at the end -- the one before last you mean?

16 Q. Yes, exactly.

17 A. Yes.

18 Q. Okay.

19 A. It shows the time when he has written that.

20 Q. Well, those on the sides are only the timestamps from the
21 [Overlapping speakers] ...

22 A. I don't know. It is Qerqiz, yes.

23 Q. Okay. That's sufficient.

24 MS. D'ASCOLI: Your Honours, the SPO tenders this diary into
25 evidence as a public exhibit.

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MS. D'ASCOLI: Yes, Your Honours.

3 THE INTERPRETER: Microphone, please.

4 MR. ELLIS: Yes, Your Honour. The objection from us is not to
5 the pages headed "A delayed diary," which were gone through with the
6 witness, but to all the other pages which appear to relate to an
7 entirely different point in time between February and June 1999 and
8 which this witness has not been asked to comment on in any way, other
9 than to try and read one word on one of the pages. The Prosecution
10 can't just dump pages from 1999 into a series of questions about an
11 entirely different time period.

12 PRESIDING JUDGE SMITH: Thank you. Anybody else?

13 MR. MISETIC: We join that objection.

14 MR. EMMERSON: Yes, I think I'm saying the same thing, which is
15 that the entire document can't go in on the basis of an excerpt which
16 has been verified by the witness. The excerpt can go in but not the
17 entire document or any other narrative it may contain.

18 MR. ROBERTS: Only to join, Your Honour.

19 MS. D'ASCOLI: Your Honours, the total amount of pages is 9 in
20 the English. The diary is actually full of a lot of blank pages.
21 And the document's relevance of four pages out of those nine and the
22 connection to the witness's evidence has been shown, so that's
23 sufficient --

24 PRESIDING JUDGE SMITH: Counsel, the question is why do we need
25 the other pages that have not been mentioned?

1 MS. D'ASCOLI: The other pages are also relevant. If
2 Your Honours wishes, I can list why the rest of the notebook is
3 relevant. And the assessment on those pages and the weight to be
4 attributed to that can be explored in cross-examination and, exactly,
5 it's a matter of weight to be assessed at the end of the trial, but
6 they are relevant for the Prosecution's case. And since the witness
7 has contextualised and given evidence on a substantial portion of the
8 notebook, we submit that the requirements for *prima facie*
9 admissibility have been met.

10 [Trial Panel confers]

11 PRESIDING JUDGE SMITH: What is the relevance of these other
12 pages? How do they relate --

13 MS. D'ASCOLI: Yes.

14 PRESIDING JUDGE SMITH: -- to the charges in this case?

15 MS. D'ASCOLI: Yes, the -- for example, on page 1, there is
16 information related to the Nerodime operational zone and its staff.
17 Page 3, information relevant to the functioning of the military
18 police, including by way of relevance to the KLA rules of procedure.
19 Then the other portions corroborating the witness's evidence.
20 Page 6, reference to the KLA General Staff task for soldiers not to
21 move around, et cetera. And then the last pages list the various
22 activities of the military police in the Nerodime zone in 1999.

23 PRESIDING JUDGE SMITH: Yes, Mr. Emmerson.

24 MR. EMMERSON: Your Honour, that short category exemplifies
25 precisely why this is the wrong approach. It's using a witness who

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1 can speak to the accuracy of a portion of the document as a Trojan
2 horse to smuggle in uncorroborated, unverified direct testimony in
3 the form of a witness document which the Prosecution then intends to
4 rely on for other parts of its case.

5 This is the very, very concern that we've been identifying all
6 the way through. Although, in this instance, Prosecution counsel has
7 been kind enough to openly indicate that the witness is being used as
8 a Trojan horse in that way.

9 PRESIDING JUDGE SMITH: Thank you.

10 We're going to mark it for identification.

11 MS. D'ASCOLI: Yes, Your Honours.

12 PRESIDING JUDGE SMITH: Go ahead.

13 THE COURT OFFICER: Your Honours, the ERN IT-03-66 P23 will be
14 marked as identification P01122.

15 PRESIDING JUDGE SMITH: Thank you.

16 MR. MISETIC: Mr. President, if I may just add one additional
17 point on this.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 I'm sorry, go ahead.

20 MR. MISETIC: We've been -- the Prosecution's position is we can
21 explore it in cross-examination, these pages. The fact of the matter
22 is it deals with Nerodime zone, which is not this witness's zone. In
23 1999 he was outside of Kosovo for much of that period. And it talks
24 about the General Staff, which the witness says he doesn't know
25 anything about. So I don't know how we could explore these pages in

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1 cross-examination.

2 PRESIDING JUDGE SMITH: Thank you.

3 MS. D'ASCOLI: Yes, Your Honour, it's not necessarily only with
4 this witness that those pages could be explored. The witness was not
5 there in Kosovo in 1999, and it has been put to him the pages and the
6 portions of the diary which are relevant to his evidence and that he
7 can speak to.

8 As for the rest of the document, you know, the requirement for
9 admissibility have been met, and the rest, the assessment of the
10 portions in 1998 is a matter of weight, and that can be explored
11 throughout the rest of the case.

12 PRESIDING JUDGE SMITH: Thank you. We'll make a determination.
13 Do you have any other questions?

14 MS. D'ASCOLI: Yes, Your Honours.

15 Q. Witness, I just want to move now to a different topic.

16 MS. D'ASCOLI: Can we have on the screens P8 in both languages,
17 please.

18 Q. Witness, the document that will be appearing on the screen is
19 the KLA provisional rules of organising internal army life from 1998.
20 You discussed this document both during your ICTY testimony and the
21 SPO interview. And you said you received this document in June 1998,
22 you distributed it to your soldiers. Do you remember that? This is
23 also in P1114.1, page 3604. You remember that?

24 A. Yes.

25 MS. D'ASCOLI: Can we move to page 15 in both languages, please.

1 Q. Witness, I would like you to have a look at Chapter 8, which is
2 military police and its duties. And, again, while -- yes, now we
3 have it on the screen for the English. You can look up the Albanian
4 portions.

5 Now, in various parts of your statements you discuss the role of
6 the military police. For example, P1114.1, page 3611, you testified
7 about your knowledge of the duties of the military police, saying
8 that they were to look after the soldiers, to check them, check their
9 behaviour with the civilian population, et cetera.

10 Later in the SPO interview, P1115.2, page 39 and 40, you stated
11 that the military police would check travel permits, vet people
12 coming and going. They could give warnings, demerits, arrest, even
13 arrest you and take soldiers to the brigade. You remember your
14 evidence?

15 A. Yes.

16 Q. Since you're familiar with this document, you received it, you
17 distributed it, I'm not going to go through all of the duties listed
18 here. I just wanted to confirm with you that these provisions
19 related to the duties of the military police reflect how the military
20 police functioned during your time as a battalion commander in
21 Brigade 121?

22 A. There was a team of police attached to our battalion. They
23 lived there. But its command was at the brigade. They reported to
24 the brigade.

25 Q. Yes, I'll -- that was my next question. Like, first, I had

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Examination by Ms. D'Ascoli (Continued)

1 asked you whether you were -- whether these provisions reflected your
2 evidence about how the military police functioned during your time as
3 battalion commander in Brigade 121. Can you answer that question
4 first, and then we move on.

5 A. How it functioned?

6 Q. Just --

7 A. I think I said it.

8 Q. Yes, exactly. So my question was does -- do these rules reflect
9 your evidence, reflect the way you said the military police
10 functioned?

11 A. They do. Yes, yes.

12 Q. Now, you were saying you had military police in your battalion;
13 correct?

14 A. Yes.

15 Q. How many and starting from when?

16 A. Initially, they were four. And then they became seven.

17 Q. And when? When was that?

18 A. Right from the outset. That is from May, beginning of May.

19 Q. A year, please? Can you specify a month and --

20 A. We are talking about 1998.

21 PRESIDING JUDGE SMITH: Excuse me. Wait. Both of you are
22 talking over each other.

23 MS. D'ASCOLI: Yes, Your Honours.

24 PRESIDING JUDGE SMITH: Please wait for her question, and,
25 Madam Prosecutor, wait for his answer before you start your next

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1 question.

2 MS. D'ASCOLI: Yes, Your Honour, apologies.

3 Q. Okay. So we said that that was from May 1998. Where were they
4 stationed?

5 A. In Krojmir.

6 Q. And was there a squad commander, military police squad commander
7 within your battalion?

8 A. Yes. Initially, it was Ajet Hasani. He was killed. And then
9 Mr. Garfuzi --

10 THE INTERPRETER: I didn't catch the name, sorry.

11 MS. D'ASCOLI:

12 Q. Can you repeat the name of the person who succeeded to Ajet
13 Hasani?

14 A. It may be May, beginning of June, when they were -- either end
15 of May or beginning of June. Ajvaz Korpuzi was the deputy of Ajet.
16 And they started their operation end of May, beginning of June.

17 Q. So the name was Ajvaz Korpuzi, not Garfuzi as reflected in the
18 transcript currently?

19 A. Yes. Korfuzi.

20 Q. Okay. Now, yes, these two soldiers, Ajet Hasani and Ajvaz
21 Korpuzi are also listed in the document you provided to the SPO
22 listing all of the members of your battalion; correct? This is
23 P1116, ERN page 061318?

24 A. Yes.

25 Q. Now, in summer 1998 and until he was appointed brigade

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Examination by Ms. D'Ascoli (Continued)

1 commander, Haxhi Shala was the military police commander at the
2 brigade level; correct?

3 A. Yes.

4 Q. And you told us - the reference is to P1115.7, page 23 - that
5 his nickname was Topi; correct?

6 A. Yes.

7 Q. I want to show you a document.

8 MS. D'ASCOLI: Can I please call up ERN U001-9725 to U001-9732
9 and its English translation. And if this can please be not
10 broadcast. [Microphone not activated].

11 THE INTERPRETER: Microphone.

12 MS. D'ASCOLI:

13 Q. Witness, we can stay with this first page of -- it's a notebook,
14 while the English is being brought up. You see at the very end --
15 okay, the text is a bit faded. And it says:

16 "Sadik Shala - Burgia Batalion ..."

17 What battalion was that?

18 A. Burgia.

19 Q. Burgia. Sorry for my pronunciation. What battalion was that?

20 A. 3rd Battalion.

21 Q. Of Brigade 121; correct?

22 A. Yes.

23 MS. D'ASCOLI: Now if we move to the next page, please, in both
24 languages marked with ERN U001-9726. It's an entry dated 12 August
25 1998. If we can scroll -- zoom out a little bit so that more of the

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Examination by Ms. D'Ascoli (Continued)

1 Albanian page is visible, including the bottom part with the
2 signature, please.

3 Q. Do you recognise the block signature at the end, Witness, in the
4 handwritten document?

5 A. Yes, Topi.

6 Q. Who was Topi?

7 A. Haxhi Shala. The police commander Haxhi Shala.

8 Q. So was it common at that time to have handwritten notes of this
9 type to record meetings and so on?

10 A. Yes, it was.

11 Q. Did you do that yourself?

12 A. Yes, I did.

13 Q. Now, this entry lists the military police rules for the Sadik
14 Shala Battalion, the 3rd Battalion of Brigade 121. You can have a
15 look at the list of the rules. I can read a couple for you:

16 "Military Police has the right in ... given situation, to
17 execute, arrest, also battalion commanders, in cases of violations of
18 the Rules."

19 You gave us this evidence already, you confirmed that; right?

20 A. Yes. This is what they said then.

21 Q. "Soldiers who are not in possession of a travel authorisation,
22 shall be disarmed."

23 [Microphone not activated]?

24 A. Yes, that's how it was.

25 Q. "To arrest civilians, permission of the /Military / Police is

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1 required."

2 A. It was their duty, not ours.

3 Q. Okay. I will not go through the whole list, but do these rules
4 reflect how the military police functioned, operated, again during
5 your time as battalion commander in Brigade 121?

6 A. Yes.

7 MS. D'ASCOLI: Now, can we please move to page 5 in both
8 languages, please.

9 Q. Witness, I want to ask you some questions on the first two
10 entries. There are two entries dated 15 August 1998.

11 Now, in the first one, the entry says:

12 "It was decided to speak with the soldiers of the Racaj Company
13 today, to inform all of them about the Military Police Rules."

14 The second entry says:

15 "Today we spoke with the soldiers based in the foresters' house,
16 and the Military Police Rules were read out to them."

17 MS. D'ASCOLI: Can we now move to page 7 in both languages.

18 Q. And then I will ask you a question about these entries as they
19 are similar in content.

20 MS. D'ASCOLI: And I'm referring now to the entry of 19 August,
21 so if the Albanian can be scrolled down a little bit. Thank you.

22 Q. Now, it's a report, a report on Wednesday it says, and the entry
23 reads:

24 "We were out in the field today, ..."

25 I'll skip to the end:

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1 "... we conveyed the [Military Police] Rules for the battalion
2 and some clarifications through some comrades."

3 Now, my questions on these three entries, the two ones of
4 15 August and this of 19 August, is the following: Did the same
5 happen in your battalion in summer 1998? And what I mean is were the
6 military police rules conveyed to your soldiers as well?

7 A. Yes, but it was a special meeting with the police without my
8 presence.

9 Q. And by whom, if you remember? Who held the meeting?

10 A. Yes, the one that has written down, Haxhi Shala.

11 Q. Okay. I have one last question on this document.

12 MS. D'ASCOLI: If we can move to page 8 of both versions. The
13 ERN is U001-9732.

14 Q. This is an entry from 13 August. So the two questions -- the
15 two portions I'm interested in to are the one on 13 August 1998.

16 MS. D'ASCOLI: If we can scroll down a little bit in the
17 Albanian.

18 Q. It says on 13 August someone, I'm not reading the name, was
19 intercepted without a weapon and without a travel authorisation.
20 Now, does this reflect your evidence that the military police, for
21 example, would check travel authorisations, travel permits, and vet
22 people coming and going?

23 A. Yes, correct.

24 Q. Okay. And then the other entry is a little bit up from the one
25 that I just read. I'm not reading the name, but the entry says the

1 name of the person, and then "we were informed orally that he is a
2 suspicious person."

3 And in relation to this entry, my question is: Does this entry
4 reflect your evidence that suspicious cases would be reported to the
5 military police? You gave us some examples of these yourself in your
6 evidence.

7 A. Yes, correct.

8 Q. Okay. That's enough.

9 MS. D'ASCOLI: Your Honours, the SPO tenders this document into
10 evidence as a confidential exhibit because of the nature of certain
11 information.

12 MR. EMMERSON: Your Honour, the objections follow a similar
13 pattern. All of the probative and relevant evidence that this
14 witness has given he gave before being shown that document. And what
15 counsel has done is to go through a document of which he is not the
16 author -- I'm so sorry. What counsel has done is to go through a
17 document of which he is not the author, pick out particular instances
18 which she invites the witness to confirm are confirmatory of the
19 testimony he himself has already given.

20 Now, even allowing for the fact that that is probative in
21 itself, which, in our submission, it is not a probative exercise
22 because, of course, it's not the same instance. The witness has
23 testified from his own experience. There's nothing in this document
24 that adds anything, but it falls foul of all of the same principles
25 of, first of all, it being material, which doesn't provide any

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1 independent assistance to the Panel, and probative value is
2 something, obviously, that has to be assessed in all of these
3 materials.

4 But, secondly, yet again by finding points of coincidence or
5 points that counsel leads the witness into saying, "Does this reflect
6 the sort of thing that you've already told us about?" it's being used
7 once again, as is, I'm afraid, all too frequent, as a means of
8 getting in large amounts of entirely inadmissible material.

9 PRESIDING JUDGE SMITH: Thank you. This will be marked for
10 identification as well, but anybody else want to make a record?

11 MR. ELLIS: We join the objection, Your Honour.

12 MR. MISETIC: As do we.

13 MR. ROBERTS: The same, Your Honour.

14 MS. D'ASCOLI: Your Honours, just to respond briefly.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MS. D'ASCOLI: Thank you.

17 Well, the witness has recognised the documents, recognised
18 Commander Topi's signature, he has placed it in time, he has
19 connected it to the evidence that he gave, he has underlined that the
20 same happened in his battalion, the same events that are described in
21 relation to another battalion. So, therefore, the document -- the
22 *prima facie* admissibility requirement, relevance, authentication,
23 et cetera, are met in the documents --

24 PRESIDING JUDGE SMITH: Thank you.

25 MS. D'ASCOLI: -- tendered for admission.

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1 MR. MISETIC: I just want to clarify our position. We don't
2 object to the portions that were shown to the witness. It's the
3 extra pages that weren't shown that we object to admitting.

4 MS. D'ASCOLI: Your Honours, almost all pages were shown to the
5 witness.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MS. D'ASCOLI: Almost all pages were shown to the witness. It's
8 very little that is left out.

9 PRESIDING JUDGE SMITH: Thank you.

10 Continue your direct examination.

11 THE COURT OFFICER: If I may, Your Honour, the ERN U001-9725 to
12 U001-9732 will be marked for identification as P01123. Thank you,
13 Your Honours.

14 PRESIDING JUDGE SMITH: Okay.

15 THE COURT OFFICER: And it's classified as confidential. Thank
16 you.

17 PRESIDING JUDGE SMITH: I see that it's nearly 10.00. We'll
18 take a ten-minute break at this point.

19 Witness, we'll take a ten-minute break and then we'll be back in
20 the courtroom. Please go with the Court Usher.

21 [The witness stands down]

22 PRESIDING JUDGE SMITH: So we are adjourned for ten minutes.

23 --- Break taken at 9.59 a.m.

24 --- On resuming at 10.22 a.m.

25 PRESIDING JUDGE SMITH: Sorry for the short delay. I probably

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1 ought to hold myself in contempt of court. We'll go on with the
2 process.

3 Madam Court Usher, please bring the witness in.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right. Witness, welcome back. The
6 Prosecution has some more questions for you.

7 Go ahead.

8 MS. D'ASCOLI: Thank you, Your Honours.

9 Q. Witness, moving to a different topic. Did you participate in
10 the 28 November 1998 Flag Day celebrations in the Berisha hills?

11 A. Yes, I did.

12 Q. I want to show you an article about those celebrations.

13 MS. D'ASCOLI: The ERN is SPOE40000012 and its English
14 translation, and if I can please have both on the screens.

15 Q. Witness, the document that will appear is a *Zeri i Kosoves*
16 article from December 1998 reporting about the Flag Day celebrations
17 of 28 November 1998. The article will appear. Yes, now we have it
18 on your screens. At least you can see the original. Do you see
19 that? And it's authored by Nuhi Bytyqi.

20 MS. D'ASCOLI: If we can zoom out a little bit from the
21 Albanian, please, and as well as the English.

22 Q. Witness, do you remember that day?

23 A. I do not remember the article, but I do remember taking part in
24 this festive day.

25 Q. Yes, my question wasn't in relation to the article. I

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1 understand you might have not read this one specifically. So I can
2 read from the beginning after the part in bold.

3 MS. D'ASCOLI: If the English can be scrolled down a little bit
4 where it starts with: "We had set off ..." Thank you.

5 Q. "We had set off on that cold November day to take part in the
6 celebration of 28 November ..."

7 You remember the day weather-wise, right, I think you told us?

8 A. Yes.

9 Q. "The main commemoration ceremonies of the soldiers and officers
10 of the Kosovo Liberation Army on the occasion of 28 November ..."

11 I'll skip some lines.

12 "... was held in the Berisha Hills, which were cloaked in
13 white."

14 And I think you confirmed the weather conditions.

15 "The organisers of this ceremonial organisation were the members
16 of the 'Pashtrik' Zone ..."

17 Correct?

18 A. Yes.

19 Q. The article then speaks about Mr. Shefqet Bucaj who opened the
20 ceremony and then Mr. Jakup Krasniqi who spoke for the General Staff.
21 Do you remember those speakers?

22 A. Yes.

23 MS. D'ASCOLI: Now, in the English, if we can please move to
24 page 3.

25 Q. While, Witness, for the Albanian, I will be looking at the quote

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Examination by Ms. D'Ascoli (Continued)

1 from the third column.

2 MS. D'ASCOLI: Yes, a little bit -- perfect. Thank you.

3 Q. From Mr. Shaban Dragaj who you mentioned in your evidence was
4 the chief of operations for Brigade 121; correct?

5 A. Yes.

6 Q. I'll put to you a quote from him, from Mr. Dragaj. He's quoted
7 as saying:

8 "'In the KLA there exists a unified command, a chain of command,
9 which is respected from a squad level up to the General Staff. There
10 are no narrow groupings or interests, but unity and the determination
11 to fight to the end to remove the Serbian forces from Kosovo. Those
12 are the factors which dominate.'"

13 So the first question I have is you heard what is attributed to
14 Mr. Dragaj. In your experience, do those words reflect how you also
15 experienced the organisation and structure of the KLA during your
16 time as battalion commander in Brigade 121 with references, of
17 course, to 1998 to 1999?

18 A. Yes, in the battalion. Yes, I can only answer about the
19 battalion. So, yes, it was precisely as it's been put there.

20 Q. Yes. In the battalion as a place, of course, within the
21 structure of the brigade and of the Pashtrik zone I would put to you.

22 A. Yes, correct.

23 Q. Ajet Kastrati is also in the same third column is also mentioned
24 in here. Can you tell us again of which battalion he was the
25 commander?

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1 A. For a brief time in the 3rd Battalion, after the fall of
2 Kumanova.

3 Q. Yes, after Kumanova was killed in August 1998; correct?

4 A. Yes.

5 Q. Okay.

6 MS. D'ASCOLI: Your Honours, for the sake of time, I'll tender
7 this document into evidence as a public exhibit.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MR. MISETIC: No objection.

10 MR. ELLIS: No.

11 PRESIDING JUDGE SMITH: SPOE4000012 is admitted and will be
12 assigned an exhibit number.

13 THE COURT OFFICER: It will be assigned Exhibit P1124. Thank
14 you, Your Honours. And it's classified as public.

15 MS. D'ASCOLI:

16 Q. Witness, I'll move now to a different topic. You discussed in
17 your statements a team of doctors and nurses, a team of 17 people,
18 who would go where needed. And you make references to doctors in
19 Krojmir, mentioning specifically Dr. Jakupi and Dr. Naseri. The
20 references are to the ICTY testimony P1114.2, pages 3681, 3682.

21 A. That's Naseri.

22 Q. Dr. Naseri, yes.

23 MS. D'ASCOLI: Now, I want to ask for your comments on a
24 document marked with SPOE00232831 to SPOE00232833 and the related ET,
25 please. And, again, if it can be put on the split screen. Thanks.

1 Q. Now, Witness, I quote from your evidence, the SPO interview
2 P1115.3, page 2, lines 1 to 3, that you said, referring to 1998:

3 "When people understood that we had," we, as the KLA, "taken up
4 positions there and established a presence, they begun to bring us
5 aid, bring us foodstuffs ..."

6 Do you remember the provision of aid that you mentioned in your
7 evidence?

8 A. Yes, but they were delivered directly to the doctors. So they
9 came from Mother Teresa order. They came from various volunteers who
10 had the means --

11 Q. Yes.

12 A. -- the possibility to do so.

13 Q. Yes. So I understand the donations included also -- the
14 donations that you received in Krojmir included also medical aid;
15 correct?

16 A. Yes.

17 Q. And was there an ambulatory in Krojmir?

18 A. Yes.

19 Q. Now, what we're looking at is a KLA General Staff register of
20 donors who helped the KLA with the material goods. And I want to
21 draw your attention to a couple of entries.

22 So, for example, if you look at entry number 1. This is dated
23 June 1998. It refers to lab, laboratory material, and the
24 delivery -- the material was delivered to ambulatory in Krojmir.

25 A. Yes. I didn't know exactly what we received, but the ambulatory

1 facilities were there. And, of course, they had the right to accept
2 all of the donations that were given by the donors.

3 Q. Also looking at entries number 8 to 10, this concerned
4 medication of various values again delivered to the ambulatory in
5 Krojmir in July and August 1998. So does that reflect how things
6 functioned, I mean, what you saw happening at the ambulatory in
7 Krojmir in the summer 1998?

8 A. Yes. The clinic was actually completed with all of the
9 equipment that were required for both the residents of the area as
10 well as the soldiers.

11 MS. D'ASCOLI: Your Honours, this document was seized from the
12 residence of Mr. Jakup Krasniqi in Prishtine, and we are tendering
13 now into evidence as a public exhibit.

14 MR. ELLIS: Your Honour, we object. In the first place, the
15 standing objection to the search, but particularly in relation to
16 this document, the witness hasn't confirmed that he ever saw this
17 document before. He hasn't confirmed any of the specific entries in
18 this document, saying he didn't know specifically what was received.
19 And in those circumstances, all the witness has confirmed is that, in
20 general terms, the KLA received donations from the people, which is
21 not a matter in dispute in the proceedings. So there is no need to
22 admit this. There is no relevance. It's not been authenticated and
23 we'd invite the Court not to admit.

24 PRESIDING JUDGE SMITH: SPOE00232831 to 232833 is admitted. It
25 satisfies the *prima facie* standards for admission under Rule 138.

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1 THE COURT OFFICER: It will be assigned --

2 PRESIDING JUDGE SMITH: Please give it a number.

3 THE COURT OFFICER: Yes, Your Honour. It will be assigned
4 Exhibit P01125, classified as confidential.

5 PRESIDING JUDGE SMITH: Thank you.

6 MS. D'ASCOLI: And, Your Honours, we will be providing in a
7 separate filing all of the information that you separately requested
8 in relation to seized items. I'm referring to your directions of
9 15 January.

10 Can I now have ERN SPOE00225149 and the English translation,
11 please.

12 Also in relation to the previous document, I tender -- the SPO
13 tendered it as a public exhibit.

14 Q. Witness, while we're waiting for the document to be brought up,
15 I wanted to bring you back to a person that you spoke about,
16 Dr. Fitim Selimi, operating in the area of Sedllar, Shala, under the
17 1st Battalion. Do you remember that?

18 A. Yes, I do.

19 Q. Now, we have a report.

20 MS. D'ASCOLI: If we can go all the way down so that the witness
21 can see who signed the report.

22 Q. Do you see the signature at the end of this document, Witness?

23 A. Yes, I do. To my knowledge, he worked in the village of Shala
24 in the ambulatory services there, Dr. Fitimi that is. So he was in
25 charge of the doctors there. I've never seen his signature, I do not

1 know his signature, but he was there as a doctor.

2 Q. Yes. And also you mentioned in preparation session you did not
3 see this document before; correct? It was shown -- when you saw it
4 in the preparation session it was the first time you saw it; correct?

5 A. That's correct. Yes, yes. I had not seen it before. I
6 couldn't.

7 Q. Yes. If -- you were not in a position that would require you
8 seeing it; correct?

9 A. No, I was a battalion commander. I couldn't really see a
10 document like this.

11 Q. Yes. I want to ask you a couple of questions about this, about
12 the content of the document.

13 MS. D'ASCOLI: If we go up to the first part of the report.
14 Also in the English, please. Yeah.

15 Q. So Mr. Selimi, Fitim Selimi, is reporting about the healthcare
16 situation in the territory and says:

17 "The health care throughout the above-mentioned territory is
18 being offered in the following locations: Kroimir, Shala, Nekovc,
19 Kishareka, Ngucat, Bellanica ..." et cetera. You can see all of the
20 locations.

21 And then it speaks about the number of health workers and the
22 typologies of their professionalities -- their specialties. Now, is
23 that consistent with your knowledge of where healthcare was provided
24 at the time in the area that you operated within?

25 A. Yes.

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1 Q. If we go down to the fourth paragraph, it says:

2 "The equipment and the material is supplied mainly by
3 humanitarian sources and voluntary donors. The funding this service
4 gets from the Army fund is small."

5 Again, does this information reflect what you saw at the time?

6 A. It's accurate. It's correct.

7 Q. Okay.

8 MS. D'ASCOLI: Your Honours, also this document was seized from
9 the residence of Mr. Jakup Krasniqi, and the SPO would tender it into
10 evidence at this point as a public exhibit.

11 MR. ELLIS: Yes, we object again, Your Honours. Standing
12 objection to the search, but also the witness has expressly confirmed
13 that he did not see this document before, and he did not see this
14 signature before, so he can't authenticate it.

15 MS. D'ASCOLI: And, Your Honours, I would reply that, as with
16 the document before, this document is bar table eligible, the fact
17 that the witness has been able to speak to it and to confirm some
18 contents of it is sufficient for the purposes of admissibility
19 pursuant to Rule 13 --

20 PRESIDING JUDGE SMITH: SPOE00225149 is admitted under Rule 138.
21 Thank you. Go ahead.

22 THE COURT OFFICER: And it will be assigned Exhibit P01126,
23 classified as public. Thank you, Your Honours.

24 MS. D'ASCOLI:

25 Q. Witness, do you know who Qerkin Dugolli was?

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Examination by Ms. D'Ascoli (Continued)

1 A. He held a position in the brigade, as in personnel in the
2 brigade.

3 Q. Okay. In the list of members of your battalion that you
4 provided to the SPO and that I mentioned before, that was
5 Exhibit P1116, page 45, ERN pages 061318, you listed, among the
6 military police of your battalion, Ajvaz Korpuzi, whom you also
7 mentioned as deputy, Syle Qeriqi, Dalip Durmishi, Agron Olluri. Do
8 you remember that?

9 A. Olluri. Yes. Yes.

10 Q. Are you aware of any disciplinary action taken against any of
11 these policemen; and if yes, when?

12 A. I wasn't there at the time. It was the beginning of 1999. I
13 have been told but wasn't there.

14 Q. Yes, I understand. I was asking about your knowledge of it.
15 Now, do you remember the names of the policemen who were involved in
16 those disciplinary cases or measures?

17 A. As I said, and I will say it again, I wasn't there. I was
18 preparing for the fight in Koshare. But this is the entire medical
19 team. They had a problem with the command. The brigade interviewed
20 them. So whoever was in Krojmir. This is what I was told after I
21 returned. Because they misbehaved somewhere with somebody, a member
22 of the public. But, again, this is what they told me.

23 Q. Yes, I understand. I was more interested into whether you
24 remembered the names of the specific military policemen. For
25 example --

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Examination by Ms. D'Ascoli (Continued)

1 A. Yes, Agron. And then Azem. Agron Olluri, Azem Olluri. Yes, it
2 was them at the time.

3 Q. Okay.

4 A. The entire team. They were there and the entire team of
5 policemen.

6 Q. Okay. Now, I'm moving to the last set of questions, Witness.
7 Witness, you're aware from your previous interviews, since that
8 information with you put to you in details in those interviews, that
9 there are allegations that you took part in arrests, interrogations,
10 and mistreatments of civilians. You're aware of those allegations;
11 right?

12 A. I have never been involved in any of such things. I have told
13 you about everything I know.

14 Q. So I understand it is still your evidence that you were not
15 involved in any arrests, in any interrogations, in any mistreatments
16 --

17 A. Never. Never.

18 Q. Including of people who were later transported to or ended up in
19 the Llapushnik detention facilities?

20 A. No, I was not involved.

21 Q. Okay. Mr. Qeriqi, I will put to you a proposition and I will
22 ask you for your comment to that, taking into account what you right
23 now already told us.

24 The SPO's proposition is that you were more involved than you
25 actually feel comfortable to admit in those allegations; that you

1 ordered and/or participated to arrest of civilians who ended up in
2 detention in Llapushnik; that you participated to their mistreatment
3 or ordered that, and ordered your soldiers also to mistreat civilians
4 during interrogations. And that proposition is that also you knew
5 that was wrong and that is why you're denying your involvement.

6 And I would like to hear again your answer to that.

7 A. I have never been involved. My tasks were at the front line.
8 That's where I was. I was not part of these things.

9 Q. Okay. I understand.

10 MS. D'ASCOLI: Your Honours, those were my questions. Thank
11 you.

12 PRESIDING JUDGE SMITH: Thank you.

13 Mr. Roberts.

14 MR. ROBERTS: Thank you, Your Honour. If you just give me one
15 minute just to get myself ready, but I'll obviously start now and
16 knock out 15 minutes.

17 PRESIDING JUDGE SMITH: Thank you.

18 MR. EMMERSON: For planning purposes and whilst Mr. Roberts is
19 doing that, I indicated earlier on that I thought my estimate was
20 very considerably longer than I would actually require. As matters
21 currently stand, I wouldn't expect to ask any questions at all. Or
22 if I do, they will be very, very limited.

23 PRESIDING JUDGE SMITH: Thank you very much for that update.

24 Anybody else wish to state your minutes? Not hours, minutes.

25 MR. MISETIC: It's about 45 pages, Judge, so --

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1 PRESIDING JUDGE SMITH: Okay.

2 MR. MISETIC: -- I'm staying with --

3 PRESIDING JUDGE SMITH: I'll --

4 MR. MISETIC: -- my estimate.

5 PRESIDING JUDGE SMITH: I'll call that an hour.

6 Yes, Mr. Ellis.

7 MR. ELLIS: I'm also staying with my estimate, Your Honour.

8 PRESIDING JUDGE SMITH: All right. Go ahead.

9 MR. ROBERTS: Thank you, Your Honour.

10 Cross-examination by Mr. Roberts:

11 Q. Good morning, Witness. We just have about ten minutes now
12 before the break, so I'll just get started with some questions and
13 then continue afterwards.

14 I just want to start off with your arrival into Kosovo in what I
15 believe is April 1998. Now, you told the SPO, in relation to this
16 arrival, that you entered into Kosovo and went to Likoc in a group of
17 nine or ten people after having met Azem Syla in Tirana; is that
18 correct?

19 A. I'm sorry, you represent whom? So you're the Defence of?

20 Q. Sorry, I -- Mr. Rexhep Selimi.

21 PRESIDING JUDGE SMITH: You didn't introduce yourself,
22 Mr. Roberts.

23 MR. ROBERTS: My apologies, Your Honour. I thought you did that
24 for me. Sometimes you do. I must have missed out on that one.

25 Q. So, yes, I'm counsel for Mr. Rexhep Selimi. Sorry.

1 So I'll just go back to repeating that question.

2 So you told the SPO that when you first entered Kosovo, you came
3 from Tirana to Likoc, and you went to Likoc in a group of nine or ten
4 people, having met Azem Syla in Tirana; is that right?

5 A. Correct.

6 Q. Now, you didn't know Rexhep Selimi personally before you entered
7 Kosovo, did you? You'd never met him?

8 A. No, I never met him before.

9 Q. So the name you were given for him, the nickname, so Agron or
10 number Ten, these weren't nicknames that you knew personally. These
11 were told to you by people before you went into Kosovo; is that
12 right?

13 A. Yes. Not persons, but it was Azem Syla, in fact.

14 Q. Understood. Now, when you arrived you told the SPO that you
15 took a letter to Agron or number Ten and told him who you were and
16 where you came from, but you hadn't read the letter before you
17 arrived; is that correct?

18 A. That's correct.

19 Q. And you never actually saw at any point the content of that
20 letter, that piece of paper that you gave to him, is that correct,
21 because it was sealed, I believe?

22 A. It was wrapped in an ordinary piece of paper, really, and it
23 also -- it was wrapped in such a way that one couldn't open up but
24 also so that it would be waterproof.

25 Q. Yes. And you never saw at any point what was actually written

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1 on that letter, is that right, even after you arrived into Likoc?

2 A. No, I did not.

3 Q. So you gave it to Mr. Selimi sealed, and then he opened it and
4 then read it in your presence; is that right?

5 A. Yes.

6 Q. And --

7 A. Actually, I can't remember exactly. But, yes, I think that's
8 what it is. That's what it is.

9 Q. And was it actually in Likoc or was it outside somewhere or was
10 it in -- where exactly did you meet him?

11 A. So when I was in Likoc, and I was never after the war, so I was
12 there twice, so I said Likoc, and I was told it was Likoc, so I
13 thought it was Likoc, and I knew it to be Likoc.

14 Q. Okay. But were you in the centre of Likoc or was it outside,
15 one of the villages around, or you don't know specifically?

16 A. To be honest, I never went back there again. I know it was a
17 village. It was the ambulatory facilities I told you about. There
18 were some homes where we stayed overnight in those villages. So that
19 was it really.

20 Q. And the letter itself, obviously because you didn't see it, you
21 don't know if it was directly addressed to Mr. Selimi from Mr. Syla?

22 A. Please, if I may. Azem Syla told me that, "If you lose this
23 letter -- it will only be for you to pass the letter on and to go to
24 the Drenica part. And if you lose this letter ..." But I do not
25 know what the contents of the letter were because I did not see it.

1 Q. Now, in your ICTY trial testimony, and I believe that's P114,
2 you explained that Mr. Syla had written where you were supposed to go
3 and what were your tasks and duties, although you were told about
4 that orally by Mr. Selimi; is that correct? That's transcript
5 page 3563 from P114, for the record.

6 A. Who gave that to me? I'm sorry.

7 Q. So that Mr. Syla had written down where you were supposed to go
8 and what were your tasks and duties, but you were given that
9 information orally by Mr. Selimi when you arrived; is that correct?
10 I can read out the quote from your testimony if that makes it easier.

11 A. It's correct. That's correct. Yes, it's what I've said back
12 then. Nothing's changed.

13 Q. So what Mr. Selimi was effectively doing, in your evidence, is
14 reading out what Mr. Syla had written in that piece of paper. As in,
15 where to go and what your tasks and duties were. Is that a correct
16 understanding?

17 A. There was no need for him to read it out loud because we trusted
18 one another. And whatever tasks and duties were assigned to us, then
19 we would do that. I didn't decide where I was to go. Others decided
20 that for me.

21 Q. Yes, I think the -- the question I'm trying to ask is that it
22 was Mr. Selimi reading out what Mr. Syla had written down. It was
23 Mr. Syla who had decided or suggested that you go to Krojmir; is that
24 correct?

25 A. Of course. Mr. Syla and Rexhep Selimi. Well, I cannot know

1 accurately, precisely who decided. But I came from that place. I
2 had friends who had already been organised in the fight. And when I
3 made the request in Aargau, I said that I can act in that part of
4 Drenica, and that is why they sent me there.

5 Q. So you were the one who told Mr. Syla that you could go to
6 Krojmir; is that right? Because you had friends there and so it
7 would be a logical place for you to go.

8 A. Yes.

9 Q. Yes. And I think you told the SPO - that's P1115.1, page 32 -
10 that you didn't actually need to be instructed about where to go?

11 A. I'm sorry?

12 Q. So you actually told the SPO that you didn't need to be
13 instructed about where to go, and I presume that's because you felt
14 that it would be logical and normal for you to go to Krojmir, which
15 is where you were from; is that fair?

16 A. Okay. So a lot of time has passed. But I was assigned to that
17 area. I was asked where it would be easier for me to be assigned to
18 and act, and I said here. And the people who were responsible, in
19 charge, gave me that task and that's what I did.

20 Q. And how long was this interaction with Mr. Selimi to your
21 recollection? I assume it was very brief based on the nature of your
22 testimony, but can you just clarify.

23 A. It was brief. I cannot remember exactly how long it lasted.
24 Well, it was brief, as you put it.

25 Q. And you also explained that, to your knowledge, no one else who

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1 you were with received any similar instructions, is that correct,
2 about where to go? From Mr. Syla, sorry.

3 A. Once again, please?

4 Q. Certainly. So in your SPO interview, so that's Part 1, page 31,
5 you were asked by the SPO:

6 "... [were you] the only person who received an order from
7 Azem Syla?"

8 And your answer is:

9 "It's possible that he may have given them -- given one to them
10 that I wasn't aware of, but I doubt it."

11 So to your knowledge, you were the only one who received
12 something.

13 A. I think he instructed me alone. I was in charge of that group.
14 But when we arrived in Likoc, then we were deployed. So it's not
15 like the entire group followed me in Klecke, in Krojmir. Some stayed
16 there. Like, for instance, Shaban Muhamet stayed in Likoc. Sabir,
17 somebody else, went elsewhere, which was the area he came from. So
18 it's not like we all went to Klecke or Krojmir.

19 Q. And so Mr. Selimi in this interaction merely directed you on to
20 Krojmir in implementation of what Mr. Syla had written. Could you
21 have gone anywhere else?

22 A. Yes. If I had been told to go elsewhere, of course I'd have to.

23 MR. ROBERTS: Your Honour, I think it's a good time now if
24 that's convenient.

25 PRESIDING JUDGE SMITH: We will take a half-hour break, Witness.

1 Please do not speak about your testimony outside of the courtroom,
2 and you may go with the Court Usher at this time.

3 THE WITNESS: [Interpretation] I'm sorry. I'm alone there, so I
4 don't think there's anybody else that I could talk to.

5 PRESIDING JUDGE SMITH: Thank you.

6 [The witness stands down]

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 --- Recess taken at 11.01 a.m.

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

10 PRESIDING JUDGE SMITH: Please bring the witness in,
11 Madam Usher.

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: All right. Witness, we will continue
14 with the cross-examination with Mr. Roberts.

15 MR. ROBERTS: Thank you, Your Honour.

16 Q. Hello again, Witness. So we were talking about the interaction
17 you had with Mr. Selimi when you first arrived into Kosovo. Just to
18 be clear, he didn't appoint you to any specific position at all, did
19 he, at that stage? He merely directed you over towards Krojmir.

20 A. We met with Fatmir Limaj there. It was an accidental meeting.
21 And I went there together with Fatmir.

22 Q. Yes. But just to be clear, Mr. Selimi didn't actually appoint
23 you to any position. He just merely, as we discussed earlier, read
24 out what was in the letter and directed you over towards Krojmir.
25 But there was no official appointment that he implemented at that

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1 stage, was there?

2 A. No, not at the time.

3 Q. And in fact -- oh, sorry. Please continue.

4 A. But I went there together with Fatmir Limaj, to Klecke, Krojmir.

5 Q. And as you discussed in your interview with the SPO, you weren't
6 actually formally appointed to a position until August, I think it
7 was August 16th, and that was by Fatmir Limaj, wasn't it?

8 A. Please, from the day I went to Krojmir together with
9 Fatmir Limaj, I reported to him from the very start. On paper, it
10 was when you said; but earlier, not. I reported to Fatmir. As to
11 who Fatmir reported to, this I don't know. But from the very start,
12 I assumed, you know, duties and everything from Fatmir Limaj.

13 Q. Yes, and I'll get to that reporting later. It was just the
14 question of the appointment that I was interested in at that stage.

15 MR. ROBERTS: If we could just actually go now to a document
16 that you were shown this morning, which is this supposed diary. It's
17 P1122, and the ERN is IT-03-66. If we could just put that up on
18 screen.

19 Q. You remember this, that you were taken through in some detail by
20 counsel for the Prosecution.

21 MR. ROBERTS: And if we could go to the same page that she
22 showed you entitled "A delayed diary." So that was page 4 of the
23 English.

24 Q. Do you remember having this discussion about your entry into
25 Kosovo and where you went?

1 MR. ROBERTS: And if we could just get the Albanian as well.

2 Q. Now, just to be clear, and we don't need to go through this in
3 any detail, but that doesn't mention Mr. Selimi or Agron at all, does
4 it? And please feel free to check that section. Because this is
5 talking about your entry into Kosovo. It doesn't make any reference
6 to Mr. Selimi or Agron or Ten.

7 A. This is a diary of Qerqiz. It shows that we came to Likoc. I
8 said what I had to say. He wrote it in his diary. It's very true
9 that we came together with Qerqiz.

10 Q. Yes, but the actual --

11 A. I can't even read it now.

12 Q. Well, you seemed to be reading it earlier, or it seemed to be
13 read to you. My understanding, and please correct me if --

14 A. Prosecutor --

15 Q. -- I'm wrong, there is no reference to Mr. Selimi in that
16 extract at all?

17 A. No, there isn't. I don't know where you are getting at.

18 Q. Well, the point I'm making is that obviously in your evidence he
19 was the one that directed you to Krojmir - and we'll talk in a minute
20 about what you considered the implication of that - and yet he's not
21 mentioned at all in relation to your -- this description of your trip
22 from Likoc to Krojmir.

23 A. Who is not mentioned?

24 Q. Mr. Selimi, the person who you described having the interaction
25 with earlier and about who directed you supposedly over towards

1 Krojmir.

2 A. Mr. Selimi didn't come with us. I said I went with Fatmir Limaj
3 up to Klecke.

4 Q. Yes. I'm not disputing that. It's merely that there's no
5 reference at all to him having directed you along that journey in
6 this extract, is there? And I think we can move on because you're
7 not disputing that.

8 But you told the SPO on the basis of your brief interaction with
9 Mr. Selimi --

10 A. No. What I said then, I abide by it now. This is a diary of
11 someone else, of Qerqiz. I am Ramiz. And I spoke about what was the
12 reality then.

13 Q. Just to be very clear, you're not contesting that he -- you're
14 not saying that he is mentioned in that diary. I think we're very
15 clear on that.

16 MS. D'ASCOLI: Objection, asked and answered, Your Honour.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 You may answer.

19 Perhaps repeat the question again, Mr. Roberts.

20 MR. ROBERTS: Thank you, Your Honour.

21 Q. Yes. Just to be very clear, for the record, you're not saying
22 that he is mentioned in that extract of the diary, are you?

23 Mr. Selimi.

24 A. He should -- why should he be mentioned? It was me who had that
25 letter that gave to Mr. Selimi.

1 PRESIDING JUDGE SMITH: Witness, it's easier if you just answer
2 yes or no to a question asking for a yes-or-no answer.

3 THE WITNESS: [Interpretation] How can I say? Can you repeat
4 once again so that I can say yes or no?

5 MR. ROBERTS:

6 Q. Certainly.

7 A. This person is -- hasn't mentioned him, but I mentioned him.

8 Q. Right.

9 MR. ROBERTS: I think we have an answer, Your Honour.

10 Q. Now, you told the SPO on the basis of your -- what you described
11 as a brief or interaction with Mr. Selimi that he was the main guy in
12 Likoc.

13 MR. ROBERTS: And that's Part 1, so P1115.1, page 32.

14 Q. Now, to be clear, is your evidence that this was your impression
15 of Mr. Selimi based on that -- solely on that brief interaction with
16 him in Likoc in April 1998?

17 A. No. Since you are putting me the question in that way, it was
18 Azem Syla that sent me to Selimi. He was the higher-up person, if
19 you're asking me that.

20 Q. Yes, so my question -- what I'm interested in is, is your
21 understanding that Mr. Selimi was the main guy in Likoc based on the
22 fact that Mr. Syla sent you to him?

23 A. Yes. The fact that he sent me to Rexhep Selimi to give that
24 letter to him, it was clear that he was the main guy, that he was
25 responsible there.

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1 Q. That's the only basis for your understanding of this?

2 A. Not only that. I went there, stayed there, and they instructed
3 me to go to Klecke, Krojmir. So it was very well organised. It was
4 not that, like, you can go anywhere you like. You couldn't go
5 anywhere. You couldn't enter anywhere. It was -- everything was
6 well organised from the beginning.

7 Q. And he never told you he was the main guy in Likoc in this brief
8 interaction, did he? When I say "he," I mean Mr. Selimi.

9 A. He didn't need to tell me that because I went to him. Somebody
10 else sent me to him. I already mentioned that earlier. I don't know
11 why you are dwelling on that.

12 Q. Well, if Mr. Syla had sent you to anyone else, would you have
13 believed that they were the main guy?

14 A. Wherever he would have sent me. I would have gone wherever
15 Azem Syla sent me. It was a military role.

16 Q. And whoever you gave that letter to or were told to give that
17 letter to, you would have believed they were the main guy because you
18 were being told to give that letter to them; is that right?

19 A. Yes, yes.

20 Q. And you never saw Mr. Selimi again after that interaction; is
21 that right?

22 A. No, never.

23 Q. And you didn't even know for sure that he was a member of the
24 General Staff at any point? That's what you told the SPO. Is that
25 correct?

1 A. That's right. From that time on, I had to deal with
2 Fatmir Limaj, with the brigade. I was organising the battalion, and
3 I didn't know anything about the General Staff. That's correct.

4 Q. Okay. Now, Likoc was quite important as a location, wasn't it?
5 It's the first port of call that many people from Albania would stop
6 at on the way in from Kosovo.

7 A. Yes, that's what they said. I stayed for a very brief time in
8 Likoc. That was how it was at the beginning.

9 Q. And how long did you actually stay there? Was it one night?

10 A. No, I think about two weeks. I took them soldiers and went to
11 Klecke, Krojmir. Some two weeks I think this process lasted.

12 Q. Now, on the basis of this interaction you told the SPO that you,
13 and I'll quote the question and answer, "considered that
14 Rexhep Selimi was in charge for the KLA in Kosovo at that time." Is
15 that still your evidence?

16 A. Yes, that's how I thought then.

17 Q. You thought then. So you were never obviously told or had any
18 direct information that that was the case. This is based on your
19 impression after being sent to him by Azem Syla; is that correct?

20 A. That was the rule then. I said already you couldn't go as you
21 liked. You had to go through the representatives. I had to write an
22 application in Aargau to enter Kosovo and to join the war. My
23 application was accepted. I came to Tirana, from Tirana to Likoc,
24 from Likoc to Klecke. And from Klecke, I settled in Krojmir. That's
25 how it happened. It was not like everybody could come at their

1 volition. There were rules.

2 Q. Yes, I understand there were rules. But my question was whether
3 your assertion or your deduction or assumption that he was in charge
4 for the KLA in Kosovo was based purely just on that short
5 interaction? Again, yes or no if you can.

6 A. Yes, of course. I came with that letter, with that document.

7 Q. And to be clear, in terms of what else you were aware of in
8 Kosovo at the time, you didn't visit the other zones, did you, at
9 that stage, the Dukagjin zone, Llap zone, anywhere else, if there
10 were indeed zones at that point?

11 A. No. No, never.

12 Q. You didn't meet or have any other knowledge of other potential
13 Kosovo leaders at that point in any of those zones either, did you?

14 A. No, I didn't. I already told you I served up to the brigade.
15 That's where I reported. Not higher up. Never.

16 Q. Yes, but the point I was trying to get to is that you don't
17 understand or have any knowledge -- sorry, not "understand." You
18 don't have any evidence in relation to Mr. Selimi's authority or
19 relationship with anyone else outside of Likoc based on that very
20 brief interaction you had with him there?

21 A. At that time, no.

22 Q. So I would suggest to you, on the basis of that, that you were
23 not justified in any way in suggesting that he was the leader of the
24 KLA throughout Kosovo. Would you accept that?

25 A. I said that at the beginning when I came. And for that, I am

1 responsible. Later on, I had no information. I never met him. What
2 can I say more? About other things, there are other people that can
3 speak.

4 Q. Just to finish up on this, had you heard of him before you
5 entered Kosovo at all, based on his relationship with Adem Jashari or
6 any other factors? Had you heard the name Rexhep Selimi in the
7 press?

8 A. I didn't read a lot the press. There is nothing I can say. I
9 have no answer for that.

10 Q. So you hadn't heard of him, you didn't know he'd been indicted
11 already or was already well known within Kosovo?

12 A. I don't remember. A long time has passed. I don't remember to
13 have heard anything about him. If there was something in relation to
14 him, you can read that in newspapers.

15 Q. Okay. Now, your evidence is that you moved on with Mr. Limaj
16 over to Klecke and then down to Krojmir.

17 A. Yes.

18 Q. Now, your evidence to the SPO was that Mr. Selimi told you that,
19 "You're to report your work to me, you're to come and tell me how
20 many soldiers you have and what they're doing." Do you recall
21 telling that -- sorry.

22 A. It is very true, I remember. But I never did report to him
23 because we agreed with Fatmir that I should report to him, to Fatmir,
24 namely. Fatmir should report to Rexhep Selimi. Whether he did that
25 or not, I don't know. But from the beginning, we reported how many

1 soldiers were there, what their health was like, and so on. But not
2 to Rexhep Selimi. To Fatmir Limaj. I abide by the same things I
3 said earlier.

4 Q. Yes. So as you mentioned, you never actually reported to
5 Rexhep Selimi, and you have no idea if Fatmir Limaj at any point ever
6 did report anything that you told him to Rexhep Selimi?

7 A. Correct.

8 Q. And Krojmir is quite a long way away from Likoc, is it not? How
9 long would it take you to walk from one to the other -- or how long
10 did your journey take you, actually, to go from Likoc all the way to
11 Krojmir?

12 A. I don't remember, but it is far. Very far.

13 Q. So it wouldn't have been in any way reasonable or possible for
14 you to have reported directly to Mr. Selimi at all, would it not --
15 would it?

16 A. I said to you I never reported to him, that I did report to
17 Fatmir Limaj. And I never saw Rexhep Selimi ever after.

18 Q. Yes. I was merely asking it would not have been easy or logical
19 for you to have reported to him given that distance, would it?

20 A. No, it wouldn't be logical. At the beginning, I reported also
21 to Shukri Buja at the very start, and he to Fatmir. So I was mostly
22 engaged with the digging of trenches and preparations for war. It
23 was impossible for me to -- Fatmir was at a higher position, so
24 whether he did report or not, this I don't know, and I am not
25 interested in that.

1 Q. Understood. Now, you did confirm you didn't have a satellite
2 phone at all at that stage either, did you?

3 A. No. Neither phone nor any radio. Nothing.

4 Q. So it would have been impossible -- sorry. Do you want to
5 complete your answer or have you finished?

6 A. I finished.

7 Q. So it would have been impossible for you to have reported to him
8 even had you wanted to? When I say "to him," to Mr. Selimi in Likoc.

9 A. I already said, and I don't think we need to dwell on that, I
10 never reported to him and I could not report to him, and I was not in
11 a position to report to Rexhep Selimi.

12 Q. And when you agreed with Mr. Limaj that you would report to him,
13 you didn't, obviously, check with Mr. Selimi that this was fine, was
14 it -- did you?

15 A. No, no.

16 Q. So you were effectively ignoring or changing what had been told
17 to you by Mr. Selimi?

18 A. Listen, I knew that Fatmir is at a higher position. And he said
19 to me, "I have to deal with Likoc." He told me, "You don't have
20 anything to do with that." And so after that, I reported to him. I
21 believed that he was on a higher position and that he would report
22 dutifully where he should.

23 Q. And Fatmir Limaj at the time was in charge of units down in
24 Klecke?

25 A. Yes.

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1 Q. But he was effectively, therefore, changing this supposed
2 instruction that you'd been given by the most powerful KLA person in
3 Kosovo; is that right?

4 A. I am not saying that he changed that. I don't know. I know
5 only that I reported to him.

6 Q. Now, you did mention reporting to Mr. Limaj when you were down
7 in Krojmir. And you --

8 A. To Shukri Buja also. To both.

9 Q. And to Shukri Buja. Now, in these meetings, these supposed
10 regular meetings, you were very clear with the SPO that there was
11 never any mention of any prison in Klecke at any of these meetings;
12 is that right?

13 A. Never. Never.

14 Q. And you only found out about this well after the war; is that
15 right?

16 A. Yes, correct.

17 Q. And so throughout the entire time that you were visiting Klecke
18 on a regular basis, you never saw a prison there or had any knowledge
19 that there was a prison in that location?

20 A. I went to Klecke for the weekly meetings, and nobody mentioned
21 any prison. Only after the war.

22 Q. And you never saw one yourself when you were in Klecke?

23 A. What prison are you talking about?

24 Q. Well, you were asked if you ever knew about one. I just want to
25 be clear. When you were going to Klecke on a regular basis, you

1 never saw one, a prison, yourself there, did you?

2 A. I went there, as I said, once a week, and I never saw a prison.

3 Q. Thank you.

4 A. I heard about the prison in Klecke after the war, and we had
5 nothing to do with that supposed prison.

6 Q. Now, I just want to ask you some questions about your knowledge
7 or relationship with the General Staff. You told the SPO you didn't
8 know what the difference was between the central or the
9 General Staff, did you?

10 A. It's a mistake. You're wrong. Initially, we thought it was
11 called Central Staff and then General Staff. That's where you are
12 wrong.

13 Q. Well, you told the SPO, and this is Part 8, page 4, so that's
14 P1115.8:

15 "Q. But what is the difference between central staff ... and
16 General Staff?"

17 Your answer was:

18 "I don't know."

19 A. I don't know. I never knew it.

20 Q. You were never informed who was in the General Staff, were you?

21 A. No.

22 Q. You were never in a meeting with the General Staff, and you
23 weren't a member of the General Staff as you told the SPO?

24 PRESIDING JUDGE SMITH: Those are two questions.

25 MR. ROBERTS: I will break them down, Your Honour. Thank you.

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1 Well, I was actually, to be honest, quoting the two questions
2 that were given by the Prosecution in the interview. So maybe I'll
3 read that out.

4 Q. So in your SPO interview, so that's P1115.2, page 12:

5 "Q. Did you ever attend briefings or orders that were given by
6 the General Staff in Likoc?

7 "A. No, I was never in a meeting with the General Staff. I
8 wasn't a member of the staff."

9 And that's correct, isn't it?

10 A. Yes. Whatever is written there is accurate. I do not contest
11 that.

12 Q. And you weren't in touch with the staff, and you only visited a
13 couple of times when it moved to Divjake, which would have been
14 towards the end of 1998?

15 A. Correct.

16 Q. Divjake is obviously separate - close to, but separate - from
17 Klecke?

18 A. Near Klecke, adjacent to it.

19 Q. Adjacent. But it's a separate location, is it not?

20 A. Yes. On one side was the General Staff. On the other side was
21 a brigade.

22 Q. As you told the SPO, up until the end of 1998, it was very
23 difficult to communicate with the General Staff, and this only
24 improved when they went to Divjake. Do you recall telling the SPO
25 that?

1 A. I may have said that. I don't remember. But if it's written
2 there, then I have said it.

3 Q. And this was around about the time you went to Albania, wasn't
4 it? You left in early to mid-January, I think, isn't it? Is that
5 correct?

6 A. Yeah, the middle of January.

7 Q. So any improvements that took place in communication with the
8 General Staff would have been when you were mostly not there in
9 Kosovo anymore because you'd been to Albania?

10 A. Once again, please? What did you mean by communications?

11 Q. Well, you were asked by the SPO about communications with the
12 SPO -- sorry, communications with the General Staff. And in your
13 interview, so this is P1115.3, page 13, you stated:

14 "... there in the end of [1998], when they moved to Divjake,
15 they were much more easy to communicate with."

16 Now, my suggestion is that any improvements in communication
17 with the General Staff that happened at that stage were when you were
18 going to Albania; is that fair?

19 A. So I was given permission by Zyrapi to travel to Albania. So it
20 was an order by Bislum Zyrapi, the chief of the General Staff. And
21 Haxhi Shala, the brigade commander, and I set off to Albania. And as
22 I said earlier, there was no reason for me to communicate with the
23 General Staff when I was battalion commander. It was only when I
24 received the instruction to go to Albania, and I received it from
25 them. Other than that, I do not know.

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1 Q. Yes, you don't have any direct knowledge of whether those
2 communications did improve because you didn't need to communicate
3 after that point, is that right, with the General Staff?

4 A. I am telling you for quite a few times that I didn't have any
5 possibility to speak or communicate with the General Staff. I had no
6 knowledge of that.

7 Q. Yes. So when you say that the communications improved, that's
8 something of which you didn't have direct knowledge. That's the
9 point I'm trying to get to. I'm just trying to understand the basis
10 of your assertion that the communications improved.

11 A. I never communicated with them. I do not know how that word,
12 "communication," has come about or has been left there. I did not
13 communicate with them. Neither did I know all of the members of the
14 General Staff or the positions they held. We knew that Azem Sylja was
15 the commander general and that was it.

16 Q. Now, in terms of supposed orders given in the name of the
17 General Staff, you told the SPO that Mr. Limaj gave orders in the
18 name of the General Staff when he was the brigade commander, but you
19 weren't able to remember any special or significant ones. And you
20 only received -- sorry, do you recall telling the SPO that?

21 A. Yes, I have said that. So in the meetings he would say, "It's
22 in the name of the General Staff," and then, of course, what did we
23 know whether it was on his own volition or, indeed, in the name of
24 the General Staff. But what I've said there is what I've said.

25 Q. Yes, that's the point I was interested in. You only received

1 orders or directions or instructions from the brigade command and not
2 directly from the General Staff, so you had no way of knowing if they
3 did come from the General Staff or not.

4 A. Correct.

5 Q. And you never saw Mr. Limaj communicating with the
6 General Staff, so you don't have any personal knowledge of whether
7 these orders did, in fact, come from the General Staff. That's what
8 you told the SPO.

9 A. Well, I couldn't -- one couldn't see it, could one? I mean, it
10 was wartime. But, yes, it's what I've said earlier.

11 Q. Now, saying that orders came from the General Staff would be one
12 way, would it not, of making them seem more important, giving them
13 greater authority?

14 A. Yes, of course.

15 Q. And you actually told the SPO that you thought Mr. Limaj was
16 using the name of the General Staff to make his orders or his
17 instructions seem more important; is that fair?

18 A. Yes, with more authority. It was my view. This is what I
19 thought.

20 Q. And you also thought the same in relation to Shukri Buja, didn't
21 you, when he gave you an order at the end of July to withdraw troops
22 to Blinaje? I apologise for my pronunciation.

23 A. From Blinaje, yes, the order was to withdraw the battalion
24 fighters, to withdraw from the areas.

25 Q. And so he told you that that was an order from the

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1 General Staff?

2 A. After the withdrawal, when I met him, and I asked him, "Who gave
3 the order?" he said, "I was only enforcing the order that came from
4 the General Staff." This is what he said to me in front of the
5 soldiers back then. But I don't think it was the General Staff who
6 gave that order.

7 Q. Yes, I think that's what you told the ICTY, that you didn't
8 think he received the order from the General Staff. And I think
9 when -- you later on were told by the General Staff that they hadn't
10 given the order; is that right?

11 A. After a meeting when they came to us, they said, "We didn't do
12 this" -- or, well, it's not like they would account to me, but we
13 realised that it was Shukri Buja who had acted on his own.

14 Q. Yes. But you still felt -- even though you were told it was an
15 order from the General Staff, you still felt that you were able to
16 ignore this order from Shukri Buja?

17 A. No. There was nowhere for us to go because we were armed.
18 Where could we go? So after the withdrawal, we all got together, the
19 soldiers, and then we went to the positions because we didn't have
20 anywhere to go.

21 Q. Yes. I'm not -- it's not about whether you were right or wrong
22 in how you responded to that. My point is that Shukri Buja gave you
23 an order, supposedly in the name of the General Staff, and you, as a
24 battalion commander, felt that you were able not to follow that.

25 A. Please. Please, you are wrong. Your question is wrong. So he

1 told the soldiers on the front line, "Withdraw." So withdraw. No
2 longer the KLA. So then we, the soldiers, got together and we
3 decided not to leave. But it was just a moment. We were there on
4 the front line. When he came over, then I asked him, "Who gave the
5 order?" He said, "I enforced the order of the General Staff." And
6 he walked off. And we were stuck there. We didn't have anywhere to
7 go. This wasn't about an order. It was wartime. You probably
8 cannot understand what being there in wartime was like. We were
9 there on our own. And then very briefly, quite quickly I would say,
10 other people came over, we had a meeting. They said, "Carry on with
11 the war. Everything is fine." Because, of course, I had to enforce
12 the order, but it was wartime and we were all over the place.

13 Q. Yes.

14 A. So, yes.

15 Q. It's not to ascribe blame to you. It's just to try and
16 understand exactly the sequence of events. And so he did tell you at
17 the time, Shukri Buja, that it was an order from the General Staff,
18 but you carried on not completing it at that stage. That's right,
19 isn't it? And not just you. I mean "you" collectively, you and your
20 soldiers.

21 A. No, no, please. It's not that way. We were there in the middle
22 of nowhere, as it were. Like, we didn't have command. We didn't
23 have anywhere to go. Like, where would we go? For a certain amount
24 of time we were just there. Although, briefly they did come over and
25 we all got together again. So we were just stuck there, if you see,

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1 I think about a week. We had no command. There was no command over
2 us. We were just there stranded, just like, you know, chicks with no
3 chicken or mother to be there for them. And it's basically what
4 happens to the chicks when mother chicken is no longer there? That's
5 what we were like, stranded.

6 Q. So there was no command structure left at that stage, is that
7 what you're saying, above you? If you were stranded, there was no
8 command structure at this stage?

9 A. No. For about two weeks we were there, we were all over the
10 place, we were on our own. Shukri was somewhere else. Fatmir,
11 elsewhere. I and some other soldiers were there. And then we got
12 together again. We joined forces. This is what I'm saying, and
13 these sort of things happen in wartime.

14 Q. Do you believe there are other orders that you were issued or
15 given by Fatmir Limaj or Shukri Buja or directions that were also not
16 from the General Staff but were told to you were in the name of the
17 General Staff?

18 A. There weren't. What I mentioned already, like sometimes in
19 meetings, like, if they wanted to ascribe more authority, sometimes
20 Fatmir would mention them. Of course, for it to carry more weight,
21 for it to be more credible. I don't know. What can I say? But it's
22 his opinion. You could ask him yourself.

23 Q. Yes, but as you --

24 A. Otherwise, the hierarchy was quite fine: Battalion, brigade.

25 Q. Well, let's go to your battalion, because I think you were very

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1 clear, and I think this is important in relation to a question you
2 were asked by the Prosecution, you were only able to talk about your
3 battalion. You accept that, don't you?

4 A. Yes.

5 Q. In terms of --

6 A. Yes.

7 Q. -- any hierarchy --

8 A. Yes, yes.

9 Q. -- in terms of how things were done, you only talk about your
10 battalion. And how many people were there in your battalion in May,
11 June, or later, if it was indeed a battalion at that point?

12 A. Everything has been written down, actually. It was part of the
13 process. I do not wish to make any mistakes, because so much time
14 has passed since then. But my statement has been written down, so
15 it's on there to be read. So my witness statements have already been
16 given.

17 Q. Yes. I think it's just so we can understand exactly the limits
18 and the scope of your statement. When you talk about things like
19 your permits that you issued or the regulations for the organisation
20 of the army's internal life, for example, you're talking about how
21 you understood that to operate within your battalion or within your
22 unit, is that fair, and you don't want to speculate beyond that?

23 A. Well, whatever happened with us happened elsewhere. We were no
24 different to any others. What happened in our battalion happened in
25 other battalions. Like the permit, for instance, for a soldier to go

1 to the brigade, so they needed a travel permit. So, for instance,
2 for four hours, so they would have to travel during that timeline,
3 those four hours. So our movements were controlled. And it wasn't
4 just with us, the four battalions were going through the same
5 motions. But, of course, I spoke in terms of what happened to our
6 battalion and my work.

7 Q. Yes, you only have personal knowledge of what happened in your
8 battalion. And you assume the same thing happened in other
9 battalions but you don't directly have knowledge of that; is that
10 fair?

11 A. Well, yeah, obviously.

12 Q. And -- and as a battalion --

13 A. Yes, I don't have knowledge of ...

14 Q. Sorry, I cut you off.

15 "Yes, I don't have knowledge of ..."

16 Can you just complete your answer? That was my fault.

17 A. Well, I don't have knowledge of other battalions.

18 Q. Or any further up, supposedly, in the chain, other brigades and
19 certainly not other zones? You accept that, don't you?

20 A. I don't have knowledge, no.

21 Q. And, indeed, even on the permits, I think you said that you as a
22 battalion commander had a more strict idea of not allowing people to
23 travel in and out at night. Do you recall that?

24 A. Because of security reasons. So, yes, that's true. So the idea
25 was that at night security checks would be different so that nobody

1 would be able to come in, the enemy or somebody else, to the
2 particular zone that we controlled, where the battalion was. So,
3 yes, it's correct indeed. Because we needed to be able to know that
4 we kept the movements of people under checks and so on.

5 Q. And I believe you said that Mr. Limaj criticised you for this
6 rule, but he didn't order you to stop it or change it, did he?

7 A. No. Fatmir was prone to seeming -- seemingly be more
8 interesting, more important in meetings, that he, indeed, was
9 somebody important, and then, of course, I had to enforce his orders.

10 Q. Well, you say you have to enforce his orders, but you did tell
11 the SPO specifically about an order from Mr. Limaj that you ignored.

12 A. Which one, for instance?

13 Q. I can take you to your SPO interview.

14 MR. ROBERTS: So that's P1115.2, page 44.

15 Q. And I'll just read out the exchange. Question, from the SPO, in
16 relation to Mr. Limaj:

17 "So did he -- was that an order that he gave you, to go to hide
18 your uniforms and weapons?"

19 Answer:

20 "He gave that order to the 1st battalion, and I opposed that
21 order, and I told him -- I told them, 'Put your uniforms back on and
22 pick up your weapons.' And in our battalion we violated that order."

23 Just wait till I finish, please.

24 "We never hid our weapons or uniforms.

25 "Q. Was that a uniform -- was that an order that had -- was

1 that an order that applied to your battalion as well?

2 "A. Of course. Yeah, because he was the brigade commander."

3 So in this situation you're describing a specific order from
4 Mr. Limaj that you, as a battalion commander, decided to ignore; is
5 that correct?

6 A. Well, listen. This was the second offensive. When in a zone in
7 1st -- the 1st Company in Shala, Fatmir Limaj had told them -- and it
8 was the soldiers who reported this. I didn't actually hear this
9 myself. Fatmir Limaj had asked them -- had told them, rather, to
10 "hide the uniforms and weapons because the Red Cross is waiting for
11 us. Surrender yourselves." And then I asked the soldiers, "What do
12 you mean surrender?" It's the only case when I said we have to fight
13 till the end, until death. So even though I wasn't told this by him
14 directly, I told the soldiers that we are fighting to the end, as if
15 this order hadn't actually come in.

16 And then it was two weeks or a month later that Fatmir came over
17 again, as a brigade commander yet again, and we continued doing what
18 we were doing, and, again, we had to listen to him, respect him, and
19 this is it.

20 So I do not know why you need this particular case and why you
21 mention it, but this was at wartime, and it's like you're telling me
22 to bang my head against the wall and you won't listen to them, will
23 you? So it was just like that: Hide your weapons and your uniforms.
24 So it's the only case, really. So do I not know why this ...

25 Q. Well, it's not the only case. There was also the case involving

1 Shukri Buja as well that we discussed earlier.

2 But the point I'm making is that it was an order that was
3 clearly supposed to be followed and for legitimate reasons -- please
4 wait until I've finished the question. For entirely legitimate
5 reasons you didn't feel that you needed to follow that order. A
6 simple "yes" or a "no." I understand the explanation, but you didn't
7 feel you needed to follow the order to put down your weapons. That's
8 right, isn't it?

9 A. Listen, that order, first of all, had perhaps to have been sent
10 to us in writing, and we were at the front line. And as I already
11 mentioned, it isn't about a yes or no. I had to explain that we were
12 stranded there on the front line, in the forest, as it happens, and
13 we had to fight. You couldn't really enforce that order. And then
14 where did you go? Where would you go? It's like a bit of a silly
15 question you're asking me, really, because --

16 Q. That's an interesting point you just made --

17 A. -- it's never been the case that I haven't enforced their order.

18 Q. But you said you couldn't really enforce that order, so that's
19 the case, isn't it? In that situation, there was no ability to
20 enforce orders from a brigade commander down to a battalion commander
21 such as yourself.

22 Please just wait -- sorry, please just wait a short amount of
23 time after my question so your answer can be recorded.

24 Now, you said you couldn't really enforce that order, and that
25 was the situation, wasn't it? An order from a brigade commander,

1 from Mr. Limaj, couldn't be enforced at that stage. You accept that,
2 don't you?

3 A. This was because of the time we were at. We couldn't enforce
4 it. We were in wartime. Otherwise, we always enforced orders. This
5 was the only case. Not that we didn't want to but we couldn't.
6 Because what happens? What? We would just go to the Serbian forces?
7 So this was what it was about. We couldn't enforce it, not that we
8 didn't to want enforce it.

9 Q. Now, even within your battalion I think you accepted that only
10 around 80 per cent of your soldiers reported to you.

11 MR. ROBERTS: So this is your SPO interview, so that's P1115.7,
12 page 7.

13 Q. I'll just read out what you said so you're clear:

14 "I couldn't be everywhere, but the places I wasn't, I would get
15 a report from the people who were there. Maybe not everybody
16 reported all the time to me, but I got lots of reports ... maybe
17 80 per cent of the soldiers reported to me and then I reported to the
18 brigade."

19 So you're accepting that even within your own battalion, which
20 you considered to be very -- please wait. Which you considered to be
21 very organised, 20 per cent of your soldiers were not reporting to
22 you and were not following what you were directing them to do. Is
23 that fair?

24 A. I said that approximately 80 per cent could be kept under tabs,
25 but 20 per cent could be sort of even hiding and not reporting.

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1 Q. Yes.

2 A. Not that they wouldn't report. But you couldn't keep everybody
3 under tabs, if you understand me correctly.

4 Q. You're saying that you didn't have the ability to exercise
5 control over people within your battalion; is that fair?

6 A. Well, not everyone. So 80 per cent you could, but 20 per cent
7 no. It was wartime. And even if it wasn't wartime, in a given state
8 you can't keep tabs over everyone, even in liberty and freedom.

9 MR. ROBERTS: Thank you, Your Honour. I'm a little bit earlier
10 than I'd planned, but I think that's the end of my questions now.
11 Thank you.

12 PRESIDING JUDGE SMITH: Thank you.

13 MR. ROBERTS:

14 Q. Thank you, Witness.

15 PRESIDING JUDGE SMITH: Mr. Misetic.

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

17 Cross-examination by Mr. Misetic:

18 Q. Witness, good afternoon. My name is Luka Misetic. I am counsel
19 for --

20 A. Good afternoon.

21 Q. -- Mr. Thaci. So I have some questions for you.

22 Witness, you, in your evidence, recall having or meeting with
23 Mr. Thaci on three instances, and two of those are when you say you
24 saw him in Krojmir; is that correct?

25 A. Yes.

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1 Q. And when you would visit the KLA headquarters in Divjake, you do
2 not recall seeing Mr. Thaci there; correct?

3 A. I don't remember. It could have been that I've seen him, but I
4 don't recall having seen him. And I didn't go often to Divjake. I
5 only went there for the permit.

6 Q. Okay. You say you met with Mr. Thaci in Krume before entering
7 Kosovo; is that correct?

8 A. Yes, it is.

9 Q. Prior to that encounter, did you know who Mr. Thaci was?

10 A. No, I didn't.

11 Q. And how was Mr. Thaci introduced to you?

12 A. When do you mean?

13 Q. In Krume.

14 A. In Krume, as not having a position as such, I didn't know of any
15 positions he held.

16 Q. How do you know it was Mr. Thaci that you saw?

17 A. We were going in at the time, we were preparing to go in with
18 Azem Sylja, and that's where we met. And we understood he was
19 Hashim Thaci. I don't know how to explain it, really. There was
20 nothing special about him. He was just like the rest of us soldiers,
21 fighters.

22 Q. You say you understood it was Hashim Thaci. How did you come to
23 understand that it was Hashim Thaci?

24 A. Well, it's a long time. I don't know how to explain it, to be
25 honest. I don't know how to explain it. Maybe somebody said,

1 whether it was Azem or somebody else who said that, but I can't
2 remember anything special about that moment.

3 Q. Now, you also say that you encountered Mr. Thaci once during a
4 visit of the General Staff to Krojmir in relation to Shukri Buja's
5 decision to withdraw troops during the battle of Llapushnik; correct?

6 A. So after Shukri issued the order, then they came to Krojmir.
7 Yes, it was afterwards.

8 Q. And that would have been in the beginning of August 1998?

9 A. Yes, something like that. I couldn't possibly tell you the date
10 exactly.

11 Q. Well, in your interview with the SPO, you say, and this is at
12 P1115.4, page 10 in the English, lines 16 to 25, you say:

13 "It was in Krojmir. For sure it would have been in August, the
14 beginning of August.

15 "Q. Of '98?

16 "A. Yes."

17 A. Yes, 1998.

18 Q. And do you still stand by the evidence that it for sure was in
19 the beginning of August?

20 A. I cannot remember the exact date, but it was around that time.
21 But I cannot tell you the exact date. I did not take note of it.
22 But they came over and that's the truth. In terms of a date, I
23 cannot provide you a date.

24 Q. And do you recall that the situation in Krojmir at the time was
25 a bad situation because the Serbs were shelling around that time?

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1 A. Yes, yes.

2 Q. So it was the time of the Serbian offensive?

3 A. Yes.

4 Q. Okay. At this encounter with members of the General Staff,
5 including Mr. Thaci, neither Mr. Shukri Buja nor Mr. Fatmir Limaj
6 were present when they had a discussion with you; correct?

7 A. No, neither.

8 Q. Do you know if, in fact, they had come to Krojmir and were
9 simply passing through Krojmir in relation to what was happening
10 concerning the offensive?

11 Let me ask a different question. Did you receive an invitation
12 or a summons or something to come meet with the General Staff, or was
13 it just it happened that you encountered them in Krojmir?

14 A. No, they came there by chance. They came. No, I did not go to
15 them. Nor did I have any invitation. They came to the battalion,
16 that is, to the village, where I was based.

17 MR. MISETIĆ: I understand there's an issue with the
18 interpretation of the witness's answer.

19 Q. Witness, let me ask you again. I understand that in Albanian
20 you said that they accidentally arrived. Is that what you said?

21 A. I didn't say "accidentally." I said I don't know why they came.
22 But after they came, I can tell you what we discussed.

23 Q. Okay. But you do recall that there was no --

24 A. You can ask me. Whatever I know, I will answer.

25 Q. And my point was you didn't have a prior expectation. You

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1 weren't told in advance that members of the General Staff were coming
2 to meet with you?

3 A. No, no, no.

4 Q. And I believe you said that during this visit you seem to recall
5 that Azem Sylja was the main person from the KLA at the time; is that
6 correct?

7 A. Yes, this is what they said.

8 Q. Okay. And the third time is an encounter where you say that you
9 and Mr. Thaci met with a *New York Times* reporter named Mike O'Connor;
10 is that correct?

11 A. Mike O'Connor, yes. I am not sure whether I met him before or
12 after this meeting. And we gave an interview. It's published in the
13 newspaper, even though I couldn't find it. The interview was given
14 in my room where the command was stationed.

15 Q. You say, "I am not sure whether I met him before or after this
16 meeting." Who are you talking about you are not sure who you met?

17 A. I mean Mr. Hashim Thaci.

18 Q. You're not sure you met Mr. Thaci before the meeting with
19 Mike O'Connor?

20 A. No, no, no. It's wrong. It's wrong. You've gotten it wrong.
21 I don't know whether this meeting was before when they came or later.
22 This is what I wanted to say.

23 Q. And in this meeting with Mike O'Connor, was it your
24 understanding that Mr. Thaci was the person in the KLA dealing with
25 media at the time?

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1 A. No, no. Why did I say that?

2 Q. No, I didn't say you said that. I said did you have an
3 understanding that Mr. Thaci's role in the KLA was to deal with
4 media, such as the *New York Times*?

5 A. To be honest, I didn't know what position Hashim had at that
6 time. I knew only that he was at a higher position compared to me.
7 But I didn't know anything that he was responsible for the media. I
8 didn't know what his position was, either.

9 Q. Now, you were told by the SPO in your interview that there
10 doesn't seem to be a record of you being interviewed by the *New York*
11 *Times*. And I'm wondering did you go back, since your SPO interview,
12 to check to see if you have a copy of this interview?

13 A. I have seen it somewhere. Somebody told me he could find it.
14 It was on the newspaper. But for the moment, I don't have it. But
15 you can find it. I don't know whether it was published in
16 *Koha Ditore*, or I don't know.

17 Q. Now, you said that this meeting, in your SPO interview, also
18 took place at some point in August during the Serb offensive;
19 correct?

20 A. It may be also after August. After August. Yes, it was an
21 offensive. We were in a crisis then.

22 Q. Witness, turning to a different topic. You are somewhat
23 insistent in your testimony that the KLA was very organised and had a
24 military hierarchy; correct?

25 A. I'm saying from the battalion to the brigades. I can't say this

1 for other structures. I have no information. I don't have the right
2 to say anything.

3 Q. How did you enforce military discipline in your battalion?

4 A. I reported on a daily basis to the brigade on the work we did.
5 And once a week, I participated in a meeting. I don't know what else
6 you want me to say. Every day I reported on the work I did. And in
7 addition to that, I went to the meeting of the brigade every week.

8 Q. Okay. I'm asking a somewhat different question. Let's say a
9 soldier in your battalion gets into a fight with another soldier in
10 your battalion. How do you discipline the two soldiers?

11 A. I believe you have been present here when we discussed earlier
12 that this was the responsibility of the military police, because we
13 had the police unit, and it was the brigade commander that dealt with
14 that. Not we. We were dealing with operative tasks.

15 The Prosecutor asked me questions about that. You have my
16 answers. So it was the work of the military police under the brigade
17 command. I am here under oath. But even when I came here, the
18 battalion soldiers told me, "Please tell the truth and protect --
19 defend the just cause of the KLA and the war."

20 So once again I am repeating: For what you asked me, when we
21 had a problem, that was dealt with by the military police which was
22 under the command of the commander of the brigade.

23 Q. So your evidence is --

24 A. Did you understand me?

25 Q. -- you as the battalion commander had no independent ability to

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1 enforce discipline in your battalion; correct?

2 A. No, never.

3 Q. And part of your basis for saying that it was organised is that
4 when you entered Kosovo in 1998, you received travel money from
5 Jashar Salihu; is that correct?

6 A. Yes.

7 Q. And you received other logistical organisation; correct?

8 A. No, the money were given in Switzerland for our trip. When we
9 came to Tirana, it is written there very clearly, in Tirana,
10 Azem Syla gave us the uniforms and accompanied us to Krume where we
11 were given weapons. And then in a very organised way, we entered.

12 Q. And what kind of training did you receive before you entered?
13 Military training.

14 A. Exercises, military exercises to keep in shape, tactical,
15 physical exercises, training.

16 Q. Well, you told the SPO that the type of military training you
17 did was in Germany and it included things like playing soccer,
18 basketball to stay in shape; right?

19 A. Sorry, I hurried up. This is what I mean to keep in shape. To
20 keep -- to have good physical body. We played football, basketball
21 to keep up in shape. I said conditional --

22 Q. So the extent of your --

23 A. -- preparation.

24 Q. -- KLA training before entering Kosovo was playing basketball,
25 soccer in the evenings in Germany; correct?

1 A. Yes, we say preparation of your physical condition. That's
2 true.

3 Q. All right. Did you ever serve in the Yugoslav Army?

4 A. Yes.

5 Q. When you enter the Yugoslav Army, what type of military training
6 did you receive?

7 A. I was in the light artillery.

8 Q. Okay. But when you first did your mandatory service, they put
9 you through some basic training; correct?

10 A. You send me back to 1983. I have forgotten. Like in every
11 other army. Like you may have done military exercises, training.
12 That's the same thing.

13 Q. Right. But you know what basic training is; correct?

14 A. Yes, I do.

15 Q. There was no basic training by the KLA before you entered
16 Kosovo; correct?

17 A. We did.

18 Q. What was the basic training?

19 A. I explained to you, how to use the weapon, tactical exercises.

20 Q. Where did you have tactical exercises? Because that's not in
21 your SPO interview.

22 A. In Albania. Where else?

23 Q. Where in Albania?

24 A. Before we joined the war, we were trained in my village how to
25 use the weapons in the forest there.

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1 Q. "Before we joined the war," in your village, you're talking
2 about Krojmir?

3 A. Yes.

4 Q. So I'm saying before you entered Kosovo, after you came down
5 from Germany, did you receive basic training by the KLA?

6 A. We were told after we entered in -- before we entered in Krume,
7 we were prepared, physically prepared. That is, trained.

8 Q. Trained how? Describe the training.

9 A. We ran, to take up positions.

10 Q. And who led the training?

11 A. We trained ourselves as a group. There were also some persons
12 whom I don't remember now in Krume. I don't know who those persons
13 were, and we went up a hill and we fired our weapons there.

14 Q. When you entered Kosovo, you went from Likoc to Klecke and were
15 told to establish a base in Krojmir, but you did not have a written
16 appointment decision; correct?

17 A. Correct. It was only an oral order.

18 Q. And you received instructions from Fatmir Limaj to then go to
19 Krojmir to establish a KLA in your area of responsibility; correct?

20 A. When we came from Likoc, to be very frank with you, Fatmir had
21 the base in Klecke. And they told me to go to Krojmir. Fatmir gave
22 me the tasks I was to perform, to invite other people, whoever had
23 weapons, to join us, to write their names and to tell him who the
24 soldiers were, names and last names, and to send them to Klecke. The
25 number of the soldiers. And this is how it began. That's the

1 only -- the beginning. That's how it happened and we continued like
2 that up to the end.

3 Q. You went into Krojmir and you began to recruit people who were
4 already there; correct?

5 A. Yes, I called on the comrades there.

6 Q. And that's how you began to form these KLA -- the KLA presence
7 in Krojmir; correct?

8 A. Correct.

9 Q. And the people that joined did so on a voluntary basis; correct?

10 A. Yes, everybody was a volunteer.

11 Q. Anybody that -- everybody that came, you accepted; correct?

12 A. Yes.

13 Q. And often these people came with their own weapons and uniforms;
14 correct?

15 A. With weapons. The uniforms were sewed there. They brought
16 their own weapons.

17 Q. And you told the SPO that to the extent that anybody who had
18 been with the Serb police wanted to join, they were able to join; is
19 that correct?

20 A. I didn't say that. Those who were with the Serbian police
21 didn't come to us. They stayed there.

22 Q. Okay. Now, you say that your brigade had a military police unit
23 attached to it; is that correct? I'm --

24 A. A battalion.

25 Q. Your battalion, yes.

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1 A. Yes.

2 Q. And your testimony is that they were under the command not of
3 you but of the brigade command; is that correct?

4 A. Yes.

5 Q. And your testimony is that the brigade commander at the time was
6 who?

7 A. At the time was initially Fatmir Limaj. At the end of 1998,
8 Haxhi Shala, the former police commander. At the end of 1998.

9 Q. Now, you told the SPO that up to the time you received a
10 decision in August 1998 appointing you as a battalion commander, you
11 did not go to any meetings in Klecke or know anything about other
12 structures; is that correct?

13 MS. D'ASCOLI: Can I have a quote for that, Your Honours?

14 MR. MISETIC: P --

15 MS. D'ASCOLI: [Indiscernible].

16 THE WITNESS: [Interpretation] I didn't say that.

17 MR. MISETIC: Let me turn to P1114.3. If we can put it on the
18 screen, please. Page --

19 THE WITNESS: [Interpretation] I didn't say that.

20 MR. MISETIC: At page 3692, lines 7 to 16.

21 Q. Sorry, this is your ICTY interview. I may have said SPO. It's
22 your ICTY interview.

23 MR. MISETIC: In Albanian, P1114.3, at page 7, lines 1 to 10.

24 THE WITNESS: [Interpretation] May I reply?

25 MR. MISETIC: Let me just put it on the screen first.

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1 PRESIDING JUDGE SMITH: You might want to rephrase your question
2 also to include the ICTY instead of the SPO.

3 MS. D'ASCOLI: And also --

4 PRESIDING JUDGE SMITH: Just so it's clear for the record.

5 Yes, ma'am.

6 MS. D'ASCOLI: Yes, there's been a clarification to this point
7 in Prep Note 1.

8 MR. MISETIC: I understand he's made -- changed his testimony,
9 but I'm going to the original testimony.

10 Q. This is the -- and just to correct the record. Just to correct
11 the record, Witness, this is your ICTY testimony. You gave sworn
12 testimony under oath at the ICTY, and I'm going to show you the pages
13 now of the question and your answer.

14 So beginning at line 7 in the English and line 7 in the Albanian
15 as well -- sorry, line 1 in the Albanian, it says:

16 "I mentioned it earlier that up to the offensive, up to the end
17 of May, number one was Shukri Buja and I was his deputy, number two.
18 After the offensive, the battalion and the brigade was formed and the
19 decision was taken, the decision that I brought here, according to
20 which I was appointed a battalion commander. For the period prior to
21 this, I said that I rarely went to Klecka and I'm not able to know
22 whether there was a brigade or not. Maybe Shukri might know this.
23 It is true that -- and the reason why I brought that document is that
24 I became a commander, battalion commander, after the offensive. And
25 from that time, from my appointment, I became an official leader of

1 the staff in Kroimire."

2 Do you see that? Now, you were appointed in August.

3 A. In letter, I was appointed in August. It's very true. Earlier,
4 I was there very rarely. But the organisation was the same as in the
5 battalion, even earlier. It was called battalion as such even
6 earlier. I want to be very honest, to depict the reality. It is
7 true that I took part very rarely in the meetings because I reported
8 to Shukri, Shukri to Fatmir, and so I participated more rarely. I
9 changed a little here. I said I went there less often.

10 So on paper, that was when I was appointed battalion commander.
11 But we had the same structures. It was the same number also of
12 soldiers or structures like before. Even before we reported to
13 brigade in Klecke. Nothing changed.

14 Q. I'm actually interested in when was it that you started to go to
15 weekly meetings at Fatmir Limaj's command? When did you go regularly
16 every week?

17 A. I went even earlier, but after I was appointed on paper as a
18 battalion commander, my responsibilities grew. But even before I
19 went and reported to Fatmir, both Shukri and myself, sometimes we
20 were together, present, in the meetings. Did you understand me?

21 Q. Not really, because my question is when did you start to go on a
22 weekly basis, regularly, to Fatmir Limaj's command?

23 A. Every week I went after the decision was issued to make me
24 commander. Earlier, before that time, I went less often. Sometimes
25 it was Shukri, sometimes myself. Because I reported to Shukri and

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1 there was no need for me to go there. After the decision was made,
2 of course, I had to go there every week. I was supposed to, obliged
3 to go there.

4 Q. And just so the record is clear, you say after you were
5 appointed, you're talking about after August 1998; correct? After
6 August 16, 1998.

7 A. After I was appointed on paper. After I received the decision.
8 Before, I didn't know that it was necessary to have a decision.

9 Q. Witness --

10 A. Even before I reported as a battalion commander, but there was
11 not a proper decision --

12 Q. Witness, so let me just --

13 A. -- on my appointment.

14 Q. I'm going to say what I understand your testimony to be and you
15 can either confirm or correct me. It was not until you received your
16 written appointment in mid-August 1998 that you began to attend
17 weekly meetings at Fatmir Limaj's command; is that accurate?

18 A. Yes. But even before I went but not as regularly.

19 Q. Understood.

20 A. So that you properly understand.

21 Q. No, I understand.

22 A. When I didn't go, it was Shukri who went. The hierarchy was the
23 same even before. There was no change after my appointment.

24 Q. Did Haxhi Shala attend those meetings that you attended at
25 Fatmir Limaj's command?

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1 A. He did, but he didn't report.

2 Q. What about Nexhmi Krasniqi? I'm going to assume he
3 didn't report either.

4 A. Sometimes he too participated but not to report anything.

5 Q. Right. I'm going to take a guess that anybody who was with the
6 military police, you were never present when they reported on
7 anything. Would that be correct?

8 A. That would be correct. I wasn't present.

9 Q. Now, the decision to appoint you as battalion commander, it was
10 only at that time that formal brigades and battalions began to be
11 formed in the Pashtrik zone; correct?

12 A. They were even before. Please.

13 Q. Were they known as brigades? Did they have numbers, battalions?

14 A. Even earlier, even before the decision, my written decision,
15 there were battalions, there were brigades.

16 Q. So you're changing your testimony of what you said at the ICTY;
17 correct?

18 A. What am I changing?

19 Q. So let me tell you.

20 MR. MISETIC: And we can put this on the screen as well. This
21 is P1114.3, page 3713, beginning at line 3. And the same document in
22 Albanian at page 29, beginning at line 10.

23 Q. Now, starting at line 10, Witness, this was your answer under
24 oath. The question was:

25 "And what began to happen in August with the decision of your

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1 appointment on the 16th of August was that the volunteer army in
2 various areas of Kosovo had to be organised and formalised into
3 something more resembling an army that might be recognised in the
4 rest of Europe. Do you follow the point I'm making?

5 "A. Yes, yes. I follow it.

6 "Q. And do you agree?

7 "A. Yes, I agree. There were many internationals at that time
8 who came and conducted negotiations and things like that, but I was
9 on a lower rank so I didn't take part in this negotiations and
10 talks."

11 Do you agree with what you said at the ICTY?

12 A. At that time, we made a restructuring. So there was a
13 restructuring. I don't know if I'm making myself clear. That
14 happened at that time. And I put it very well here. It was at this
15 time that we officers started to join. This is what I wanted or I
16 meant to say. That was the time when Albanians, some Albanian
17 officers came and saw there was a restructuring carried out of the
18 forces. So things started to change in terms of organisation.

19 Q. Yes, but what's -- well, it's time for the break.

20 PRESIDING JUDGE SMITH: Thank you, Mr. Misetic.

21 Witness, we'll break for lunch now. We will be at lunch from
22 now until 2.30, and then we will begin again. You may leave the room
23 now with the Court Usher. Thank you. Please do not discuss this
24 matter with anybody outside the room.

25 THE WITNESS: [Interpretation] I said I am alone there.

1 [The witness stands down]

2 PRESIDING JUDGE SMITH: All right. We're adjourned until 2.30.

3 --- Luncheon recess taken at 1.02 p.m.

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

5 MS. D'ASCOLI: Your Honours, before the witness is brought in, I
6 would have a brief matter.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MS. D'ASCOLI: Yes, sure.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MS. D'ASCOLI: Yes, now I also have my headphones on.

11 Before the witness is brought in, there is a brief matter I
12 would like to discuss in private session, please.

13 PRESIDING JUDGE SMITH: Into private session, please.

14 [Private session]

15 [Private session text removed]

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1 [Private session text removed]

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1 [Private session text removed]

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14 [Open session]

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

16 Thank you.

17 PRESIDING JUDGE SMITH: Thank you.

18 And we will break for ten minutes at 3.30.

19 [Microphone not activated].

20 Where are you on your 43 pages?

21 MR. MISETIC: [Microphone not activated].

22 Mr. Roberts actually took up a lot of it, so it's 2.35, so
23 around the first break.

24 PRESIDING JUDGE SMITH: Okay.

25 MR. MISETIC: So hopefully a little before or a little after

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1 3.30, but ...

2 PRESIDING JUDGE SMITH: Okay. Thank you.

3 MR. MISETIC: Thank you.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right. Witness, we will continue
6 now with the questions from the Thaci Defence.

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

8 PRESIDING JUDGE SMITH: Go ahead.

9 MR. MISETIC:

10 Q. Good afternoon, Witness. My first question to you is, in terms
11 of the structure of the KLA, what formations existed below the level
12 of battalion in the KLA in your area after August 16th? Actually,
13 let me --

14 A. So battalion, company, squad, platoon -- platoon, squad.

15 Q. Okay. So these formations existed as of when? Did they exist
16 before August 16th?

17 A. Yes.

18 Q. Let me take you first to a document that was discussed with the
19 Prosecutor.

20 MR. MISETIC: And that's Exhibit P8, please.

21 Q. Now, Witness, I just had a couple of questions on this document.
22 First, the title of the document is "Provisional Rules of Organising
23 Internal Army Life." Do you know why the rules were provisional?

24 A. Well, the word itself means temporary, provisional, so it may
25 have changed later, but it means for a certain amount of time. For a

1 period of time, I guess.

2 Q. So they were intended to be temporary rules? Is that your
3 understanding?

4 A. I think so. Because the word itself means precisely that,
5 temporary.

6 Q. You've testified in your SPO interview that you are not familiar
7 with how other zones operated; correct?

8 A. Correct.

9 MR. MISETIĆ: If we could turn the page in this document,
10 please. And if we look at -- first of all, the title is again a
11 "Provisional Regulation."

12 Q. Did you see this regulation in May or June 1998?

13 A. I might not be accurate here. But when I received it, I think
14 it was about the then time. So, yes, I think I saw it.

15 Q. Let's look at it. And section II on this page is the content of
16 the military oath. And if you look at point 5, it says:

17 "At a set time, when a representative of a higher command
18 arrives, the unit commander gives the following order: 'Attention!
19 To the front (left, right) salute, present arms!' Then he reports:
20 'General, the Infantry Company (1st or 2nd) is lined up for the oath
21 taking ceremony. Company commander, Colonel Celiku.'"

22 Do you see that?

23 A. Yes.

24 Q. Who did you understand Colonel Celiku to be?

25 A. Fatmir Limaj. I didn't hear him being called colonel, just

1 commander, back then.

2 Q. But you don't know of any other -- or are you aware of any other
3 officer in the KLA that used the code-name Celiku?

4 A. No.

5 Q. Now, these regulations seem to be specific to Fatmir Limaj's
6 zone, don't they? I mean, they have a provision of saluting
7 Colonel Celiku.

8 A. I never thought before that Celiku would have done this. We had
9 a regulation, as I mentioned earlier, up until level of brigade we
10 reported but not higher than that. So it could have been, but I have
11 no knowledge of that. I do not know why it writes that there.

12 Q. Well, if it was a general -- if there were rules of organising
13 internal army life that applied throughout Kosovo, you wouldn't
14 expect it to have an oath that salutes Colonel Celiku, would you?

15 A. I'm just analysing it now. So, yes, we did have this
16 regulation. I don't have anything else to say. No comment.

17 Q. Okay.

18 A. I shouldn't think Celiku did this on his own, but he might have.
19 But the most important thing is that we would take it from the
20 brigade.

21 Q. Okay. Let's look at another document that was shown to you.

22 MR. MISETIC: This is P01121. It's the travel permit.

23 Q. Now, you recall discussing this permit with the Prosecutor this
24 morning?

25 A. Yes.

1 Q. And it was issued on or around -- or it purports to have been
2 issued on or around 8 July 1998? Do you see that?

3 A. Yes.

4 Q. Now, would you agree with me that in the upper left-hand corner
5 it does not identify any particular brigade or battalion. It just
6 says Operational Unit Celiku is issuing the permit; is that correct?

7 A. I can't really see it. Could you put it to the other side?
8 Yes, yes, I can see it now.

9 Q. It just says: "Kosovo Liberation Army, Operational Unit
10 'Celiku'." Do you agree?

11 A. Yes, one can see that. Yes.

12 Q. It doesn't identify any formations by battalion or brigade or
13 anything of the sort, does it?

14 A. Not on this permit. There's nothing there. But at that time,
15 there was a brigade.

16 Q. Okay. Well, if you look at the signature block, the commander
17 doesn't identify himself as a commander of any particular formation,
18 does he, other than Operational Unit Celiku?

19 A. Yes, that's the way he's gone about it.

20 Q. Okay.

21 MR. MISETIĆ: If we turn now to Exhibit P9, please.

22 THE WITNESS: [Interpretation] May I say something? Why was I
23 shown this? When -- why are you asking me this question when this
24 isn't something I have issued?

25 MR. MISETIĆ:

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1 Q. I'm asking you because you provided answers to the Prosecutor,
2 and I just have some follow-up questions on the document.

3 MR. MISETIĆ: If we could put up P9, please.

4 THE WITNESS: [Interpretation] Okay.

5 MR. MISETIĆ:

6 Q. You were asked some questions about this document, the military
7 police rules. And I'd just draw your attention to point 4. It says:

8 "The military police organs are subordinate to the Military
9 Police Directorate ..."

10 Now, what is your understanding of when the military police
11 directorate was established, if you have any understanding at all?

12 A. I do not know when it was established. I do not know when the
13 military police directorate was established because, as I said, we
14 were only aware of the military police of the brigade.

15 MR. MISETIĆ: If we turn to the next page, please.

16 Q. And if we look at the signature block at the bottom, further
17 down in the Albanian, it purports to have been signed by the chief of
18 the military police directorate, Fatmir Limaj. Do you see that? Did
19 you have an understanding of when Fatmir Limaj became the chief of
20 the military police directorate?

21 A. No, I have no knowledge of that.

22 Q. You've told the SPO that you were the one who selected the
23 military police members in your battalion; is that correct?

24 A. Yes.

25 Q. And I'm going to put to you that Fatmir Limaj did not become the

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1 chief of the military police directorate --

2 A. One thing, if I may.

3 Q. What's the question?

4 A. Just a second, please. So, yes, I selected them, I would send
5 off the names, and then they would approve them. So they didn't have
6 to approve them. They could say so-and-so is not going to go
7 through, but basically they were the ones to decide.

8 Q. That's not my question. So I'm putting to you that Fatmir Limaj
9 did not become chief of the military police directorate before
10 November 1998. And so my question to you is at the time you selected
11 people to be military policemen in the battalion, what rules were
12 they supposed to follow, or whose rules?

13 A. Please. Back then, Haxhi Shala was the commander of the
14 military police of the brigade. Fatmir, back then, was a brigade
15 commander, and Haxhi Shala was the commander of the military police.
16 So he decided, not Fatmir.

17 Q. I'm not asking -- I'm asking you a different question. How did
18 the military policemen you selected know --

19 A. Different? Sorry?

20 Q. How did the military policemen you selected know what their job
21 was, what their duties were?

22 A. They would be given the duties by the brigade commander.

23 Q. Okay. On an *ad hoc* basis?

24 A. No, they would have meetings, of course. Even though I wouldn't
25 need to discuss those. They weren't for me. So they just worked

1 themselves.

2 Q. So you selected them, but then you had no idea what their job
3 was or what their duties were? Nothing? So what criteria would
4 you --

5 A. No.

6 Q. -- use to select --

7 A. Correct.

8 Q. How did you know what criteria to use to select people for a job
9 that you didn't know what the tasks were going to be?

10 A. Please, we would put them forward. I would propose the names,
11 and I thought they were perhaps the best, the most well-behaved, and
12 then they would decide, and then we wouldn't need to deal with that
13 any longer. Duties were quite clear who was going to deal with the
14 operational matters or the police. As I said, we would put them
15 forward and nothing else, their names.

16 Q. Well --

17 A. So we didn't deal with them afterwards or delve into that work
18 afterwards.

19 Q. Well, when this document was put to you by the Prosecutor this
20 morning, she asked you whether the tasks here were consistent with
21 your understanding of the duties of the military police. Then what
22 was your basis of agreeing with her this morning if you have no
23 knowledge? Why did you say this document was consistent with the
24 duties of the military police if you don't know what the military
25 police duties were?

1 MS. D'ASCOLI: Objection, Your Honour. That misrepresents the
2 evidence. The witness has given ample evidence about the duties of
3 the military police.

4 PRESIDING JUDGE SMITH: Overruled.

5 Go ahead. You may answer.

6 THE WITNESS: [Interpretation] Once again, please? I'm sorry.

7 MR. MISETIĆ:

8 Q. You told the Prosecutor that you agree that this document
9 reflects the duties of the military police. And now in answers to my
10 questions, you say you don't know what the duties were, that that was
11 an issue for the brigade.

12 A. Sorry. It was another document that I saw on the screen. It
13 was another document, to my knowledge, that is, when I think there
14 was a meeting by the police commander, and it was on that document
15 that I expressed myself, saying that it was the military police's.
16 And it could so be that we misunderstand each other.

17 So I proposed the individuals, put them forward, and then they
18 would deal with the matter. I don't know to what extent you can
19 understand me. Whereas earlier the Prosecutor provided me with
20 another document when, in the 3rd Battalion, the police commander
21 organised a meeting. I think you're referring to that one instead.

22 [Specialist Counsel confer]

23 MR. MISETIĆ:

24 Q. Witness, this is the document you were shown this morning.

25 MS. D'ASCOLI: Your Honours, it is not. I showed the duties

1 from Chapter VIII of P8.

2 MR. MISETIC: Okay. Let's put that one on the screen, then.
3 P8, please.

4 I don't know, counsel, if you have the page?

5 MS. D'ASCOLI: Yes, I think it was page 15 of both versions.

6 MR. MISETIC: Thank you. Thank you.

7 MS. D'ASCOLI: U000-9363. I think it's the previous page, for
8 the Court Officer.

9 MR. MISETIC: [Microphone not activated].

10 Q. Do you recall seeing this document this morning?

11 A. Yes, I saw this document.

12 Q. Okay. And were these the duties of the military police in the
13 summer of 1998?

14 A. They must have been, but I wasn't in the military police, so
15 it's quite possible that they were. I wasn't a member of the
16 military police, but they must have been because I think based on
17 what it says here, I think they were the tasks, like, of -- to take
18 your tasks at the high responsibility, that sort of thing. Yes, yes,
19 that's the one. Yes, indeed.

20 Q. Okay. So you're saying you have no personal knowledge of this.
21 You're just assuming that these were the tasks?

22 A. Yes.

23 Q. Had you ever seen this document before it was shown to you by
24 the Prosecution?

25 A. If this is indeed part of the regulation. I mean, it's such a

1 long time, and I haven't dealt with these issues for about 25 years.

2 Could this be part of the regulation, the provisional one of the KLA?

3 Yes.

4 Q. Yes. Yes. Yes, it is, so --

5 PRESIDING JUDGE SMITH: He said "yes." Maybe you didn't hear
6 him.

7 THE WITNESS: [Interpretation] That's what I said. It could well
8 be, yes.

9 MR. MISETIC:

10 Q. Okay. My question is do you recall seeing this document before
11 it was shown to you by the Prosecution. Is your answer "yes," you
12 saw it?

13 A. Please, sir. This regulation -- or, rather, I had mine, my
14 personal one back then, not -- of course I saw that one. But what I
15 said is that it's now 25 years later, and one could forget about
16 things and whether it was part of that regulation. And if it was,
17 yes, then I would have seen it. If it was part of it, then I would
18 have seen it.

19 Q. So we'll get back to my original question now. Who determined
20 that these would be the duties of the military police to your
21 knowledge? This is the document I showed you that has a salute to
22 Colonel Celiku on the first page. Who determined that these would be
23 the rules in that document for the military police?

24 A. Well, you might know even better than me who determined these
25 rules. I can only guess, suppose. I cannot possibly know exactly

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1 who did that.

2 Q. Okay.

3 A. I don't really have anything to say. I don't have an idea on
4 this.

5 Q. Witness, let me change topics briefly. Tahir Sinani, do you
6 know who he is?

7 A. Yes, I knew him -- I got to know him at the end of 1998.

8 Q. Do you know whether Tahir Sinani was a professional military
9 officer before he joined the KLA?

10 A. I do not know because I didn't know him earlier.

11 Q. Okay. Now, I want to follow up on something that Mr. Roberts
12 put to you this morning. And I want to just put the transcript of
13 your SPO interview on the screen.

14 MR. MISETIĆ: And if we could please have Exhibit P1115.2,
15 page 44, beginning at line 16; and in Albanian, at page 36, beginning
16 at line 22.

17 Q. And, Witness, I'm going to just read what you said to the SPO
18 and then ask you if you still stand by that testimony.

19 Now, Witness, beginning at line 16 in the English, this relates
20 now to what Mr. Roberts discussed with you about Fatmir Limaj giving
21 you an order to hide your weapons and uniforms because the KLA no
22 longer exists and you opposing that order. And so this is what was
23 asked and how you answered:

24 "Q. So did he --," meaning Mr. Limaj, "was that an order that
25 he gave you, to go to hide your weapons and uniforms?"

1 Your answer was:

2 "He gave that order to the 1st battalion and I opposed that
3 order and I told them, 'Put your uniforms back on and pick up your
4 weapons'. And in our battalion, we violated that order. We never
5 hid our weapons or uniforms.

6 "Q. Was that a uniform -- was that an order that had -- was
7 that an order that applied to your battalion as well?

8 "A. Of course. Yeah, because he was the brigade commander."

9 Do you stand by that testimony?

10 A. I already told you, I wanted to be very honest. I told you what
11 really happened. If we had received that order, then we had to go
12 where he said. The only order we didn't obey was that, that we kept
13 our weapons. He didn't tell me that to me. He told that to the
14 soldiers in Shala valley. And the soldiers were bewildered. They
15 didn't know what to do. Then the fact being that we were kind of
16 isolated there, there was nowhere we could go, we stood there. We
17 had -- the choice was to go and surrender to the Serb forces and get
18 killed, so we remained there where we were. That was what happened.

19 It was not that there was a meeting and an order given. It was
20 an extraordinary circumstance, if you understand me.

21 Q. My question was actually a "yes" or a "no" question. Do you
22 stand by this -- excuse me. Excuse me. Do you stand by the
23 testimony you gave to the SPO and that you swore under oath this
24 morning was true and accurate to the best of your knowledge and
25 belief? Is it a "yes" or a "no"? Yes or no?

1 A. Yes, only for that particular circumstance and moment. And if
2 you allow me, I can tell you something else. When I gave this
3 interview in 2005, when I returned to Kosovo - I don't know if you
4 have talked this issue with your client - all these persons who are
5 here thanked me for speaking the truth. I don't know if you have
6 discussed this with the client you represent. They called me and
7 they invited me to a coffee, and they told, "You have done very
8 well."

9 Q. That's not answering my question.

10 A. "You have stood up and protected the war." I --

11 Q. That's not an answer to my question.

12 A. I just wanted to give you an answer.

13 Q. It's a "yes." It's yes.

14 A. Yes.

15 Q. For my purposes, your answer is yes, you stand by this. So the
16 second sentence -- the second question there, you confirmed for the
17 SPO that that order by Fatmir Limaj applied to you and your battalion
18 as well, and you, according to your language, you opposed that order
19 and violated that order.

20 And my question to you is did anything happen to you or your
21 battalion for violating Fatmir Limaj's order? Were you punished in
22 any way?

23 A. No, because Fatmir was hidden somewhere for a time. We were
24 alone. Some weeks passed. I don't know how many. Then he returned
25 and he felt that he had made a mistake. He returned and continued

1 his work in the brigade. Because at that time there was nobody that
2 could punish you. We were scattered. We were in groups. We were
3 not, you know, in a unit, let's say.

4 Q. Okay. Refki Mazreku, he was appointed as one of your platoon
5 commanders; is that correct?

6 A. Refki was appointed by the brigade commander then. He stayed
7 for some two weeks in a platoon in --

8 THE INTERPRETER: I couldn't catch the name of the place.

9 MR. MISETIĆ:

10 Q. The interpreter didn't hear. You said he stayed as a platoon
11 commander in what place?

12 A. In Blinaje.

13 Q. And then he was replaced by someone with the nickname Skorpion;
14 is that correct?

15 A. Yes.

16 Q. Do you recall what Skorpion's name was?

17 A. No, I never knew the name.

18 Q. Now, they were appointed to positions as platoon commanders
19 which formationally was subordinate to you as the battalion
20 commander; correct? Formationally.

21 A. Yes, yes.

22 Q. But your evidence is that Fatmir Limaj appointed them directly,
23 bypassing you; correct?

24 A. Yes.

25 Q. And that they reported directly to him?

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1 A. Yes. At that time, yes.

2 Q. Are you aware that there are accusations against Refki Mazreku
3 concerning commission of crimes?

4 A. I don't know.

5 Q. You don't know? That's not the reason why you're saying that he
6 bypassed --

7 A. I don't know.

8 Q. -- you in the chain of command and went straight to Limaj and
9 was outside your chain of command?

10 A. No, no, that's not the reason why.

11 Q. Let's turn to Shukri Buja. Shukri Buja visited Krojmir in
12 May 1998; correct?

13 A. No, in April. He came in April. April or May.

14 Q. Well, in your SPO interview you said it was April. In your
15 preparation note with the Prosecution -- sorry, yeah, in the SPO
16 interview you said it was May 1998. Then in your preparation note
17 with the Prosecution last week you said that should be corrected to
18 April 1998. So which one is it?

19 A. April until July.

20 Q. Okay. But I'm talking about when he first visited. Was it
21 April or May? Visited Krojmir.

22 A. In April.

23 Q. And he introduced himself as the commander of the entire region
24 between Llapushnik and Kacanik; correct?

25 A. From Llapushnik to Kacanik.

1 Q. And your response, according to what you said to the SPO, you're
2 asked:

3 "Did you accept his command?"

4 Your answer was:

5 "So I said, 'Okay. Well, I'm organising things here in Krojmir.
6 You're not getting in the way of my organisation, if that's okay.'
7 And I began organisations and stuff, but when fighting started, he
8 was never to be found."

9 Do you stand by that testimony?

10 A. Yes. When there was fighting, he withdrew. I said he wasn't
11 present there.

12 Q. Yes. And you also told them that he wasn't going to get in the
13 way of your organisation of the KLA in Krojmir; correct?

14 A. I said he did not get in our way to prepare for war. That was
15 the idea.

16 Q. And he'd never told you who appointed him to his position;
17 correct?

18 A. No, no.

19 Q. And he never told you who he was reporting to; correct?

20 A. He never said.

21 Q. And you didn't report to Shukri Buja in this period, correct,
22 from April to August? Let's say -- I'm sorry, from May to July you
23 didn't report to Shukri Buja?

24 A. No, I reported to him.

25 Q. Let me take you to what you told the SPO.

1 MR. MISETIC: P1115.4 at page 3, line 18 in the English, and
2 page 3, line 10 in the Albanian.

3 THE WITNESS: [Interpretation] Something, if I may.

4 MR. MISETIC:

5 Q. Let me pose the question, please. So if you look in Albanian
6 beginning at line 10 --

7 MR. MISETIC: Sorry, page 3 in the Albanian, line 10. Page 3 in
8 the English, line 10. Sorry, page 3 in the English, line 18.

9 Q. So the question was asked to you:

10 "Did you report to Shukri Buja in this period?"

11 Your answer was:

12 "Why should I report to him if he wasn't around?"

13 Then the next question is -- excuse me. Then the next question
14 is:

15 "So who did you report to in this period from May to end of
16 July?"

17 "A. To the brigade, to Fatmir."

18 Do you recall that?

19 A. Yes. I had to report also to Shukri, but when I didn't find
20 him, I reported to Fatmir. That's correct.

21 Q. That's not what you told the SPO. You said:

22 "Why should I report to him if he wasn't around?"

23 A. Of course. If you don't find someone, you cannot report to him.
24 That was the idea. And then I went to report to Fatmir. Because he
25 covered a very wide zone from Kacanik to Llapushnik. He was always

1 on the move. This is how it is, as I said it here.

2 Q. Okay. And then Mr. Roberts took you through the issue of what
3 happened when -- and if I could just find that, just a second.

4 MR. MISETIĆ: Just one moment, Mr. President.

5 Q. We'll get back to that point in a moment.

6 You also criticised Fatmir Limaj during meetings that you
7 attended at Fatmir Limaj's command; correct?

8 A. Yes, several times. And I criticised him for organisation
9 matters.

10 Q. Yes. And --

11 A. Where there is work, there are also criticisms.

12 Q. Yes. And you did that in front of other people in the command;
13 correct?

14 A. At the meetings, yes.

15 Q. Yes. And there was no repercussion to you, no discipline to you
16 for criticising a superior; correct?

17 A. No, I think you have misunderstood it. I didn't level personal
18 criticisms at him. It was only for work. I didn't speak ill to him.
19 I don't know how you have misunderstood. I raised, you know, issues
20 that needed to be criticised for the sake of work. I presented my
21 ideas. We didn't -- we didn't have any kind of clashes there.

22 Q. Okay. When you first joined and established your battalion in
23 Krojmir, Fatmir Limaj was your superior; is that correct?

24 A. I already told you that initially I had to report to Fatmir.
25 From the very first moment I arrived in Krojmir, I reported to

1 Fatmir. I was under him. He was my superior.

2 Q. And until the time you left for Albania in January, your
3 understanding was that Fatmir Limaj was still your superior; correct?

4 A. No, please. You have the papers there. You can read them.
5 Fatmir was a brigade commander until end of 1998. Until then. At
6 the end of 1998, Haxhi Shala was appointed brigade commander and
7 Fatmir went, I don't know, somewhere higher. By the end of 1998, it
8 was Haxhi Shala, not Fatmir Limaj.

9 Q. I ask you that because in your SPO interview at Part 9, page 13,
10 you're asked, you say:

11 "But they were all under the command of Fatmir."

12 The question then is:

13 "And how long did this position in Llapushnik stay under the
14 command of Fatmir Limaj?"

15 "A. Up until the end, up till the end.

16 "Q. What do you mean, the end? The end of... the end of the
17 war?"

18 "A. So I was commander of the 2nd battalion. Both the 1st and
19 2nd battalions were under the command of the brigade and the 3rd and
20 4th battalions were under the brigade command."

21 So you're saying that it wasn't Fatmir until the end. It was
22 the end of 1998; is that correct?

23 A. By the end of 1998. I don't see anything wrong there. By the
24 end of 1998. Until end of 1998. I didn't mention any months, but I
25 said at the end of 1998. Then it was Haxhi Shala who was appointed

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1 as commander. And I stand by what I said.

2 When they sent me to Koshare, the order, if you like, came from
3 the Chief of Staff Zyrapi and the Brigade Commander Haxhi Shala.

4 This is what I said.

5 Q. In June and July 1999, you did not --

6 A. I returned.

7 Q. I'm sorry?

8 A. I returned.

9 Q. No, no, sorry. My mistake. In June or July 1998, you did not
10 take any orders from Fatmir Limaj, is that correct, or assignments?

11 A. What do you think? What do you mean by no orders? We had work
12 meetings. We worked at that time and reported on the work we did.

13 And you can see it also in the meetings, where we report on the
14 health conditions, the number of the soldiers, the positions, the
15 movements of the Serb forces. We have reported all this to the
16 brigade. There were no other orders we could receive from Fatmir
17 other than work-related ones.

18 Q. Let me show you what you said to the SPO.

19 MR. MISETIĆ: P1114.1, page 3579, line 1. The Albanian is
20 Part 2, TR-AT, page 13, line 24 to 14, line 5.

21 Q. And I'm going to correct that. This is what you said to the
22 ICTY.

23 MR. MISETIĆ: And if we go to page 3589, line 4 in English. Oh,
24 sorry, 3579. It should be line 24 in the English. And in the
25 Albanian, it's page 13, line 24.

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1 Q. And the question is:

2 "In June and July did you ever meet with Fatmir Limaj in Klecka?
3 Did you ever see him there?"

4 And your answer was:

5 "I have" --

6 Excuse me.

7 "I have -- I met him when the fighting was going on. Otherwise
8 at this time -- I met him but I didn't take any orders or any
9 assignments from him because I was no longer the first person in
10 charge, I was the second one in Kroimire."

11 Is that your evidence?

12 A. Yes, this is when Shukri Buja came. On 9 May, we had some
13 fighting in Llapushnik. After this fighting, Shukri Buja came and I
14 reported to him. This is the time when I said that I started to
15 report to Shukri Buja. Someone had to report, either Shukri or
16 myself. So it's the same as I said earlier.

17 Q. Well, you told -- you told the SPO that whenever there was
18 fighting, Shukri Buja wasn't around.

19 A. I said after the fighting. Maybe -- I don't know how they are
20 translating it to you. I said after the fighting of 9 May, Shukri
21 came and introduced himself as a commander. At that time, I had to
22 report either to Shukri or to Fatmir. So at that time I did not
23 report to Fatmir but to Shukri. I'm saying it quite correctly.

24 Q. And let me then show you what you said about Shukri Buja.

25 MR. MISETIC: P1115.3, page 33 in English, and page 27 in the

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1 Albanian, beginning at line 7.

2 Q. And at line 8 in the English -- the question was:

3 "Yeah, but you probably knew at that time if he," meaning
4 Shukri Buja, "had any military background."

5 And your answer was:

6 "Whenever we were fighting, he wasn't around."

7 Do you see that?

8 A. Yes, that's correct.

9 Q. So in June and July, Shukri Buja wasn't around because there was
10 fighting and he was never around when there was fighting; correct?

11 A. Yes, but we didn't have fighting all the time. He was there.
12 But only when there was fighting - you have to emphasise that - he
13 wasn't there. We didn't fight every day. We had one fighting every
14 two weeks or one month. The others days, he was there.

15 Q. So in the two weeks or one month in June and July when there's
16 fighting, you're not taking orders from Fatmir Limaj and
17 instructions, and Shukri Buja isn't around; right? I just took you
18 through your testimony. You said in June and July you didn't take
19 orders or instructions from Fatmir Limaj, and when there was fighting
20 you didn't take -- you didn't see Shukri Buja around.

21 So who's in charge of you in those periods in June and July when
22 there's fighting?

23 A. Please, let me explain it very well because I think you don't
24 want to understand me. During the entire month of June, we fought
25 only on 14 June. So on 14 June, he wasn't there. During the other

1 days, he was there. I am repeating. I said that on the day of the
2 fighting, he wasn't there. During the entire June, with the
3 exception of the 14th and 17th June, he wasn't there when we had
4 fighting. But during the other days, he was there.

5 So please don't distort what I'm saying. Only when there was
6 fighting he wasn't there. And those who are here present know it
7 very well. And my friends there know. So, again, only when we had
8 fighting he wasn't there. That is how it was.

9 Q. Okay. Witness --

10 A. I stand by this.

11 Q. Okay. Witness, before we break, you were told at your SPO
12 interview when it started that you were considered a suspect by the
13 SPO; is that correct?

14 A. Yes, yes.

15 Q. You were told you had the right to remain silent?

16 A. Why keep silence? I don't want to keep silent.

17 Q. You were informed that you had the right to remain silent;
18 correct? Correct?

19 A. Yes, I was informed.

20 Q. And you were informed you had a right to a lawyer; correct?

21 A. Yes.

22 Q. And the prosecutors at the ICTY, at The Hague tribunal, also
23 informed you of those rights before they interviewed you; correct?

24 A. Yes.

25 Q. So it's fair to say at the time that you were giving your

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1 evidence to the ICTY and to the SPO, you were aware that they
2 considered you to be a suspect in certain crimes; correct?

3 A. Yes.

4 MR. MISETIĆ: Mr. President, this would be a good time for a
5 break.

6 PRESIDING JUDGE SMITH: We'll take a short break, Witness. You
7 may join the Court -- we're going to take a short break, ten minutes.

8 [The witness stands down]

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

10 --- Break taken at 3.29 p.m.

11 --- On resuming at 3.40 p.m.

12 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness
13 in.

14 MR. MISETIĆ: Mr. President, I apologise for going over, but I
15 hope to finish by 4.00.

16 PRESIDING JUDGE SMITH: I what?

17 MR. MISETIĆ: Hope to finish by 4.00.

18 PRESIDING JUDGE SMITH: Okay.

19 MR. MISETIĆ: As they say, the road to hell is paved with good
20 intentions.

21 PRESIDING JUDGE SMITH: I'm sorry?

22 MR. MISETIĆ: I said the road to hell is paved with good
23 intentions, so I'm sorry.

24 PRESIDING JUDGE SMITH: You sound like my grandmother talking.

25 [The witness takes the stand]

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1 PRESIDING JUDGE SMITH: All right. Witness, we will continue
2 with the cross-examination by the Thaci Defence.

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

4 Q. Witness, I do want to follow up again on an issue that
5 Mr. Roberts brought up with you, and I just want to take you to your
6 SPO interview, which is P1115.4, page 1 in the English, beginning at
7 line 20, and page 1 in the Albanian as well.

8 So, Witness, you're asked, beginning at line 20 in the English,
9 and I believe it's line 19. It's the sentence that starts:

10 "... what was the conflict you had with Shukri Buja, if you can
11 tell us more about that."

12 And your answer is:

13 "Everything that I told you already is all there was to it. I
14 don't have anything else. So the end of it was when he spoke with
15 soldiers who came from Llapushnik after that battle" - and the next
16 page, please - "and said 'You guys can go wherever you want. It's
17 over'. But I turned the soldiers back, to tell them to go back to
18 the front. Then he left and we never had any further cooperation."

19 Do you stand by that testimony you gave to the SPO?

20 A. This was on 26 July when the Llapushnik battle happened and
21 after the fall of Llapushnik, there were spurts. And, yes, after
22 this time, Shukri and I, we saw each other, but he went to Nerodime
23 zone.

24 Q. Okay. But my issue is more with what actually happened there.
25 He came and spoke with the soldiers and told them to go wherever they

1 want, it's over. You then responded and told the soldiers to stay
2 and go back to the front. And then he left. Correct?

3 A. Yes, correct. Indeed. So he told the soldiers, "Go because
4 there's no KLA any longer." And then we returned to the front again.
5 And, of course, we got together. I mean, where else could we go?
6 Yes, absolutely correct. And we continued to fight, and he went
7 elsewhere.

8 Q. So this is another example of you overruling a decision by
9 Shukri Buja; correct?

10 A. Please, it's just this one. No others. But I think you're just
11 repeating it, and I'm really sorry to hear that you're repeating it
12 time after time. It is just this one, and it was about the front.
13 We didn't have anywhere else to go. How would we enforce that order
14 at the time? Where would we go? This is it. There's nothing else.
15 There's only one and it's this one. But you're mentioning it a lot
16 as if there were different things, but it's only this one. And this
17 happened during the war at the front.

18 Q. Okay. Witness, I'm going to turn now to a different topic,
19 which is a topic that was raised by the Prosecutor with you at the
20 end of her cross-examination. And these are -- I'm going to give you
21 an opportunity to comment on the specific allegations that have been
22 made against you with respect to detentions.

23 MR. MISETIC: And if we could -- Mr. President, in order to
24 protect persons, if we could go into private session, please.

25 PRESIDING JUDGE SMITH: Into private session, please, to protect

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1 the witness or other witnesses.

2 [Private session]

3 [Private session text removed]

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Witness: Ramiz Qeriqi (Resumed) (Private Session)

Page 14776

Cross-examination by Mr. Misetić

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Witness: Ramiz Qeriqi (Resumed) (Private Session)

Page 14777

Cross-examination by Mr. Misetić

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Witness: Ramiz Qeriqi (Resumed) (Private Session)

Page 14778

Cross-examination by Mr. Misetić

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Witness: Ramiz Qeriqi (Resumed) (Private Session)

Page 14779

Cross-examination by Mr. Misetić

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Witness: Ramiz Qeriqi (Resumed) (Private Session)

Page 14780

Cross-examination by Mr. Misetić

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Witness: Ramiz Qeriqi (Resumed) (Private Session)

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Cross-examination by Mr. Misetic

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14 [Open session]

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

16 Thank you.

17 MR. MISETIC: Thank you.

18 PRESIDING JUDGE SMITH: Witness, we are in public session.

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

20 Q. Witness, you still understand as you give evidence here today
21 that you are a suspect; correct?

22 A. I am not a suspect. I am a witness. I am not a suspect.

23 Q. Well, has the SPO told you that you are no longer a suspect?

24 A. I haven't asked whether I'm a suspect. They haven't told me
25 that. But I understood it to be that I am a witness, not a suspect.

1 And I feel like one, as a witness. And that is why I didn't want a
2 lawyer, because these comrades here, and they said, "You could even
3 remain silent," but I didn't want to stay silent. And I didn't want
4 a lawyer because then you'd need a lawyer, speak to the lawyer, and
5 the lawyer then speaks to you here. But I am innocent, so I didn't
6 need a lawyer and didn't hire one.

7 But I don't understand what you want of me. I know you're
8 counsel of these people, and both them and I are former members of
9 the KLA. So do I not know what you are after.

10 Q. Witness, it doesn't matter what I'm after. You just have to
11 answer the questions truthfully. Okay?

12 So --

13 A. That is exactly what I'm doing, answering truthfully.

14 Q. That's all you need to worry about.

15 A. No, I'm fine. I'm not worrying at all.

16 Q. So these incidents that I took you through, the witnesses say
17 they all took place in June or July 1998. So I'm giving you that
18 information. And this is the period of time when, according to your
19 own evidence, you were not taking orders from Fatmir Limaj, and you
20 were --

21 A. I'm sorry. I really am. Okay. So people didn't know back
22 then --

23 Q. Witness, I haven't asked the question yet.

24 A. -- but they do know now --

25 Q. I haven't the question.

1 A. Okay. I'm sorry. I'm sorry.

2 Q. The point now I'm trying to make to you is, on your testimony,
3 you've said that in this time period you were not taking orders or
4 instructions from Fatmir Limaj. We've seen where you've said you've
5 pushed back and told Shukri Buja, "I'll be the one organising in
6 Krojmir"; right? I took you through all of that stuff. And I'm
7 putting to you that at this time period when this is happening, you
8 are the highest authority in Krojmir. What is your response to that?

9 A. Sir, counsel, the time you are referring to, I mentioned only
10 about the fighting when Shukri was not there. But I reported --
11 otherwise, I reported to him and to Fatmir Limaj. In my territory
12 where I operated, there was no prison. Then later on it was proven
13 that these prisons existed somewhere else where they were -- existed.
14 I don't know why you are fighting me just because I am telling the
15 truth about the KLA. There were no prisons in the terrain in the --
16 in the territory where I operated.

17 Q. Witness, I'm not asking -- I didn't ask anything about prisons.
18 I didn't ask anything about prisons. So let me take you to the next
19 question I have, which is you understand, as someone who is a
20 suspect, that it's in your interest to create an organisation of the
21 KLA that circumvents you; right? So you've given evidence, for
22 example, that you had nothing to do with the military police. That
23 assists you in your defence against any potential accusation that you
24 were involved in detentions, doesn't it? It's self-serving.

25 A. There are evidence that the military police were separate. The

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1 SPO has read it. I have written evidence that military police was
2 separate and didn't ask me for anything. I have a document where I
3 was asked by the military police to cooperate with them. It's the
4 case of a co-villager, Nezir Olluri, when the military police took
5 his passport and said, "When you bring 2.000 Deutschmarks, we will
6 give back your passport." Then I sent a letter to the brigade asking
7 them to cooperate with me and not have things happen like in the case
8 of this person whom they took the passport and asked money to return
9 it.

10 So the military police did not cooperate. I have asked for
11 their cooperation, and I think the document to that effect is found
12 here in the court. I would kindly ask you to produce a document so
13 that you can see for yourself what I wrote. I would kindly ask the
14 Prosecutor, if she has it, to produce it. The document that shows
15 that the military police took away the passport from my co-villager
16 and asked him to bring them 2.000 -- Your Honour, can you bring that
17 document here?

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

19 PRESIDING JUDGE SMITH: No.

20 MR. MISETIC:

21 Q. Witness, so --

22 PRESIDING JUDGE SMITH: That's not what we're doing at this
23 time. We're just dealing with your questions and answers.

24 MR. MISETIC: Yes.

25 Q. So let me just put it to you that much of your evidence about

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1 not having any ability to control the military police in your own
2 battalion, for example, or the fact that you say that Fatmir Limaj
3 appointed platoon commanders by circumventing you and they reported
4 around you and went straight to Fatmir Limaj, these are all -- this
5 is all testimony designed to create the impression that other
6 people -- if something did go wrong, it was the responsibility of
7 other people above you.

8 Do you have a response to that?

9 A. What you are putting to me is not true. I already told the
10 truth of what really happened. When I took the oath, I said that I
11 will tell only the truth, and what I said is the truth. I also told
12 my war comrades that I will always tell the truth not only before
13 this Court.

14 Q. This is my final question. The International Criminal Tribunal
15 for the former Yugoslavia in the Limaj case heard your evidence and
16 concluded that because of your denials of involvement in some of
17 these crimes, you are a witness of diminished credibility. And I'll
18 give you an opportunity to tell the Court whether you accept the
19 conclusion of the trial chamber in the Limaj case that you are a
20 witness of diminished credibility.

21 A. You are wrong in what you are saying. I have only spoken the
22 truth, and I have not kept anything secret. I am sorry, but you are
23 wrong. I regret to say, but I don't know what you are saying.

24 Q. Thank you very much.

25 MR. MISETIC: Thank you, Mr. President. That concludes my

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1 questioning.

2 MR. EMMERSON: No questions.

3 PRESIDING JUDGE SMITH: Thank you.

4 [Microphone not activated].

5 MR. ELLIS: Yes, I do have questions, Your Honour. If I could
6 have a moment.

7 PRESIDING JUDGE SMITH: Just a kind reminder. If you're going
8 to tender some item in evidence, please do it at the time you've
9 finished your questions concerning that item rather than waiting to
10 the end.

11 MR. ELLIS: Thank you, Your Honour. I'm grateful.

12 Cross-examination by Mr. Ellis:

13 Q. Good afternoon, Witness. My name is Aidan Ellis, and I
14 represent Mr. Jakup Krasniqi.

15 A. Good afternoon.

16 Q. I'm going to be asking you some questions for the time that
17 remains today and then into tomorrow morning as well. And I want to
18 start, please, with the point where you get to Krojmir in April 1998
19 and when you're starting to set up the KLA there.

20 It's right, isn't it, that at that point of time, you and other
21 people in the KLA were using pseudonyms in order to keep your
22 identity hidden from the Serbian regime; yes?

23 A. We used the pseudonyms to protect our families, because we are
24 not so -- as prepared as the Serbs. Technically, they were more
25 prepared. So to protect our families rather than ourselves, I think.

1 Q. Because you knew at the time that the Serb -- if the Serbian
2 regime knew that you were against them, they would take it out on
3 your families; correct?

4 A. Yes, correct.

5 Q. And so to organise in your local area, you had to start slowly
6 by contacting people that you knew in secret; correct?

7 A. Correct.

8 Q. And one of the early tasks was to dig trenches; correct?

9 A. Yes.

10 Q. And you did that in order to set up positions that you could try
11 to defend; correct?

12 A. Yes.

13 Q. Volunteers were coming to you to join, weren't they?

14 A. Yes.

15 Q. And new volunteers who had their own weapons could join you
16 straightaway, while those without weapons had to wait for a weapon to
17 be found for them. Correct?

18 A. Yes, yes.

19 Q. And in relation to uniforms, Witness, volunteers in your area
20 would buy clothes at the local market, wouldn't they?

21 A. No, they bought the cloth on the market and there was a lady, a
22 dressmaker that sewed them.

23 Q. Exactly. Very well. They were homemade uniforms, effectively,
24 weren't they?

25 A. Yes.

1 Q. And at times when there was fighting, civilians who had a weapon
2 would simply join your ranks to help you with that particular fight.

3 That's right, isn't it?

4 A. Yes, there were some instances too.

5 Q. The local civilian population were supporting you when they
6 could, weren't they?

7 A. Yes, always.

8 Q. They donated money to you, didn't they?

9 A. Yes.

10 Q. They donated food to you when they could, didn't they?

11 A. Yes. Food, money, everything. But it was the duty of the
12 logistics to deal with that.

13 Q. Quite. But in general terms, anything the civilians could spare
14 they were supporting the KLA with; correct?

15 A. Yes.

16 Q. Your unit also -- you sometimes also received donations from
17 people living in the diaspora; correct? Living abroad.

18 A. Yes, but I never received anything because I was working in
19 another sector, but the logistics people did. The person who was
20 responsible for the logistics. When they brought these donations to
21 us at the battalion, we had to take them to the brigade, and then
22 they divided it among everyone.

23 Q. Now, in your interview with the Prosecution you gave the example
24 of a Mercedes car that you received. Do you recall that example,
25 sir?

1 A. Yes. It was someone from Carraleve that gave the car to me.

2 Now he's a retiree. He used to work in Germany.

3 Q. And you chose to give that car to the General Staff, didn't you?

4 A. Yes. I had to give it to them.

5 Q. And that was voluntarily done, wasn't it?

6 A. There was nothing personal. Even though it was given to me, he
7 gave it for the KLA. It was not a personal gift. So I -- that was
8 not for me to decide.

9 Q. I see. And what you said in your interview with the Prosecution
10 is -- you were asked:

11 "Why did you give it to the General Staff?"

12 And your response was:

13 "Because they were going on TV and if the whole world was going
14 to see them, the world should see them in a good car."

15 Do you remember saying that, sir?

16 A. Yes, that's right.

17 Q. So you understood it was important for the image of the KLA for
18 people to be seen in a good car? It's as simple as that, isn't it?

19 A. Yes.

20 Q. Because the reality at the time was that the KLA on the ground
21 were travelling in whatever they could, using old vehicles, tractors,
22 mules; correct?

23 A. Yes, yes, walking, on foot.

24 Q. Often you would travel on foot because that was safer; correct?

25 A. Yes.

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1 Q. Can I show you then a map, please.

2 MR. ELLIS: Which is DJK00776.

3 Q. And whilst that's coming up, Witness, I apologise that it's a
4 modern map, so it has, for example, an auto route that wasn't there
5 at the time, but I hope it will serve to show the key locations.

6 MR. ELLIS: Are we able to zoom in a little towards the middle
7 of that page.

8 Q. I think it's probably too faint to read at the moment, is it,
9 Witness?

10 A. I can read it.

11 Q. Do you see where Krojmir is on that map, Witness?

12 A. Yes, yes.

13 Q. And am I seeing correctly, below Krojmir is another village
14 mentioned in your evidence, Pjetershtice? Forgive the pronunciation.

15 A. Yes. Pjetershtice.

16 Q. Pjetershtice. Thank you. And then closer to the main road,
17 Carraleve; is that right?

18 A. Yes.

19 Q. Very well. And then if we look to the left of Krojmir, to the
20 west, you should see Klecke there. Do you see that?

21 A. I do.

22 Q. Can you help us with the distance between Krojmir and Klecke?

23 A. I can't be accurate. It's not that far.

24 Q. Are you able to help with approximately how far or perhaps how
25 long it would take you to go from one to the other? At that time, of

1 course.

2 A. I wouldn't be able to say.

3 Q. I see. Well, can you help me with this: At the time the road
4 between or the way to get between Krojmir and Klecke would have been
5 on an unmade road; correct?

6 A. Unmade, yes, it was.

7 Q. And what perhaps doesn't appear fully on the map is that this is
8 -- Klecke is part of the Berisha mountains; correct?

9 A. Yes.

10 Q. So the terrain that this unmade road went over was mountainous,
11 wasn't it?

12 A. Yes.

13 Q. Now, can I deal then, and I'm thinking still at this point of
14 the relatively early period in your evidence, May 1998, with where
15 Serbian forces were positioned. Am I right, sir, that the towns of
16 Shtime and Lipjan were controlled by Serbian forces?

17 A. Yes.

18 Q. And the road that we see between Shtime and Lipjan, that's a
19 part of a main road that runs between Prishtine and Prizren, isn't
20 it?

21 A. Yes.

22 Q. And that was a main road, an asphalt road; correct?

23 A. Yes, correct.

24 Q. And the main road was controlled by Serbian forces, wasn't it?

25 A. They moved. What time period are you asking me?

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1 Q. I'm thinking at the moment particularly about May 1998, sir.

2 A. Yes, yes. The Serbs moved along that road.

3 Q. And was there a checkpoint on that road, a Serbian checkpoint on
4 that road at Duhla?

5 A. Yes.

6 Q. And at times a mobile Serbian checkpoint at Carraleve?

7 A. Yes, there were. Yes.

8 Q. So if I've understood correctly, your positions at Carraleve
9 would have been up on the hill or mountainside overlooking the main
10 road; correct?

11 A. Yes. Yes, yes.

12 Q. But because the Serbian forces were using the main road, it
13 wasn't safe for you to use the main road, was it?

14 A. Correct.

15 Q. On the map in the north-east, I think we see an airport marked.
16 That also was Serbian controlled and used by the Serb military;
17 correct?

18 A. Yes.

19 Q. And is it right that there was the major Serbian army base and
20 ammunition depot near to the airport in the mountains of Golesh?

21 A. I heard that that was the case, yes.

22 Q. And these bases were used by the Serbian army to shell the
23 Berisha mountains, weren't they?

24 A. Yes, they shelled from all directions.

25 Q. And do you see also on the map the other main road in the area

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1 which is part of the road from Prishtine to Peje and runs through
2 Llapushnik?

3 A. I can't see it. But, yes, I know of it.

4 Q. And on that road on -- to the east of Llapushnik there was a
5 major Serbian base at Komorane; correct?

6 A. Yes.

7 Q. And on the other side of the Llapushnik, it moved through Mleqan
8 and Kieve, and those were also Serbian controlled, weren't they?

9 A. I don't know, but I think so. Yes.

10 MR. ELLIS: Your Honours, that might be a good point to break
11 for the day if it's convenient.

12 PRESIDING JUDGE SMITH: Thank you, Mr. Ellis.

13 Witness, we are finished for today. You will have to come back
14 tomorrow morning. Hopefully we will be finished with you in the
15 morning of tomorrow.

16 Please do not discuss your testimony with anybody outside of the
17 courtroom. And you may join the Court Usher to leave the room.

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: Something, Mr. Ellis?

20 MR. ELLIS: Only for the purposes of timing. I hope 45 minutes
21 in the morning will suffice.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. ELLIS: Not yet, Your Honour, though I am going to have some
24 further questions that the map may help with.

25 PRESIDING JUDGE SMITH: That's fine. No problem. Thank you.

1 So we are adjourned until 9.00 a.m. tomorrow.

2 --- Whereupon the hearing adjourned at 4.28 p.m.

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