

1 Monday, 4 November 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 case
8 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,
9 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi.

10 PRESIDING JUDGE SMITH: Thank you.

11 I note for the record that the accused are all present in court
12 today.

13 Today we will start hearing the evidence of Prosecution
14 Witness W01453.

15 Please call the witness in.

16 [The witness entered court]

17 PRESIDING JUDGE SMITH: You can both be seated right now.

18 I note for the record that Duty Counsel for W01453 is present in
19 the courtroom.

20 Good morning, counsel. Please introduce yourself for the
21 record.

22 MR. HODAJ: Good morning, Your Honour. I am Taulant Hodaj,
23 Duty Counsel for Mr. Buja today.

24 PRESIDING JUDGE SMITH: Thank you.

25 Good morning, Witness.

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1 THE WITNESS: [Interpretation] Good morning.

2 PRESIDING JUDGE SMITH: Please stand now. If you would just
3 stand.

4 The Court Usher will provide you with the text of the solemn
5 declaration which you are asked to take pursuant to Rule 141(2) of
6 our rules. Please look at the document and then read it out loud.

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

11 WITNESS: SHUKRI BUJA

12 [The witness answered through interpreter]

13 PRESIDING JUDGE SMITH: Thank you. You can be seated.

14 I know that each of you have indicated the desire to make a
15 statement. I will go through some preliminary matters first and then
16 we will get to that. All right? I haven't forgotten you.

17 Witness, today we will start your testimony which is expected to
18 last approximately four days. As you may know, the Prosecution will
19 ask you questions first, and then counsel for victims. Once they are
20 finished, the Defence has the right to ask questions of you, and
21 members of the Panel may have questions for you.

22 The Prosecution estimate for your examination is nine hours.
23 The Defence estimates that it will need 12 hours. As regards each
24 estimate, we hope that counsel will be judicious in their use of
25 time. The Panel may allow redirect examination if conditions for it

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1 are met.

2 Witness, please try to answer the questions clearly with short
3 sentences. If you don't understand a question, feel free to ask
4 counsel to repeat the question or tell them that you don't understand
5 and they will clarify.

6 Also, please try to indicate the basis of your knowledge of
7 facts and circumstances that you will be asked about.

8 In the event you are asked by the SPO to attest to some
9 corrections made during your statements, you are reminded to confirm
10 on the record that the written statement, as corrected by the list of
11 corrections, accurately reflects your declaration.

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

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

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

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

24 I also take the opportunity to remind the parties and
25 participants to avoid talking over one another to facilitate the

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1 witness's understanding of the questions that are put to him. And
2 counsel should remember also to delay at the end of -- to allow your
3 question to be fully interpreted by the interpreters before
4 proceeding.

5 We are aware that counsel has been assigned to witness so that
6 the witness is able to seek legal advice if he has any legitimate
7 concerns of self-incrimination.

8 You may address the Court now, Duty Counsel, if this is when you
9 wish to address us.

10 MR. HODAJ: Thank you, Your Honour. My client, first of all, he
11 wants to address to the Court, to make his the statement, and
12 afterwards then I have some observations.

13 PRESIDING JUDGE SMITH: All right.

14 MR. HODAJ: With your permission.

15 PRESIDING JUDGE SMITH: Witness --

16 MR. HODAJ: But I think we will go through proceeding --

17 PRESIDING JUDGE SMITH: I'm sorry?

18 MR. HODAJ: I think we will go through proceedings after he will
19 provide the details, names and surnames, then he will make the
20 statement.

21 PRESIDING JUDGE SMITH: Witness, you have a few minutes to just
22 address the Court if you wish. You may remain seated.

23 THE WITNESS: [Interpretation] Shall I stand up?

24 PRESIDING JUDGE SMITH: No, you may remain seated.

25 THE WITNESS: [Interpretation] Honourable Judge, members of the

1 Panel, in 2019, the Office of the Specialist Prosecutor invited me
2 for an interview without me knowing the status or the capacity,
3 whether I was being interviewed as a suspect or a witness. Upon the
4 insistence of my lawyers, my counsels, I was told that I was a
5 suspect. The Specialist Prosecutor's Office did not inform me of the
6 charges against me and they did not inform my counsel, despite our
7 numerous requests filed by my legal team.

8 I answered the summons of 2019. Bearing in mind the rights
9 foreseen by the law, and in consultation with my counsels, I used my
10 legal right to use my right and to defend myself in silence.

11 In 2020, the Specialist Prosecutor's Office filed an indictment
12 against the president of my country, Mr. Hashim Thaci; the chairman
13 of the assembly of Kosovo, Kadri Veseli; former MP Jakup Krasniqi;
14 and the head of the parliamentary, group, Mr. Selimi. Paragraph 35
15 of this indictment mentions the criminal joint enterprise which
16 includes the members of the General Staff of the Kosovo Liberation
17 Army, the zone commanders, deputy zone commanders, brigade
18 commanders, and members of the staffs of the brigades, commanders of
19 intelligence units and other military units, including the government
20 of Kosovo, ministers, and other staff members of the Provisional
21 Government of Kosovo.

22 This indictment included and mentioned my name in paragraph 35
23 and another two paragraphs of this document.

24 In the SPO brief, my name is mentioned as a suspect.

25 Last year, in October 2023, I was summonsed by the Specialist

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1 Prosecutor's Office as a witness in these proceedings. In my
2 correspondence with the Prosecution office through my counsel, the
3 Specialist Prosecutor's Office confirmed to me that I am still a
4 suspect, as it was confirmed to me in the preparation sessions before
5 this hearing.

6 From what I read in the documents here, there is a statement
7 taken in 1999 or 2000 when I was questioned by the UNMIK police. I
8 did not sign this statement and I did not receive any copy from this
9 statement. This statement is also incomplete and there are portions
10 of it missing. I was not represented by a counsel, and I was not
11 informed about my right to have a lawyer.

12 Also, another two of my statements given in the Limaj case at
13 the ICTY, a statement in front of the prosecutor in 2003 and another
14 testimony given in court in 2005, in both these cases I was at no
15 time informed about my right to have a lawyer or of my rights as a
16 witness.

17 Rule 42 and 43 of the Rules and Article 38.3 of the Law gives me
18 the right to not self-incriminate. However, I will answer your
19 questions having in mind this right of mine to remain silent.

20 PRESIDING JUDGE SMITH: Mr. Hodaj, do you have something
21 additionally?

22 MR. HODAJ: Yes, Your Honour. I would like to have some
23 submissions regarding the statement and position my client made
24 before the court. It will not take more than ten minutes, around ten
25 minutes. It's okay?

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MR. HODAJ: Thank you.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. HODAJ: Okay. Thank you very much.

5 Dear president of the Panel, dear members of the Panel, dear
6 colleagues, once again I am Taulant Hodaj, Duty Counsel for the
7 witness here today, Mr. Buja.

8 Since my client was summoned as a suspect in 2019, more than
9 five years have passed without any allegations being brought against
10 him and no evidence of any active investigation from 2019 until this
11 year. Despite the SPO having had ample opportunities over the years
12 to present allegations, my client has not been informed for
13 [indiscernible] allegations nor provided any reasons why the SPO
14 considers him still as a suspect as required under the applicable
15 legal framework.

16 Recently, in the SPO summons, and also in a written form by
17 e-mail, it was re-confirmed that my client remains as a suspect,
18 suggesting his involvement in a criminal act. He was informed and
19 given a copy of Rule 42, which clearly states that a suspect is not
20 obliged to provide testimony if such testimony may be
21 self-incriminating.

22 Despite the passage of more than five years since he was firstly
23 informed as a suspect by the SPO and no evidence of any active
24 investigation from 2019 until now, pursuant to Rule 47 of the rules,
25 once such reasonable time has passed since the suspect was informed,

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1 the SPO is required to decide to terminate the investigations against
2 my client.

3 On multiple occasions, counsel have formally requested the SPO
4 to make this determination in compliance with Rule 47, but they
5 didn't until now. Therefore, the SPO should terminate the
6 investigation against my client, Mr. Buja, under Rule 47 given that
7 no indictment has been issued against him over the five years since
8 he was informed as a suspect, a period that exceeds the reasonable
9 statutory regulatory timeframe within which the Prosecutor is
10 expected to act before summoning Mr. Buja in the capacity of a
11 witness.

12 During the preparatory sessions, it was disclosed by the SPO
13 that my client's status as a suspect stemmed from the evidence
14 presented in Limaj case in 2003, 2005. If any suspicions arose at
15 that time, it was the Prosecution's duty to conduct an investigation
16 promptly rather than delay action for numerous years. Additionally,
17 both the SPO and the prior Task Force were obliged to investigate
18 from 2011 and reach timely decision based on that investigation.

19 However, it was not until the year 2019 when my client firstly
20 was informed of his status --

21 THE INTERPRETER: Interpreter's note: Could the counsel be
22 kindly asked to slow down a little bit.

23 MR. HODAJ: -- and was summoned for an interview as a suspect.

24 Now, after more than five years -- now more than --

25 JUDGE METTRAUX: You're being asked by the interpreters, sir, to

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1 slow down.

2 MR. HODAJ: Okay. Thank you.

3 Now, since that more than five years have elapsed since 2019,
4 yet my client remains a suspect with no decision to conclude this
5 investigation.

6 These successive failures to adhere to the procedural
7 requirements constitute a clear breach of the applicable legal
8 framework, which requires if an investigation is initiated, the
9 investigation shall be completed within reasonable time.

10 In this trial, my client, Mr. Buja, is called as a witness.
11 Yet, he still officially holds the status of suspect from the SPO as
12 noted in the SPO summons and in writing details, and he should be
13 considered a suspect in this trial since his name several times is
14 named and highlighted in indictment as a member of joint criminal
15 enterprise in this indictment against President Thaci et al. In
16 addition, in the public available version of the SPO pre-trial brief
17 of this case, my client also is mentioned as a suspect.

18 As my client stated earlier, I can attest that some files
19 presented by the SPO in preparation session contained a statement
20 whose date of origin is unknown, lack of signature at the end, and
21 has several missing parts. The SPO confirmed to us that they do not
22 know the date of this statement.

23 Further, the files with statements in Limaj case, at the time
24 these statements were taken, he was not informed of his rights as a
25 witness including the right to have legal representation during his

1 testimony.

2 Consequently, in 2019, after having held the status of witness
3 since 1999, 2000, my client's status was suddenly changed to a
4 suspect without any disclosure of specific allegations against him.
5 During 2019 interview by the SPO, my client exercised his right to
6 remain silent, refraining from responding to the questions posed by
7 the Prosecutor in that time.

8 Similarly, during the preparatory sessions, my client
9 emphasised, with respect to the files presented, that under Rule 42
10 of the rules of procedure, he is under no obligation to testify in
11 this proceeding, and he is fully entitled to exercise his rights as a
12 suspect under the applicable legal and regulatory framework.

13 According to Rule 43, Rights of Suspects During Investigation,
14 this rule, it lists situations when a person shall be deemed a
15 suspect and shall, once notified, have, at minimum, the rights
16 provided in Article 38(3) of the Law. And this article provides to
17 the suspect -- provides that a suspect shall not be compelled to
18 incriminate himself, and has the absolute right to remain silent,
19 without such silence being considered in the determination of guilt
20 or innocence.

21 In the present matter, the circumstances outlined above, as per
22 Rule 43 in conjunction with Article 38(3) of the Law, are applicable
23 to my client's case.

24 Mr. Buja retains the status of suspect, and in this capacity
25 he -- there are -- asserts his rights under Rule 43 and Article 38(3)

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1 of the Law. This rule should be applied in this proceedings.
2 Specifically, he may seek to exercise his unequivocal right to remain
3 silent.

4 Furthermore, Rule 42 and 151 provides that individuals under
5 investigations always have the right to avoid self-incrimination and
6 cannot be compelled to testify in cases where they might implicate
7 themselves. Mr. Buja, in the present case, as a witness and as a
8 suspect, has the right to apply the aforementioned rules as a
9 fundamental right in judicial process when individuals face criminal
10 liability.

11 A person in capacity of a suspect faces a higher risk to compare
12 the position of a witness as they are directly involved in the
13 accusations and suspicions of the Prosecutor. This view that
14 Rules 42, 43, 151, and Article 38(3) of the Law, to my understanding,
15 adequately are regulated also -- regulate the matter of potential
16 self-incrimination by a witness where he is a suspect as well, as it
17 is in present -- as it is a present matter with my client. In this
18 view, it is supported by this Panel's decision on SPO submission
19 regarding procedure for Rule 151 cases.

20 Further -- and I'm close to finalise. Further, the right of
21 silence and the right not to incriminate oneself are generally
22 recognised international standards which lie at the heart of the
23 notion of fair procedure under Article 6 of the European Convention
24 on Human Rights. These views are supported by ICTY, ICTR, and ICHR
25 jurisprudences.

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1 In ICHR case Saunders versus United Kingdom, the court recalls
2 that, although not specifically mentioned in Article 6 of the
3 Convention, the right to silence and the right not to incriminate
4 oneself are generally recognised international standards. The
5 rationale lies, *inter alia*, in the protection of the accused and
6 gains improper compulsion by the authorities thereby contributing to
7 the avoidance of miscarriages of justice and to the fulfilment of the
8 aims of Article 6.

9 In Karadzic case on decision on subpoenaing Tolimir, the
10 critical issue here was whether Rule 90 of the rules adequately
11 protects an accused, suspect, appellant from the direct and indirect
12 use against him of any compelled self-incriminating information
13 arising as a result of deliberate or inadvertent self-incrimination.
14 In this regard, the appeals chamber of ICTY notes that Tolimir's
15 contention that Rule 90 of the rules is not a complete protection
16 from self-incrimination, and that compelling to testify, pursuant
17 this rule, would constitute a violation of his right against
18 self-incrimination under Article 24 of the Statute.

19 In ICTR case Andre Ntagerura, in the appeals judgment, trial
20 chamber -- also this deals with self-incrimination. Trial chamber
21 did not allow to testify due to rule of self-incrimination. The
22 appeal noted that Augustin was charged with crimes similar to
23 Imanishimwe and the appeals decided that the trial chamber did not
24 err when it excluded Augustin from testifying.

25 Last, also in Karadzic appeals judgment, it was decided that the

1 trial chamber did not compel Mladic to testify in Karadzic case
2 because Mladic's testimony would be directly relevant to the Mladic
3 case before ICTY. The appeal found that the trial chamber did not
4 err when it decided not to compel Mladic to testify.

5 At the end, although not directly applicable in this case, the
6 importance of absolute silence in a judicial process is also
7 regulated within the framework of Kosovo law and Kosovo legislation
8 and court rulings. Article 10(2) and paragraph 150 of Kosovo
9 Criminal Procedural Code stipulates that the suspect has no
10 obligation to answer any questions, not obliged to accuse themselves
11 or relatives, except to give information about his identity.

12 And as my client stated, he remains open to question and
13 evidence, and based on the question and evidence presented, my client
14 will decide based on the law whether to answer the question or remain
15 silent.

16 Thank you for your time and consideration.

17 PRESIDING JUDGE SMITH: Does the Prosecution wish to respond?

18 MR. PACE: Your Honour, unless you have particular questions for
19 me, I won't respond in detail mainly because these similar assertions
20 and statements were made during witness preparation which captures
21 those and it also captures our position.

22 As Your Honours are well aware, this is not a unique situation
23 we are dealing with. We have dealt with this before, and the
24 applicable legal framework should apply the same. I will just say
25 two things, again, unless Your Honours have particular issues you

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1 would like me to address.

2 The first is I am not aware or sure that we have received a
3 formal request under Rule 47 for this witness or suspect, but we'll
4 take that request into account moving forward. However, the
5 determination under Rule 47 is irrelevant for the purposes of today's
6 hearing and the testimony that we should be hearing.

7 And Your Honours already know, because we made such a filing,
8 that if it comes to it, we have no objections being provide -- to
9 assurances being provided under 151, which would mean that the
10 testimony may not be used against him except under Article 15(2) and
11 Rule 65.

12 PRESIDING JUDGE SMITH: Mr. Hodaj, have you discussed issue
13 fully with your client?

14 MR. HODAJ: Yes, Your Honour. We have discussed the issue with
15 my client. I have discussed with him. And until now, I think this
16 is the stance my client wants to keep, but it depends from the
17 proceedings, then we'll have a chance to consult and provide advice
18 to him. Thank you.

19 PRESIDING JUDGE SMITH: You understand our Rule 151(3) that an
20 assurance can be given to the witness and then he would be compelled
21 to answer.

22 MR. HODAJ: Yes, I understand, also my client understands the
23 rule, and it was also such guarantees provided also by the SPO during
24 the prep sessions, although it's not the obligation of the SPO at
25 that time. But my client, he provided a written statement in answer

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1 to the SPO's guarantees for that.

2 PRESIDING JUDGE SMITH: Are you seeking a Rule 151(3) ruling
3 from the Court?

4 MR. HODAJ: I mean, we will need maybe to have a -- some time to
5 consult with the client and decide. It depends what's your request
6 in this.

7 PRESIDING JUDGE SMITH: The assurance is quite simple. He
8 cannot be prosecuted for anything stated in the court. In other
9 words, he cannot self-incriminate himself. Do you understand that?

10 MR. HODAJ: Yes, I understand that.

11 PRESIDING JUDGE SMITH: And you have not talked to him about
12 this?

13 MR. HODAJ: I have talked to him about this in the view that the
14 Prosecution has provided such guarantees, but I have not talked to
15 him about such guarantees provided by the Court.

16 PRESIDING JUDGE SMITH: Well, the Prosecution has indicated they
17 have no objection to the Court entering such an assurance. So if you
18 need five minutes, we will give you five minutes. But this is a
19 fairly obvious question.

20 MR. HODAJ: Yes, thank you. I think we will take five minutes
21 and we'll respond.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. HODAJ: Thank you.

24 PRESIDING JUDGE SMITH: You can step out for five minutes, and
25 then we will call you back.

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1 [The witness stands down]

2 We'll adjourn for five minutes. We'll step aside.

3 --- Break taken at 9.29 a.m.

4 --- On resuming at 9.36 a.m.

5 PRESIDING JUDGE SMITH: Please bring the witness and counsel
6 back into the Chamber.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: Be seated.

9 Mr. Hodaj, what is the result of your conversation?

10 MR. HODAJ: Your Honour, thank you very much. We had a chance
11 to consult the Rule 151 even before and also right now. But before I
12 say further, my client just shortly wanted to have his -- I mean, to
13 provide his answer in this regard, if it's possible.

14 PRESIDING JUDGE SMITH: Certainly.

15 Go ahead, Witness.

16 THE WITNESS: [Interpretation] Thank you, Your Honour.

17 So I had been notified and I have also just now been informed of
18 Rule 151, but I wish to stand by what I have said in my statement.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MR. HODAJ: Thank you, Your Honour.

21 About the assurances of the Rule 151. My client was informed --
22 also, he was informed by the SPO during the prep sessions, and we
23 discussed further about this issue, about duties and obligations, and
24 also the SPO informed about the consequences they think he may face
25 if he keeps this stance.

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1 My client wants to use the rights deriving from the law, and he
2 wants to stay behind his statement. Thank you.

3 PRESIDING JUDGE SMITH: First of all, the Court will give you
4 the following warning, since you are insisting that you are still a
5 suspect, you understand that -- first of all, that you could apply to
6 have the investigation terminated and you would no longer be a -- and
7 you could no longer be a suspect. That's up to you to do.

8 You have been called to testify. You are obliged to testify.
9 You are obliged to tell the truth. If you do not tell the truth, you
10 might be prosecuted. If you believe that you may incriminate
11 yourself as a result of answering a question, you may refuse to
12 answer. If you believe that you need the assistance of an attorney,
13 one will and will continue to be provided for you as has happened
14 already.

15 Witness, I remind you that as per the solemn declaration you
16 have just read, you are obliged to tell the truth, and I've repeated
17 that again. Under our rules, you are hereby advised that you are not
18 required to answer a question that is incriminating unless and until
19 the Panel compels you to answer, in accordance with Rule 151(2), and
20 determines if an assurance under Rule 151(3) should be provided to
21 you.

22 You are hereby advised that in the event of such a question of
23 self-incrimination arises, you or your assigned counsel may raise the
24 issue to the Panel, and we will proceed to determine whether or not
25 and under what circumstances you might be compelled to answer. In

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1 such a case, the decision as to whether you must answer the question
2 is exclusively that of the Panel. If ordered to do so by the Panel,
3 you must answer all questions asked of you.

4 Do you understand that?

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

6 PRESIDING JUDGE SMITH: We will proceed now.

7 The Prosecution will begin first with their questions.

8 Mr. Prosecutor, you may begin.

9 MR. PACE: Thank you, Your Honour.

10 Examination by Mr. Pace:

11 Q. Good morning, Witness. We've met before. I'll introduce myself
12 again. I'm James Pace, a Prosecutor with the SPO. And as the Judge
13 said, I'll be asking you some questions for the next nine hours or
14 so.

15 Could you please tell the Court your name and surname.

16 A. Shukri Buja.

17 Q. And what is your date of birth?

18 A. 27 August 1966.

19 Q. And what is your nationality?

20 A. Albanian from Kosovo.

21 Q. Were you ever known by any other names, nicknames or pseudonyms?

22 A. Once again the question, please?

23 Q. Other than by the name Shukri, were you ever known by another
24 name, a nickname or a pseudonym?

25 A. I cannot answer.

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1 Q. And why cannot you answer?

2 A. Because that incriminates me.

3 MR. PACE: Your Honour, I'm in your hands as to whether to
4 continue or if you need to address the witness again.

5 PRESIDING JUDGE SMITH: It's up to you as to whether you want to
6 continue.

7 MR. PACE:

8 Q. Witness, to your knowledge, were you ever known as Gazetari at
9 any time?

10 A. I cannot confirm that.

11 Q. Could you clarify why you cannot confirm that?

12 A. Because it may incriminate me.

13 Q. Witness, to your knowledge, were you ever known as Sokoli at any
14 time?

15 A. I cannot answer that.

16 Q. Witness, what was the LPRK?

17 A. I cannot confirm that because it would incriminate me.

18 Q. Witness, are you aware of the existence of a group known as the
19 LPRK?

20 A. This could also incriminate me.

21 [Trial Panel confers]

22 MR. PACE:

23 Q. Witness, were you ever a member of the LPK?

24 A. I cannot answer that.

25 Q. Witness, are you aware of the existence of a group known as the

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1 LPK?

2 A. I cannot confirm that.

3 PRESIDING JUDGE SMITH: Mr. Pace, do you wish to offer the 151
4 assurance at this time for the balance of his testimony?

5 MR. PACE: Yes, Your Honour. We said that we don't object to
6 it.

7 PRESIDING JUDGE SMITH: [Microphone not activated].
8 I'm just asking you now if you want to offer it.

9 MR. PACE: Sure.

10 PRESIDING JUDGE SMITH: The Court will deal with that in just a
11 moment.

12 Witness, I remind you that as per the solemn declaration that
13 you have just read, you are obliged to tell the truth. Under our
14 rules, you are advised, as I've advised you already, that you do not
15 need to answer a question that is incriminating unless we compel you
16 to answer, and an assurance under Rule 151(3) is provided to you.
17 And you have had an opportunity to discuss this matter with your
18 attorney.

19 You should understand that if ordered by the Court to answer
20 questions, you are bound to do so. And if you fail to answer
21 questions after you have been directed to do so by the Panel, you
22 might be subject to sanctions for it. Please note that you are not
23 permitted to refuse to answer questions other than those that would
24 incriminate you personally.

25 You have been granted the assistance of counsel as you've

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1 requested, and your counsel has re-explained Rule 151 to you.

2 The Panel notes that in confidential *ex parte* filing F02653, the
3 SPO has informed the Panel that, if considered necessary by the
4 Panel, the SPO would have no objection to this witness being provided
5 assurances in accordance with Rule 151(2) and (3) of the rules.

6 The Panel therefore does not consider taking an *ex parte* view of
7 the Panel -- of the Specialist Prosecutor other than the statement he
8 has just made at this time being is necessary.

9 Does anyone else wish to be heard prior to Court proceeding?

10 MR. MISETIC: Nothing from us, Mr. President.

11 MR. DIXON: [Microphone not activated].

12 MS. V. ALAGENDRA: None, Your Honour.

13 MR. ROBERTS: Nothing, Your Honour. Thank you.

14 PRESIDING JUDGE SMITH: Thank you very much.

15 Counsel, yes. Yes, counsel, go ahead. Please briefly.

16 MR. HODAJ: Thank you very much. I will be very brief.

17 First of all, I just double-checked the correspondences with the
18 SPO. And on e-mail dated December 11, 2023, and January 4, 2024, we
19 have reminded to the Prosecutor and the request to terminate the
20 investigation because of the length of the proceeding.

21 PRESIDING JUDGE SMITH: By e-mail?

22 MR. HODAJ: E-mail, yes, to the Prosecutor.

23 PRESIDING JUDGE SMITH: That you --

24 MR. HODAJ: The correspondence is with our Prosecution.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

Witness: Shukri Buja (Open Session)

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Examination by Mr. Pace

1 MR. HODAJ: And in regards with the rights and obligations which
2 you already read, besides -- as my client has mentioned, and I have
3 emphasised, because my client, besides a witness, he is a suspect is
4 not only the guarantees he has under Rule 151. He has also other
5 guarantees by the Law which we already mentioned. And as a suspect,
6 I consider that he has the right to silence and not answer any
7 question if he wants not to answer. I know that it is his decision
8 and at any time he can change his decision, but my understanding is
9 not only Rule 151, but there are other rules and other rights and
10 obligations which derive from the Law, and my client wants to use it.
11 Thank you.

12 PRESIDING JUDGE SMITH: Mr. Pace, the final question I have for
13 you is to indicate the uniqueness of this witness's testimony as per
14 Rule 151.

15 MR. PACE: Yes, Your Honour. The witness was a subzone and then
16 a zone commander, and as such, he is uniquely placed to provide
17 evidence concerning his direct interactions with members of the KLA
18 General Staff, including the accused, throughout the indictment
19 period. There is plenty more I could get into, but I think that
20 suffices for the purposes of establishing the uniqueness as required
21 by the rule.

22 PRESIDING JUDGE SMITH: Thank you, Mr. Pace.

23 Having heard the parties' submissions, including SPO's *ex parte*
24 views, the Panel finds that, in light of the importance of the
25 witness's anticipated evidence, its unique relevance to the case, the

Witness: Shukri Buja (Closed Session)

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1 limited nature of the possible self-incrimination, and the
2 sufficiency of available protective measures should they become
3 necessary, the elements listed in Rule 151(2) have been met.

4 The Panel therefore compels the witness to testify.

5 Pursuant to Rule 151(3), the Panel assures the witness that the
6 evidence provided in response to the relevant questions shall be
7 given *in camera* and shall not be disclosed in any manner to the
8 public, Kosovo, or any third state; and, b, will not be used either
9 directly or indirectly against that person in any prosecution before
10 the Specialist Chambers except under Article 15(2) of the Law and
11 Rule 65.

12 In this regard, the Panel warns the witness that a refusal to
13 give testimony may be sanctioned by the imposition of a fine.

14 The Panel also directs the Registry to lift the *ex parte* status
15 of filing F02653, including any translation thereof.

16 Mr. Prosecutor, we will continue. And we will, please, close
17 the session for the protection of the witness.

18 [Trial Panel and Court Officer confers]

19 [Closed session]

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Witness: Shukri Buja (Closed Session)

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Examination by Mr. Pace

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Examination by Mr. Pace

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Witness: Shukri Buja (Closed Session)

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Examination by Mr. Pace

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Witness: Shukri Buja (Closed Session)

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Examination by Mr. Pace

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Witness: Shukri Buja (Closed Session)

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Examination by Mr. Pace

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Witness: Shukri Buja (Closed Session)

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Examination by Mr. Pace

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16 [Open session]

17 THE COURT OFFICER: Your Honours, we are now in open session.

18 --- Break taken at 10.34 a.m.

19 --- On resuming at 10.47 a.m.

20 PRESIDING JUDGE SMITH: Back into closed session, please.

21 [Closed session]

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Witness: Shukri Buja (Closed Session)

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Examination by Mr. Pace

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15 [Open session]

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

17 PRESIDING JUDGE SMITH: Thank you.

18 We are adjourned until 11.30.

19 --- Recess taken at 10.58 a.m.

20 --- On resuming at 11.38 a.m.

21 PRESIDING JUDGE SMITH: Into closed session, please.

22 You can bring the witness in.

23 MR. MISETIC: Mr. President, may I say something?

24 PRESIDING JUDGE SMITH: Oh, sure.

25 MR. MISETIC: Before the witness comes back.

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MR. MISETIC: Yeah.

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Witness: Shukri Buja (Closed Session)

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14 [Open session]

15 PRESIDING JUDGE SMITH: We're adjourned until 1.30.

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

17 --- Luncheon recess taken at 12.06 p.m.

18 --- On resuming at 1.29 p.m.

19 PRESIDING JUDGE SMITH: Into closed session, please,

20 Madam Court Officer.

21 And you can please bring the witness in, Madam Usher.

22 [Closed session]

23 [Closed session text removed]

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Witness: Shukri Buja (Closed Session)

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Witness: Shukri Buja (Closed Session)

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Witness: Shukri Buja (Closed Session)

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Witness: Shukri Buja (Closed Session)

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Witness: Shukri Buja (Closed Session)

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Witness: Shukri Buja (Closed Session)

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Witness: Shukri Buja (Closed Session)

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Witness: Shukri Buja (Closed Session)

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Examination by Mr. Pace

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7 [Open session]

8 THE COURT OFFICER: Yes, Your Honour, we are now in public
9 session.

10 PRESIDING JUDGE SMITH: Okay. Witness, we are in public
11 session. That means anybody who is interested in these proceedings
12 who can tune in by computer or by listening to it here in the
13 building, they're going to hear everything that is said unless
14 somebody asks for private session to protect some other witness or to
15 protect somebody.

16 Do you understand that? That this will all be public?

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE SMITH: That's your wish?

19 THE WITNESS: [Interpretation] Yes.

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

21 MR. PACE:

22 Q. Witness, you told us that you were known as Gazetari. And my
23 question was could you tell us when you started to be known as
24 Gazetari?

25 A. I cannot remember exactly.

Witness: Shukri Buja (Open Session)

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Examination by Mr. Pace

1 Q. Do you recall if you were known as Gazetari already in 1998?

2 A. Yes, I was known as Gazetari in 1998.

3 Q. To your knowledge, have you ever been known or referred to as
4 Sokoli?

5 A. Yes, there were many pseudonyms. For a short time, that was.

6 Q. And was Sokoli among the pseudonyms that were used in relation
7 to you?

8 A. Yes.

9 Q. And, again, was that pseudonym used already in 1998?

10 A. I did not quite understand the question.

11 Q. Were you known as Sokoli in 1998?

12 A. Yes, for a short time, a brief time back then.

13 Q. You mentioned there were many pseudonyms. Other than Gazetari
14 and Sokoli, are there any other names or pseudonyms by which you were
15 referred to?

16 A. Well, there were other ones. In particular, when I was fighting
17 against Serbia there were other pseudonyms that were used against me.

18 Q. And what were those pseudonyms used in relation to you?

19 A. I cannot remember them at the moment.

20 Q. Could you tell us what the LPRK was?

21 A. Well, LPRK means the Popular Movement for the Republic of
22 Kosovo.

23 Q. And were you ever a member of the LPRK?

24 A. Yes, I was.

25 Q. When did you join?

Witness: Shukri Buja (Open Session)

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Examination by Mr. Pace

1 A. When I was quite young.

2 Q. And roughly what year would that be?

3 A. I do not know exactly.

4 Q. Was it before 1998?

5 A. Well, yes, because the LPRK existed before then.

6 Q. And did you ever occupy any particular position or role within
7 the LPRK?

8 A. When I was in Switzerland, I was a member of the general council
9 of the LPRK.

10 Q. And did the LPRK bear any relation to the LPK?

11 A. It was the same organisation, if I'm not wrong.

12 Q. Was it just a change in name?

13 A. I do not know exactly, because at that time I was imprisoned by
14 Serbia.

15 Q. And to be clear, were you then a member of the LPK?

16 A. Yes, I was. So it was further to my actions against Serbia.

17 Q. And were you a member of the general council of the LPRK, of the
18 LPK, or both?

19 A. LPK.

20 Q. Now, was there any connection between the LPK and the KLA?

21 A. Yes. At the time, we politically and logistically supported
22 them.

23 Q. And to your knowledge, was the creation of the KLA discussed
24 within the LPK?

25 A. Not at the general council.

Witness: Shukri Buja (Open Session)

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1 Q. And other than in the general council, was the creation of the
2 KLA discussed in any other forum or amongst any other LPK members to
3 your knowledge?

4 A. No, I do not know about that.

5 Q. Do you recall having stated that during meetings of the LPK, the
6 idea of the UCK as an army fighting the Serbs began to crystallise in
7 1997?

8 A. Yes, it was discussed when we discussed political and logistic,
9 material matters for the KLA, but it wasn't about how it was going to
10 be founded or functioning.

11 Q. And you've mentioned that politically and logistically the LPK
12 supported the KLA. Starting with the political side, can you explain
13 how the LPK politically supported the KLA?

14 A. Well, primarily by way of big rallies and through its newspaper
15 *Zeri i Kosoves*.

16 Q. And in terms of logistically, how did the LPK logistically
17 support the KLA?

18 A. Well, this happened at the end of 1998 and in 1999.

19 Q. And what logistical support was provided at this time that you
20 mentioned?

21 A. In 1998, 1999, it was about material support and logistical
22 support.

23 Q. What kind of material support? What material?

24 A. Well, everything that logistical means: Uniforms, generally
25 foodstuffs, financial means, et cetera.

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1 Q. And did you ever join the KLA?

2 A. Yes.

3 Q. When?

4 A. I joined quite early, in my opinion. I considered that my
5 political support made me part of it. However, I put on the uniform
6 in 1998, if I'm not wrong.

7 Q. You mentioned the newspaper *Zeri, Zeri i Kosoves*. Did you ever
8 work for that newspaper?

9 A. Yes.

10 Q. In what capacity?

11 A. I worked at the editorial board of *Zeri i Kosoves*.

12 Q. And what year or years was that?

13 A. If I'm not mistaken, this was in 1997 and 1998.

14 MR. PACE: I'd like to call up 061394-061394 alongside the
15 English version, which is the same with -ET at the end. And this
16 document is public and can be broadcast. Thank you. If we can at
17 first zoom out so we can see the entirety of the article. And on the
18 Albanian, we can zoom in a little bit. We don't need to see the
19 bottom part, the -- yes, that's good enough. Thank you.

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

22 A. Yes, I'm seeing it for the first time.

23 Q. Now, we see that the document refers to *Zeri i Kosoves*, to 27
24 March 1997, and the article that we are zoomed in on now bears the
25 title "Recognition of the military entity (KLA)."

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1 MR. PACE: And if we now can please zoom in to the bottom right
2 part of the current screen, where there is the end of the document --
3 and just down a little bit. Yes.

4 Q. And, Witness, do you see in the bottom right part of your screen
5 right now at the end of this first article on this page we see the
6 initials SH and then Buja? Do you see that?

7 A. Yes.

8 Q. And do you recall whether you wrote an article titled
9 "Recognition of the military entity (KLA)" in *Zeri*?

10 A. I don't recall it.

11 Q. Okay. The article is brief. I'm going to read it out, and you
12 can either listen to the interpretation in Albanian.

13 MR. PACE: Or if we zoom out a little bit in the Albanian, then
14 the witness can also read from the document itself. Yes, that's
15 good.

16 Q. So I'm reading from the document:

17 "In a plenary session held on the 14th of this month, the
18 European Parliament adopted a Resolution for Kosovo.

19 "I am specifically writing to you about this Resolution, not
20 only because a Resolution has been issued, because Resolutions have
21 been approved before, but because this Resolution has its special
22 feature. The special feature of this Resolution is that the KLA is
23 included as an entity for the first time in the Resolution of a high
24 European Forum, not only as an entity but as a deciding entity. The
25 European Parliament in this Resolution first of all lays down the

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1 reasoning for listing the requests.

2 "In its reasoning in point B, it is stated that 'Since the KLA
3 has commenced a new campaign of killings of the Albanians who are
4 considered collaborators of the Serbian regime and representatives of
5 the Serbian administration' and it carries on with other reasonings.

6 "The European Parliament includes the KLA in the Resolution at a
7 time when the 'President' of Kosovo questions its existence and vows
8 that even if such a thing exists, it works to eradicate it at a time
9 when the liberation actions are considered acts of terror, at a time
10 when it declares that there are no collaborators in Kosovo.

11 "The European Parliament does not question the existence of the
12 KLA, it does not specify the KLA as terrorist. The Parliament
13 acknowledges the intensification of actions by the KLA against the
14 collaborators of the Serbian regime.

15 "The European Parliament, in Referral No. 2 which is
16 inextricably linked to the reasoning under Point B, requests 'from
17 all the parties to put an end to all forms of violence and to
18 initiate dialogue.'

19 "Therefore, the European Parliament acknowledges the reality
20 that the KLA exists, and not only does it exist, but it is a military
21 entity without which (without its political representatives) the
22 dialogue cannot take place, without which no decisions can be made.

23 "The Parliament notices what the 'political class' of Kosovo
24 does not want to see. It notices that two armies of two peoples, one
25 occupied and the other occupying, are in armed conflict and it urges

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1 them to initiate a dialogue.

2 "This Resolution knocks on the heads of those who have got
3 brains, but who are confused by the Kosovo 'political class'
4 regarding the gifted freedom. The international forums recognise the
5 created reality. They recognise only the freedom gained."

6 And then, at the end, as I mentioned, there is: "SH. Buja."

7 Having read or heard the content of the article, do you remember
8 having written something along these lines?

9 A. I don't seem to be able to remember.

10 Q. Do you remember a European Parliament resolution or referral as
11 mentioned here around March 1997 concerning the KLA?

12 A. I am not able to remember this because there were many
13 resolutions.

14 Q. You told us earlier that you remember working for *Zeri i Kosoves*
15 and that you were on the editorial board. We see here that there is
16 your initials at the end of the article. Does that indicate that you
17 are the one who had written that article, your initials at the end of
18 it?

19 A. I said earlier I don't know.

20 Q. I'll ask the question differently. You were on the editorial
21 board. Would *Zeri i Kosoves* have published something with your name
22 if you were not the author of it?

23 A. Yes. *Zeri i Kosoves* published articles also using pseudonyms.

24 Q. This particular article refers to SH. Buja. Are you aware of
25 any other SH. Buja working for *Zeri i Kosoves* in March 1997?

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1 A. No.

2 MR. PACE: Your Honour, we seek admission of this article.

3 PRESIDING JUDGE SMITH: Objection?

4 MR. MISETIC: No objection.

5 PRESIDING JUDGE SMITH: No objection named. 061394 to 061394 in
6 English and Albanian is admitted.

7 THE COURT OFFICER: Your Honours, that document will receive
8 Exhibit P01811. Classification in Legal Workflow says confidential,
9 but my understanding is that it can be public.

10 MR. PACE: Yes, public.

11 PRESIDING JUDGE SMITH: Reclassified as public. Thank you.

12 THE COURT OFFICER: Thank you.

13 MR. PACE: We can take this document down.

14 Q. And, Witness, I apologise. Some of the next questions may be a
15 little bit repetitive of what was discussed earlier today, but
16 because we're now in open session and we're, let's say, proceeding
17 differently, I'm going to ask some of them again.

18 And my next question is had you heard about the KLA
19 General Staff in March 1998?

20 A. No, not at the time.

21 Q. Do you recall having stated in your prior testimony that you
22 were informed of them in March 1998 because KLA General Staff
23 communiqués were being published?

24 A. As I remember it, it was not referred to as the General Staff.
25 In their public communiqués, they referred to it, if I'm not

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1 mistaken, as the Central Staff.

2 Q. And then do I understand you to be saying that you recall
3 communiqués as early as March 1998 referring to a KLA Central Staff?

4 A. I don't know about March. But with respect to communiqués, this
5 is how they were published.

6 Q. Do you recall coming across any communiqués from the KLA while
7 you were still in Switzerland?

8 A. I don't recall, no.

9 Q. Could you tell the Judges where you were when Adem Jashari was
10 killed in March 1998?

11 A. If you're referring to the country, I was in Switzerland.

12 Q. And how long after that event, the killing of Adem Jashari, did
13 you remain in Switzerland?

14 A. I do not know exactly but several days.

15 Q. And where did you go after you left Switzerland?

16 A. To Albania.

17 Q. And do you recall how long you spent in Albania on that
18 particular occasion? How many days or weeks?

19 A. This was a long time ago. I wouldn't know. Two, three days or
20 more. It's been a long time for me to be able to remember.

21 Q. And after you were in Switzerland and then in Albania, where did
22 you go next?

23 A. From Albania to Kosovo.

24 Q. And did you go to Kosovo alone or with other people?

25 A. We were a group of friends.

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1 Q. How many people were in this group, roughly, if you remember?

2 A. I don't recall exactly the number but around 30.

3 Q. And do you recall the names of anyone who was in this group with
4 you going into Kosovo?

5 A. Some of them are now martyrs, Fehmi Lladrovci, Xheve, Abe.

6 Q. And you mentioned, I believe, Xheve. Could you give us the full
7 name for that person?

8 A. Xheve Lladrovci.

9 Q. And you also mentioned Abe. Who is that?

10 A. I learned later that he was Bekim Berisha.

11 Q. Was Hashim Thaci among this group of people that went into
12 Kosovo with you?

13 A. Yes, we entered together.

14 Q. Was Kadri Veseli among this group?

15 A. I don't remember.

16 Q. Do you know what the roles of the people who entered Kosovo with
17 you were at the time?

18 A. At the time, we all entered as soldiers.

19 Q. Do you recall having previously stated that some of the group
20 entered as members of the KLA main headquarters?

21 A. At the time, I did not know the members of the General Staff.

22 MR. PACE: Your Honour, with your authorisation, I'd like to
23 seek to refresh the witness's recollection by references to a prior
24 statement.

25 PRESIDING JUDGE SMITH: You may have it.

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1 MR. PACE: This is SITF00223935-00223961, and we'll look at page
2 223937. The Albanian is the same ERN with -AT and the same page
3 number.

4 Q. Now, Witness, you actually have seen this document earlier
5 today, including this passage, if I'm not mistaken, but I will read
6 to you again from it and then I have a question. And to situate you,
7 this is your 2001 statement to the ICTY. And I'm reading from the
8 paragraph that starts: "Adem Jashari ..."

9 "Adem Jashari was killed on 05th March 1998 in Prekaz/Prekaze
10 village in Skenderaj/Srbica municipality and that effectively spread
11 the war to a larger area in Kosovo. The organisation in Switzerland
12 named the LPK ..., Kosovo National Movement, was informed by the KLA
13 Main HQ in Kosovo about the killings and in March 1998 Hashim Thaci
14 and I together with 27 other men and one woman entered Kosovo through
15 the border at the village of Vlan in the north of Albania. We were
16 armed and on foot. We went there as soldiers except Hashim Thaci and
17 Kadri Veseli who were members of the KLA Main HQ in Kosovo."

18 My first question, Witness, is earlier you said you could not
19 remember whether Kadri Veseli was in the group. In this statement
20 you mention that he was. Do you recall whether that is correct, that
21 Kadri Veseli was in the group that entered with you to Kosovo?

22 A. As I said, I don't recall because we were many people at the
23 border in Albania. Amongst them, Azem Sylja, Adem Grabovci, and
24 others. Therefore, I don't remember with whom exactly I entered into
25 Kosovo.

1 Q. And turning to the last sentence that I read to you:

2 "We went there as soldiers except Hashim Thaci and Kadri Veseli
3 who were members of the KLA Main HQ in Kosovo."

4 Do you recall having stated that to the ICTY in 2001 or at any
5 other time?

6 MR. MISETIC: Objection. If we could ask the witness be
7 excused. I don't want to make the objection in his presence.

8 PRESIDING JUDGE SMITH: Please take the witness out of the
9 courtroom.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: [Microphone not activated] ... public
12 session?

13 MR. MISETIC: Yes, public session is fine.

14 Mr. President, I object because this is not a prior inconsistent
15 statement. The question that was originally posed was:

16 "Do you recall having previously stated that some of the group
17 entered as members of the KLA main headquarters?"

18 And his answer was:

19 "At the time, I did not know the members of the General Staff."

20 And this passage doesn't suggest that he knew at the time, and
21 so I don't think it's inconsistent and it shouldn't have been put to
22 him like this. He should have asked the question originally: Did
23 you know or did you learn it later. And if he said "I learned
24 later," then this would not be inconsistent.

25 PRESIDING JUDGE SMITH: You can certainly bring that up on

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1 cross-examination.

2 MR. MISETIC: Okay. But just in terms of going forward, the
3 proposition should be put to him as it will be put to him in the
4 statement and not something that's actually potentially consistent
5 with what he said. Thank you.

6 I asked him to be excused just so I wouldn't be accused of
7 coaching the witness.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 No, I appreciate you doing that. It's perfectly all right. I
10 don't necessarily agree with you based upon the questions that are
11 asked and answered. But as I said, you can cross-examine him on it.
12 We'll overrule your objection at this time.

13 [Microphone not activated].

14 You can bring the witness back in.

15 [The witness takes the stand]

16 PRESIDING JUDGE SMITH: You may proceed, Mr. Pace.

17 MR. PACE: Thank you, Your Honour.

18 Q. And, Witness, my question was whether you recall telling the
19 ICTY in 2001 or at any other time that you and other soldiers --
20 sorry, you and others went to Kosovo as soldiers except Hashim Thaci
21 and Kadri Veseli, who were members of the KLA main HQ in Kosovo. Do
22 you recall having made that assertion before?

23 A. Please, I also mentioned in the Limaj trial. This is the reason
24 why I asked for time to look into the statements. Because at that
25 time, we were also influenced by the daily propaganda and people

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1 claiming to have certain roles. However, I repeat that at the time
2 we didn't know about Mr. Thaci or Kadri Veseli or the other members
3 of the General Staff, who they were. They were operating in secret
4 at the time, and we could only assume but we did not know their
5 positions.

6 Q. Did you assume that was the position of Mr. Thaci and Mr. Veseli
7 at the time, that they were members of the KLA main headquarters?

8 A. At the time I did not assume. This -- we were more influenced
9 through the statements given after the war.

10 Q. And then could I ask you to explain to the Judges why this
11 statement records you as having asserted that when you went to
12 Kosovo, you and others went as soldiers except Hashim Thaci and
13 Kadri Veseli who were members of the KLA main HQ in Kosovo?

14 A. I do not know the entire reason. However, this is more the
15 influence of what was said after the war. So it was not part of the
16 issues or topics discussed in relation to the accused at the time.

17 Q. And in the statement, it refers to Kadri Veseli being a member
18 of that group. Earlier you said you could not remember. Does this
19 refresh your recollection? Do you now remember that Kadri Veseli
20 was, as you said in 2001, in the group that crossed with you into
21 Kosovo?

22 A. I am not able to remember. This was a long time ago.

23 Q. And at the bottom of the page in English, which is on the
24 right-hand side of your screen, on the left corner of that we see a
25 signature. Is that your signature above the word "Witness"?

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1 A. It seems to be mine, yes.

2 MR. PACE: And if we could turn in both documents to page 960,
3 the penultimate page, once again.

4 Q. Does the signature on this page, it's in the English version on
5 the right, appear to be yours, Witness?

6 A. Yes.

7 Q. And we see above that signature the following words:

8 "This Statement consisting of 27 pages has been read over to me
9 in the Albanian language and is true to the best of my knowledge and
10 recollection. I have given this Statement voluntarily and am aware
11 that it may be used in legal proceedings before the International
12 Criminal Tribunal for the Prosecution of Persons Responsible for
13 Serious Violations of International Law Committed in the Territory of
14 the Former Yugoslavia since 1991, and that I may be called to give
15 evidence in public before the Tribunal."

16 Do you recall, Witness, that this statement was read back to you
17 in the Albanian language and that you signed that it was true to the
18 best of your knowledge and recollection at the time?

19 A. Yes, I remember that it was read back to me.

20 Q. And could you tell the Judges whether at the time you provided
21 this statement, 2001, you were being truthful in the information that
22 you provided?

23 A. That is mentioned also in the statement. To my recollection and
24 my knowledge, I gave this statement and signed it.

25 Q. Yes. And I'm asking you to confirm today to the Judges that

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1 you're before whether when you gave this statement in 2001 you were
2 being truthful.

3 A. Yes. At the time I thought this was truthful.

4 MR. PACE: And we can take the documents down. Thank you.

5 Q. And, Witness, do you recall whether Hashim Thaci was an LPK
6 member at the time you left from Switzerland and then went into
7 Kosovo?

8 A. I don't recall that he was a member of the LPK.

9 Q. Do you recall having said in your 2003 interview at the ICTY
10 that Hashim Thaci used to be an LPK member but not a high-ranking
11 official of the party in 1997?

12 A. I don't recall. This was a long time ago.

13 Q. Could you tell the Judges why you decided to go back to Kosovo?

14 A. I actually insisted to return to Kosovo even before that time.
15 I discussed this matter also in the political organisation called
16 LPK, and my return to Kosovo was no surprise to no one, because I
17 insisted on that. After the killing of Adem Jashari and the killing
18 of his family members, I insisted to return to Kosovo, and I was
19 informed that there were other people who were also interested to
20 return to Kosovo.

21 Q. Who informed you about the other people who were also interested
22 to return to Kosovo?

23 A. Well, we discussed at length, the members of the general council
24 of the LPK. But following the killing of Adem Jashari, we met a lot
25 of people in a rally we had, if I'm not wrong.

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1 Q. Did you have any conversations with Hashim Thaci about going to
2 Kosovo at the time?

3 A. I had conversations with many - Azem Sylja, Hashim Thaci, Adem
4 Grabovci. If I'm not wrong, my brother too, Agush Buja. So there
5 was this conversation with a lot of people, like, how to return and
6 who can make it easier.

7 Q. And do you recall whether anyone asked you or assigned you to go
8 to Kosovo?

9 A. It's not as if anybody said that. I myself knew that I would
10 return to Kosovo as fast as I could, and this is what basically made
11 me say to others, "Why don't you go to Kosovo," and that's how I knew
12 that there were others going to Kosovo too.

13 Q. Had the KLA's general headquarters assigned you to return to
14 Kosovo?

15 A. Could you repeat the question, please?

16 Q. Had the KLA general headquarters assigned you to return to
17 Kosovo?

18 A. Actually, it was a calling in itself. It was basically the
19 legendary commander Adem Jashari. But, of course, one discussed this
20 and a lot of people were saying, because we didn't know who was a
21 member of this central headquarters, there were words that the KLA
22 needs people to return, people who are ready and willing to join
23 them.

24 Q. And could you tell us where you went once you entered Kosovo?

25 A. In Kosovo? Went through the mountains, through the tracks,

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1 basically, in the mountains. And if I'm not wrong, we arrived in
2 Dukagjin.

3 Q. And do you recall how long you spent in Dukagjin at that time?

4 A. I do not know. It's been so much time since then. It could
5 have been two nights or even more. That's how long the journey took.
6 And in Dukagjin we spent several days, but I do not know exactly.

7 Q. And just to be clear, this is all in March 1998?

8 A. Yes, that was the time when I returned.

9 Q. Do you recall who you were in Dukagjin with at that time?

10 A. I'm sorry, could you repeat the question? I do have some
11 problems with my hearing.

12 In Dukagjin? It was the majority of the group I entered Kosovo
13 with.

14 Q. Do you recall any names of the persons that were there with you
15 in Dukagjin?

16 A. That's difficult to remember, all the names, that is. But Bekim
17 Berisha was there, I know that, and he was the one who first called
18 me, if I'm not wrong, with the pseudonym of Gazetari. There were
19 also others who were already in Kosovo, but I did not know their
20 names at the time.

21 Q. Do you recall where in Dukagjin you spent two or more days or
22 nights?

23 A. No, I cannot remember.

24 Q. And in the time that you spent in Dukagjin at this time, did you
25 discuss anything of relevance to the KLA with anybody there?

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1 A. I cannot remember. I remember that we discussed things other
2 than the number of ammunitions we were carrying on our backs
3 ourselves, because we were quite heavily armed.

4 Q. And you mentioned, I believe, that the majority of the group
5 that crossed with you was in Dukagjin. Was Hashim Thaci among those
6 that were in Dukagjin with you at the time?

7 A. Yes, the whole group.

8 Q. And do you recall having any conversations with Hashim Thaci
9 during the time that you spent in Dukagjin together?

10 A. Well, we had discussions. I don't remember anything specific or
11 of relevance. But the whole group discussed things.

12 Q. And in general, what things did the whole group discuss?

13 A. Well, mostly how we would -- what sort of journey we would take.
14 And then during this stay in Dukagjin, we were talking about how we
15 were going to go to Drenica. Because at the time there were lots of
16 thoughts going on in our head, and we knew we had to go to Drenica
17 because of the fighting taking place there. But these were the types
18 of topics, more or less.

19 Q. And following your stay in Dukagjin, did you eventually go to
20 Drenica?

21 A. Yes, indeed, we went to Drenica.

22 Q. And is that the next place you went after Dukagjin or was there
23 somewhere in between that you stayed?

24 A. If I'm not mistaken, we went to Drenica from Dukagjin.

25 Q. Where in Drenica did you go?

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1 A. To a small village, in Tice. At least that's where I went.

2 Q. And how long did you spend in Tice?

3 A. I do not know exactly how many days.

4 Q. Do you recall whether it was a matter of a few days, weeks,
5 months?

6 A. No, some several days, not weeks.

7 Q. And did you participate in any discussions about the KLA while
8 you were based in Tice?

9 A. Yes, we had conversations. Fehmi Lladrovci and I spent the
10 night, for instance, at somebody's home and, yes, we did talk.

11 Q. And what did you and Fehmi Lladrovci talk about at this time in
12 Tice?

13 A. Well, actually we thought the situation was serious, that of the
14 soldiers of the KLA. We didn't feel like there were a lot of KLA
15 soldiers. These were the first impressions. So these were mostly
16 discussions as to what our liberation war -- how it would go.

17 Q. And other than with Fehmi Lladrovci at this time when you were
18 based in Tice, did you discuss these matters with anybody else?

19 A. Yes, with many others. We discussed with many others. I cannot
20 remember all of them. But the one closest to me was Halim Bajrami,
21 for instance.

22 Q. At this time when you were in Tice, did you discuss matters to
23 do with the KLA with Hashim Thaci?

24 A. Once again the question, please?

25 Q. While you were based in Tice, did you discuss matters to do with

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1 the KLA with Hashim Thaci?

2 A. Yes, I discussed things with Hashim Thaci too, as well as others
3 who were present.

4 Q. Did you have discussions of this nature at that time with
5 Fatmir Limaj?

6 A. Yes, Fatmir Limaj was there. Ismet Jashari, too, from Kumanova,
7 so -- as well as others.

8 Q. Did you have such discussions at the time with Agim Bajrami?

9 A. I travelled with Agim Bajrami later on, too, and we actually
10 were in prison together, so we've had lengthy conversations together
11 of prison and then actions.

12 Q. And at that time while you were based in Tice, did you discuss
13 matters to do with the KLA with Rexhep Selimi?

14 A. I do not know. I cannot recall.

15 Q. Do you know whether Rexhep Selimi was known by any other names
16 or pseudonyms or nicknames at the time around March 1998?

17 A. I do not know. Actually, I got to know Rexhep Selimi by his
18 name and surname later on after the war.

19 Q. Did you know him by any name or pseudonym during the war?

20 A. During the war, the majority of us had pseudonyms, so I do not
21 remember exactly.

22 Q. Have you ever heard of Rexhep Selimi being referred to as Dhjete
23 or Number 10?

24 A. Yes, there were persons who people referred to by their
25 pseudonyms, and Dhjete was one of them.

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1 Q. And to your knowledge, was Rexhep Selimi one of the persons
2 known as Dhjete?

3 A. After the war, people said that Rexhep Selimi's pseudonym was
4 Dhjete. But when I was there in Tice and on the ground, I did not
5 recognise Rexhep Selimi neither by name or surname, and I do not
6 recall his pseudonym being Dhjete.

7 Q. Do you recall having told the ICTY during your testimony that
8 you knew -- you met someone known as Dhjete and you later learned
9 that this person's name was Rexhep Selimi?

10 A. I cannot remember, actually. But after the war, people said
11 that Rexhep Selimi's pseudonym was Dhjete.

12 Q. And did you see Rexhep Selimi, whether you knew him as
13 Rexhep Selimi or Dhjete, in or around Tice when you were based there?

14 A. No. I didn't know who Rexhep Selimi or Dhjete was at the time.
15 So meeting Rexhep Selimi came much later on. If I'm not wrong, it
16 was after December 1998.

17 MR. PACE: Your Honour, I'd like to, for now, seek to refresh
18 the witness's recollection by reference to a prior statement.

19 PRESIDING JUDGE SMITH: Yes, you may. Go ahead.

20 MR. PACE: I'd like to call up IT-03-66 T3686-T3760_Corr Interp
21 page 71, and I'll read from line 15 until page 72, line 10. In
22 Albanian, that is IT-03-66 20050303 Part 3-TR-AT, page 12, lines 4 to
23 25.

24 Q. Now, Witness, before I refer you to the specific paragraph which
25 I will read from, and you can either listen to the interpretation or

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1 read in Albanian, this is, as I've mentioned earlier, from your 2005
2 ICTY testimony in the Limaj case. Could you tell the Judges whether
3 when you testified in those proceedings you were being truthful in
4 the information and answers you provided?

5 A. Yes. Whatever I could recall and to the best of my knowledge I
6 told the truth.

7 Q. I'm going to read and then I'll have some questions.

8 "Q. Aside from the people you've mentioned that were part of
9 your -- part of the group that you crossed the border with, were
10 there other people who were based in Drenica who had been there
11 before you arrived that you met with?

12 "A. Yes. There was a smaller part of soldiers who I saw when I
13 arrived in Drenica.

14 "Q. Do you remember any of their names?

15 "A. No, because I couldn't know them by name and it was
16 illogical for me to ask them for their names.

17 "Q. Well, how about pseudonyms? Do you know any of their
18 pseudonyms?

19 "A. No, because I didn't ask. There was no need for me to ask
20 them with the exception of one pseudonym, Dhjete, meaning number 10.

21 "Q. Did you ever learn who this -- the name of this person,
22 Dhjete or number 10?

23 "A. Yes, later I did learn the name of number 10. His name was
24 Rexhep Selimi.

25 "Q. Where was Rexhep Selimi based when you arrived there in

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1 March of 1998?

2 "A. I don't know where he was based, but I know that we met in
3 the area I met -- I mentioned earlier, Tice, Likovc, or some other
4 village which I can't name now."

5 Now, Witness, as we see here, you testified under oath that you
6 met Rexhep Selimi around the time or around the area of Tice, Likovc,
7 or there. Does that refresh your recollection that you have met --
8 that you did meet Rexhep Selimi in that area at that time discussed?

9 A. Yes. And as I said earlier, I knew him as Dhjete. He was first
10 introduced to me as Dhjete, but I didn't know who he was. Later on,
11 I understood him to be Rexhep Selimi. This was after December 1998
12 or after the war. So I didn't know that Rexhep Selimi used the
13 pseudonym of Dhjete.

14 Q. So just to make sure I'm understanding. Is it correct then that
15 in around March 1998 you met somebody named Dhjete around the Tice,
16 Likoc area in Drenica, and then later you understood that the person
17 Dhjete was Rexhep Selimi?

18 A. Well, yes, actually, I met Dhjete, so -- and as I've stated
19 here. But whether Dhjete at the time was Rexhep Selimi, I do not
20 know. But I know that later on he used the pseudonym Dhjete.

21 PRESIDING JUDGE SMITH: Mr. Pace, just for planning purposes,
22 we'll take a 15-minute break at 3.00.

23 MR. PACE: Understood.

24 Q. And, Witness, did you discuss with this person known to you at
25 the time around March 1998 as Dhjete anything to do with the

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1 organisation of the KLA?

2 A. I cannot remember discussing that with him.

3 MR. PACE: Your Honour, with your leave, I'd seek to refresh
4 from the same page that's on our screen now.

5 PRESIDING JUDGE SMITH: Yes, you may go ahead.

6 MR. PACE: And so we're at page 72, and I'm going to read from
7 line 23 until page 73, line 11; in Albanian, that's already on our
8 screen, from page 13, line 15, to page 14, line 3.

9 Q. Now, Witness, once again I'm going to read and then I have some
10 questions. You can either follow from the interpretation or read in
11 Albanian:

12 "Q. Did you learn if he had any contacts with the General Staff
13 of the KLA, any communication with the General Staff?

14 "I don't know about Rexhep Selimi, but in talks with Hashim
15 Thaqi I found out he had contacts with the General Staff. At least
16 this is what he said.

17 "Q. Now, what happened after these discussions that lasted -- I
18 believe you testified for three or four days. What's the next thing
19 that happened?

20 "A. I didn't say they lasted three, four days. I said that
21 during these three, four days we held talks. Some once or twice with
22 Hashim Thaqi. Once with Dhjeqi, number 10. And from the very first
23 meeting I asked to be sent in the direction of the place where I was
24 born, which I knew better, whose people I was familiar with, that is,
25 in Lipjan and Shtime municipality."

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1 Now, Witness, my question is, here, as you can see in the
2 transcript from your 2005 testimony under oath, you said that you
3 spoke during the three or four days mentioned here once or twice with
4 Hashim Thaci and once with Dhjete, Number 10.

5 Do you recall having stated that?

6 A. Yes, I recall it. Rather, I see it.

7 Q. And you said you recall it, rather you see it. Do you recall
8 that that is correct that you spoke to Hashim Thaci and Dhjete about
9 the matters that we've been talking about?

10 A. As I said, we held talks with a lot of people for three to four
11 days, but the lengthiest ones were with Agim Bajrami. Of course, I
12 had discussions with other friends I entered Kosovo with, including
13 those in uniform, KLA uniform.

14 Q. Yes. And I'm asking you very specifically about conversations
15 with Hashim Thaci and Dhjete. Do you recall having conversations
16 with both of those people at the time?

17 A. I remember conversations with Hashim Thaci. I do not remember
18 conversations with Dhjete.

19 MR. PACE: We can take the statement down.

20 Your Honour said 3.00 for a break, right?

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. PACE: 3.00 for the break?

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. PACE:

25 Q. Witness, could you tell us what you did after your stay in Tice?

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1 A. After the conversations which we had, we were informed that
2 there are no actions in the communes or municipalities I knew, such
3 as Lipjan, for instance, because I come from the village of Bujan.
4 So I asked to start off, getting there, to organise things if nothing
5 was organised. And according to the conversations there, I was told
6 that no organisations had been made. So I started off with
7 Agim Bajrami to go there - and as I said, he was a friend of mine -
8 to go there so that we could start with the organisation of the first
9 units of the KLA there.

10 Q. And who was it that informed you about the fact that there were
11 no actions in Lipjan, for example?

12 A. Well, publicly one could not see any actions in Shtime or
13 Lipjan. But also with the conversations we had with the KLA soldiers
14 in Tice, in the region we were in, it was clear that there wasn't any
15 organisation there. And that is why my wish was to go to a territory
16 I knew well, the people of whom I knew well, so that I could organise
17 the war of the KLA.

18 Q. Had anyone asked or ordered you to go into these other areas?

19 A. Honourable Prosecutor, we were all volunteers back then. If
20 somebody would say that it was an order, then of course we would have
21 laughed with him. There were no orders at the time. Back then, we
22 just discussed things with each other and agreed, like: I will go
23 here because I know the area better and the people there better.

24 So these were the very beginnings of the organisation of the
25 KLA.

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1 Q. And do you recall any orders, or if not orders, any
2 instructions, in 1998, written or oral, to recruit KLA soldiers?

3 A. Nothing in writing, actually, other than the public communiqués.
4 But instructions in writing, I do not know of any. No oral ones
5 either. It was mostly conversations. We tried to organise ourselves
6 in guerilla groups, and for each of us where we could go, the areas
7 we knew best and the people we knew best, and everything was done on
8 a voluntary basis.

9 Q. And you mentioned communiqués. What, if anything, did the
10 communiqués say about the matter that I've been asking you, which is
11 orders or instructions to recruit KLA soldiers?

12 A. The communiqués primarily concentrated on the fighting with the
13 occupying Serb forces and the KLA, if there was fighting between the
14 two. So these were mostly the communiqués that we saw in the press
15 but also through the daily press in Kosovo as well as through the
16 weekly press in the *Zeri i Kosoves*.

17 Q. And do you recall telling the ICTY in 2003 or at any other time
18 that an order for you to go to your area was conveyed to you by
19 Hashim Thaci?

20 A. I do not recall that. It could be something mistaken in terms
21 of the statement. But we didn't have orders back then. We just
22 decided ourselves, and we would tell people, "I think I should go
23 here because I know the territory much better and the people there."

24 Q. And do you recall telling the ICTY in 2001 that you and others
25 went away from where you were based in Drenica initially by orders of

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1 the KLA main headquarters to recruit for the war in these other
2 areas?

3 A. I cannot recall, no.

4 MR. PACE: Your Honour, I'd like to refresh -- try to refresh
5 the witness's recollection by reference to a prior statement with
6 your leave.

7 PRESIDING JUDGE SMITH: Go ahead.

8 MR. PACE: If we can call up the 2001 ICTY statement, which is
9 SITF00223935-00223961, and we'll look at the page SITF00223938 side
10 by side with the Albanian version which is the same ERN and the same
11 page with -AT.

12 Q. Now, I'll start reading from the top of the page in both, I
13 believe. Yes. And, Witness, once again, this is from your 2001
14 statement, the one we looked at before. I will read and then ask you
15 a question before the break:

16 "When we arrived in Drenica valley from Vlan in March 1998 five
17 of our unit separated namely Agim Bajrami, Ismet Jashari, Haxhi
18 Shala, nicknamed Topi, myself and Fatmir Limaj, 34 years, nicknamed
19 Celiku, from Banja/Banja in the municipality of Malisheve. He was in
20 charge of this unit. We separated by the order of the KLA Main HQ to
21 go and recruit for the war in other areas. We had to organise units
22 in Shtime, Malisheva, and Rance in Shtime municipality and Ferizaj,
23 the biggest towns in the area. We had a designated territory to deal
24 with the Military Structure, which was later referred to as the
25 Pashtrik and the Nerodime Zones; they were separate and operated

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1 according to their AOR's (Areas of Responsibility)."

2 Witness, do you recall having said this to the ICTY in 2001, in
3 particular that this was done by the order of the KLA main HQ?

4 A. Yes, I remember. But, actually, I didn't see an order of the
5 KLA staff.

6 Q. And you were saying you didn't see the order. Did you learn
7 about this order in some other way?

8 A. No, no, there were no orders back then. Nobody issued orders,
9 neither in writing nor orally.

10 Q. And then still on the same page, we see:

11 "Hashim Thaci ordered the recruitment campaign; he received it
12 from the KLA General Commander whom we did not know at that time."

13 Do you recall saying that?

14 A. I do not recall that. Azem Sylja was known as being the general
15 commander later on, much later on, but not to have received any
16 orders from him.

17 Q. And can you explain to the Judges why your 2001 statement says:

18 "Hashim Thaci ordered the recruitment campaign; he received it
19 from the KLA General Commander whom we did not know at that time"?

20 A. Perhaps it wasn't the weight of these statements, and perhaps I
21 wasn't as careful back then. Mostly, I put it in an organisational
22 manner. Although, there were no orders back then. And actually, I
23 did not know Hashim Thaci as a member of the Central Staff, neither
24 did I know the general commander. We were simply fellow fighters who
25 entered Kosovo together, and we agreed with each other about the

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1 duties, the tasks, so: I will go here and organise the fight of the
2 KLA war effort here and there because I know that place better. And
3 we were all volunteers.

4 MR. PACE: Your Honour, it's a convenient time to break.

5 PRESIDING JUDGE SMITH: Witness, we'll give you a 15-minute
6 break. We'll come back to the courtroom at 3.15. You may leave the
7 courtroom with the Court Attendant.

8 Please do not discuss your testimony with anyone outside of the
9 courtroom.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: We're adjourned until 3.15.

12 --- Break taken at 3.01 p.m.

13 --- On resuming at 3.16 p.m.

14 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
15 in.

16 MR. ROBERTS: Your Honour, if I can just take up one minute
17 briefly because -- while the witness is coming in.

18 PRESIDING JUDGE SMITH: Sure.

19 MR. ROBERTS: We just have a very quick request for a short
20 extension of time on a Defence response to a 154 motion. It's F2682.
21 We've checked with the Prosecution. They don't oppose. The 154
22 motion has a ten-day response deadline. The notification has a
23 seven-day response deadline, which means they fall on separate days.
24 So we're just seeking to extend the seven-day to a ten-day for that's
25 F2682.

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1 PRESIDING JUDGE SMITH: There being no objection, it's granted.

2 MR. ROBERTS: Much obliged. Thank you, Your Honour.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: All right. Mr. Buja, we continue with
5 the questions from the SPO. Please give them your attention.

6 MR. PACE:

7 Q. Witness, just before the break we were looking at the document
8 that's still on your screen, and that is from your 2001 ICTY
9 statement. I'd now like to call up your 2002 ICTY testimony.

10 MR. PACE: And that is SITF00223632-00223747. And in the
11 English, we'll go at page SITF00223737, lines 6 to 11, which in
12 Albanian is in IT-02-54 20020605 Part 3-TR-AT, page 32, lines 10 to
13 19.

14 Q. And while the document is coming on the screen, Witness, I don't
15 think -- I made a mistake, but I don't think I referred you to these
16 specific proceedings before and that was your testimony in the
17 Milosevic case in 2002. Do you recall taking part as a witness in
18 those proceedings?

19 A. Yes, I do.

20 Q. And do you recall that you provided testimony under oath at that
21 time?

22 A. Yes.

23 Q. And were you being truthful in the information and answers that
24 you provided in those proceedings?

25 A. I didn't understand the question.

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1 Q. Did you tell the truth when you testified in that case?

2 A. Yes, I tried to tell the whole truth.

3 MR. PACE: And I apologise, in English I think I want to go from
4 a line above, line 4, so if we can scroll up a little bit. Yes.
5 That's where I'm reading from in the English. In the Albanian, it
6 should be lines 10 to 19. Yes.

7 Q. So, Witness, once again I'm going to read. You can listen to
8 the interpretation or read in Albanian, and then I have a question
9 for you:

10 "Q. In March 1998, on orders from what you call the main
11 headquarters, you went to recruit people for the war; is that right?

12 "A. Yes. Based on the orders of the General Staff, I was
13 tasked with the beginning of the organisation of units to prepare for
14 an armed war.

15 "Q. And you personally had to organise units in Stimlje,
16 Malisevo, Rance, and Urosevac; is that right?

17 "A. Yes, and the first unit was set up, and it began operating
18 and organised other units in this way."

19 Witness, is it correct, as you say here, that based on the
20 orders of the General Staff, you were tasked with the beginning of
21 the organisation of units to prepare for an armed war?

22 A. This is how we presented it at that time because the weight of
23 the evidence or the purpose of the evidence was different. In 2001,
24 there was a lot of discussions about the General Staff, and so at
25 that time I fell prey of the general propaganda to raise the profile

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1 of the political figures. However, this was an agreement we had, and
2 later on we learned that these were members of the General Staff,
3 meaning after December.

4 So all these circumstances influenced my statement. I did not
5 really comprehend probably the entirety of the impact of my statement
6 because I did not have an attorney to consult with or to get advice
7 from as to my statement in relation to the Kosovo Liberation Army and
8 its leaders.

9 Q. And, Witness, to be clear, this is your testimony under oath in
10 the Milosevic proceedings, and this is a record of what you were
11 asked and answered. And I'd like to try to clarify something you
12 said in your response, which is you mentioned an agreement that you
13 had, and later on you learned these were members of the
14 General Staff, after December. What agreement are you referring to?

15 A. We agreed, we discussed, we agreed as to who would go where to
16 organise the units. In this statement I notice another mistake which
17 is that I personally did not organise things in Malisheve. In
18 Shtime, Rance, Rahovec, yes, but not in Malisheve. I was not
19 involved in the organisation of the units.

20 I was not sufficiently focused on the statement on this aspect.
21 I gave a statement on the Kosovo Liberation Army in general, and this
22 was related to the charges raised against Slobodan Milosevic.

23 Q. And who did you have this agreement with, the agreement for you
24 to go and to, as it says here, begin the organisation of units to
25 prepare for an armed war?

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1 A. With friends and comrades that joined the fighting with me. I
2 had discussions with Fehmi Lladrovci. But in particular, this was
3 about the areas where I knew people, Agim Bajrami, Imri Ilazi later
4 on, Commander Fehri. So Shtime, Ferizaj, Kacanik area where I was
5 mostly concentrated, and I also knew the territory in Lipjan.

6 Q. Okay. And we've looked at, on this topic, excerpts from your
7 2001 ICTY statement, your 2002 ICTY testimony. And I would next like
8 to take you to your 2003 ICTY interview.

9 MR. PACE: And that is IT-03-66 P160-TR-ET, and I will read from
10 page 28, line 1, until page 29, line 2. In Albanian, that will be in
11 IT-03-66 P160-TR-AT, page 27, line 12, to page 28, line 17.

12 MR. MISETIC: Mr. President, I --

13 PRESIDING JUDGE SMITH: Yes.

14 MR. MISETIC: -- need to make an objection and again I need the
15 witness to leave the room.

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

17 [The witness stands down]

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. MISETIC: Yes, Mr. President, I just -- my objection is that
20 the Prosecutor said that he would stop at page 28, line 17 of the
21 statement. And I believe to put it in the proper context and let the
22 witness know the full statement, he should continue on into page 31
23 by which the -- 30 to 31 where the witness says:

24 "Right, it was sort of an independent judgment, I think, in
25 terms of -- because nobody could order you, 'go there and do this',

1 since the situation was the way it was. But you'd rather think that,
2 let's, for example, Mullopolc is the best way, which house is safer,
3 because of security reason and then you relate this fact to the other
4 person."

5 So in the same statement he says "nobody could order you to go."
6 And in light of the Panel's earlier ruling that, for purposes of 143,
7 statement means the entire statement, in this context our position is
8 that, at least here, the entire portion of the statement related to
9 this issue should be put to him and not mislead him.

10 PRESIDING JUDGE SMITH: Any objection to reading the entire
11 statement, Mr. Pace?

12 MR. MISETIC: Otherwise it's misleading.

13 MR. PACE: Your Honour, I can't follow. The pages and lines
14 that counsel referred to are not the ones that I referred to, neither
15 is the subject matter, from what I recall. So I don't know what
16 happened there. Certainly, after I read, if counsel still has an
17 objection that something else should be put, they can put it. But
18 I'm not able to follow what is being referred to.

19 MR. MISETIC: Well, I -- I was on my feet because the portion of
20 the transcript that you indicated you would read out contains a
21 statement that says:

22 "And then an order was issued ..."

23 So if that's going to be read out, then I think it should
24 continue on because, I mean, he clarifies it and says:

25 "... it was sort of an independent judgment, I think" --

1 Because there's a follow-up question asking him about the order,
2 and he says:

3 "[Well], it was sort of an independent judgment, I think, in
4 terms of -- because nobody could order you, 'go there and do this'
5 ..."

6 So it's misleading to say to the witness that he said it was an
7 order without putting the entire passage to him is my objection.

8 PRESIDING JUDGE SMITH: Well, normally you would do that in
9 cross-examination.

10 MR. MISETIC: I can do that but it can't be also put in a
11 misleading manner to make the witness think he said --

12 PRESIDING JUDGE SMITH: I don't know that it's misleading, but
13 it might not be complete.

14 MR. MISETIC: Well, if it's incomplete then --

15 PRESIDING JUDGE SMITH: I will ask again, Mr. Pace, do you have
16 any objection to reading the entire passage?

17 MR. PACE: If you can bear with me for a moment, Your Honour,
18 I'm trying to find what counsel is referring to. And I also want to
19 make sure I didn't give an incorrect reference. Perhaps that caused
20 confusion.

21 MR. MISETIC: Perhaps I'm mistaken, but I thought we were
22 talking about the 2003 interview in the Limaj case.

23 MR. PACE: Well, I don't know about it being in the Limaj case
24 but it is the 2003 interview. I did misspeak. I will be reading
25 from page 29, line 1, not page 28, as I initially said. So I'm going

1 to start from:

2 "Okay. Did -- When you arrived in Drenica ..."

3 And then I'm going to go on to page 30, line 2.

4 MR. MISETIC: Yes, and that's exactly my objection. So if you
5 look there at line 8 of page 29, it says:

6 "And then an order was issued."

7 And then you're going to stop at page 30, line 2:

8 "... the orders but who conveyed these order for me was
9 Hashim Thaci."

10 But if you go to the bottom of that same page, 30, because he's
11 asked:

12 "Okay. I want to clarify a little bit. Did you -- were this
13 group that was then led by Fatmir Limaj, were you assigned to a
14 certain area to go there and start establishing whatever was needed?
15 Is this correct?"

16 And he says:

17 "Right, it was sort of an independent judgment, I think, in
18 terms of -- because nobody could order you, 'go there and do this',
19 since the situation was the way it was."

20 So my submission is that the entirety of page 30 should be read
21 to him as well as through line 5 of 31 so that he is not misled as to
22 what he actually said to the OTP in 2003.

23 MR. PACE: Yes, Your Honour, we do object to that. That is, as
24 you said, something classical that would be taken up on
25 cross-examination. I cannot have the portions I put to the witness

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1 dictated by Defence counsel. And in our submission, what we are
2 putting is very fair. It is questions and answers by the witness
3 which are repetitive of questions and answers we've seen in prior
4 statements.

5 MR. MISETIC: I think we've had multiple occasions during this
6 trial where we've been told it's misleading and that an entire
7 portion of a passage should be read to the witness so he understands
8 the context, and that's my objection here as well.

9 PRESIDING JUDGE SMITH: Okay. Thank you. Your objection is
10 overruled. [Microphone not activated]. You can raise that on cross.
11 Go ahead. Bring the witness in.

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. PACE: Thank you, Your Honour. And just to repeat it again,
15 I'll be reading in the English page 29, line 1, till page 30, line 2.
16 Q. Witness, just to remind you, this is an excerpt from your 2003
17 interview with the ICTY. And I'm going to read some questions and
18 answers, and then I'll ask you a question myself.

19 "Q. Okay. Did -- When you arrived in Drenica, was the group of
20 30 persons still together? Is that correct?

21 "A. Yes, there were 30 members of the group till the arrival in
22 Drenica.

23 "In Drenica we were assigned to private houses. On our arrival
24 there we were assigned to private houses. We spent days there, I
25 don't know how many days but stayed definitely for several days. And

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1 then an order was issued. We had to go to this area including
2 Malisheve, Suhareke --

3 "The interpreter: And the other names of places I can't --

4 "The witness: So it was about the area outside Drenica."

5 And then question:

6 "Okay. During the time in Drenica, did you -- were you informed
7 about the organisation and division of the KLA at the time?

8 "A. No. We had no opportunity, no possibility to get informed.
9 At that time the UCK had a very limited scope of activity. But
10 it's -- I'm by nature not curious.

11 "As a person who has been in prison, I knew from my experience
12 that --

13 "Q. Who was the one who'd given the order for you to go to this
14 area?

15 "A. Well, I don't know who was the person that issued the
16 orders but who conveyed these order for me was Hashim Thaci."

17 Witness, is what you said here to the ICTY in 2003 correct?

18 A. If this is a statement given to the prosecutor and not in court,
19 I don't remember. But when I gave my statement to the prosecutor, I
20 made a number of remarks.

21 Q. Yes, Witness. That's not my question at all. My question is
22 whether what I read to you here is correct or not.

23 A. I don't remember.

24 Q. To be clear, you don't remember whether what you said was
25 correct, or you don't remember the information in the questions and

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1 answers I read out to you?

2 A. I don't remember having stated these things.

3 MR. PACE: And I'd next like to go to the 2005 testimony in
4 Limaj, and that's at IT-03-66 T3686-T3760_Corr Interp, and there I'll
5 read from page 73, lines 12 to 25, which in Albanian is IT-03-66
6 20050303 Part 3-TR-AT, and there it's page 14, lines 4 to 19. Thank
7 you.

8 Q. Witness, once again, now we're back at your 2005 testimony in
9 the Limaj case. I will read and again I have some questions for you.

10 "Q. And after those three or four days, were you sent there?

11 "A. After three, four days we did leave in the direction of the
12 municipalities that we thought of organising the guerrilla units.

13 "Q. But my question is: Were you -- you said that you asked to
14 go to the area where you were born. After you asked to go, were you
15 sent there, were you told to go there?

16 "A. Yes, they approved it. Hashim Thaqi approved my proposal
17 to be engaged in the military organisation, to start organising a
18 guerrilla unit in the place I knew well.

19 "Q. Were you told specifically what areas you should organise
20 guerrilla units?

21 "A. No. It was my request, as I said, that was approved by
22 Hashim Thaqi to go to the area which I knew. At the time, we
23 couldn't define the operational zones."

24 Witness, is it correct, as you said here, that it was your
25 request that was approved by Hashim Thaci to go to the areas that you

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1 knew?

2 A. Yes, it was approved by Hashim Thaci and by other -- the other
3 comrades. I'm referring here to the group of people I was with.
4 When I asked to go to the territory that was known to me, this was
5 approved by everyone present, including Hashim Thaci.

6 Q. And, Witness, could you explain to the Judges why in this answer
7 that I just read out from your prior testimony and earlier answers we
8 looked at you specifically mention Hashim Thaci but you did not refer
9 to others? Is there a reason for that?

10 A. I said Hashim Thaci agreed also, because I knew Hashim Thaci by
11 name and surname. I did not know the others' names.

12 Q. And then who are these others that agreed to this? If you don't
13 their names, if you can identify them by their pseudonyms or any
14 other manner you're able to.

15 A. I don't remember them now. But I've said it very clearly in my
16 statement: Hashim Thaci also agreed. Meaning, the other people
17 present agreed too. Most probably Fehmi Lladrovci was present there,
18 because he was in the meeting. Bekim Berisha might have been present
19 as well. I don't know.

20 Q. And, Witness, after these discussions that you had and -- in
21 relation to you going to set up units, did you go? Did you go
22 somewhere after Tice and start setting up any KLA units or organising
23 them?

24 A. Yes. I went in Shtime and Lipjan municipality voluntarily. The
25 place where this was set up was Shtime municipality.

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1 MR. PACE: And, sorry, we can take the document down for now.

2 Q. And, Witness, when you went to Shtime and Lipjan, did you go
3 alone from Tice or from the Drenica area where you were staying, or
4 did you go with others?

5 A. I've said it before, and I say it publicly, that I always
6 considered Fatmir Limaj as my first commander although he was not a
7 commander, in fact. I've always said publicly that despite the fact
8 that he was not my first commander, I viewed him as such. Then I
9 went with Agim Bajrami in the territory of Shtime and Kacanik.

10 Q. And in case there was any miscommunication, Witness, I want to
11 make it clear, I did not mention Fatmir Limaj at all in my question.
12 But I see that you've said that you went with Agim Bajrami in the
13 territory of Shtime and Kacanik.

14 Did Fatmir Limaj join you in that? Could you clarify why you
15 referred to Fatmir Limaj in this context?

16 A. In the sense of the absence of the organisational structure, I
17 said that I viewed Fatmir Limaj as my first commander, who, in fact,
18 was not. So this is what I meant.

19 Secondly, the territory I asked to go to - Shtime, Lipjan,
20 Kacanik - initially were only myself and Agim Bajrami. At a later
21 stage Commander Fehri also joined.

22 Q. And so Agim Bajrami and yourself had areas to organise. Was
23 there anybody else around this time who was meant to go to organise
24 certain other areas, to your knowledge?

25 A. I took the responsibility myself to set up a unit in Lipjan and

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1 Shtime. Agim Bajrami organised the guerilla unit in Kacanik. At a
2 later stage, Imri Ilazi, who entered Kosovo later on, went on with
3 the organisation of other units.

4 Q. And did Fatmir Limaj go to any particular location to set up any
5 units at this time or around this time?

6 A. No. He stopped halfway in the village of Klecke, if I'm not
7 mistaken.

8 Q. And when you say "he stopped halfway," does that mean you were
9 with him until Klecke and then you were without him?

10 A. No. If I'm not mistaken, if my memory doesn't fail me, this was
11 a village in Malisheve area. I think it was Pagarushe. That is the
12 place when we separated from Fatmir Limaj and Commander Topi,
13 Haxhi Shala.

14 Q. And, Witness, do you recall whether these other people, like
15 Agim Bajrami, who went on to try to set up units, did they receive
16 any orders or instructions from anyone to do so?

17 A. No. Agim Bajrami took this responsibility himself to set up a
18 unit in Kacanik, because he was from the town of Kacanik. I took the
19 responsibility to set up such units in Shtime and Lipjan because I
20 knew the people. I was from the village of Bujan which is in the
21 vicinity of Shtime, so I knew people in Shtime.

22 This was for everyone to set up their own units as guerrilla
23 units for the liberation war. This is how the organisation of our
24 war was initially approached.

25 Q. And, Witness, to your knowledge, did Fatmir Limaj -- was

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1 Fatmir Limaj asked by any KLA member or instructed by any KLA member
2 to go to set up units in Malisheve?

3 A. Everyone went to the territory they knew, and Fatmir willingly
4 went in the Malisheve territory because he was from the village of
5 Baje in Malisheve. Therefore, he asked to set up the guerilla unit
6 in the territory within the municipality of Malisheve.

7 MR. PACE: Your Honour, with your leave, under Rule 143(2)(b)
8 and (c), I'd like to show the witness a prior statement.

9 PRESIDING JUDGE SMITH: Yes, go ahead.

10 MR. PACE: And this is IT-03-66 T3915-T4001_Corr Interp, and
11 we'll go from page 16, line 23, until page 17, line 8, and I will
12 include the correction, which is at page 18. And in Albanian, this
13 is IT-03-66 8 March 2005 Shukri Buja Part 1-TR-AT, page 14, lines 2
14 to 13.

15 Q. So, Witness, once again we're going to your 2005 testimony.
16 This is on a different day but still the same testimony. It's from
17 8 March 2005. I'm going to read some questions and answers, and then
18 I have a question for you.

19 "Q. Certainly. The -- you have already told us that Hashim
20 Thaqi was the one who communicated to you the instruction -- who told
21 you to go organise those areas. Right? Suva Reka, Lipjan, Malisevo,
22 that came from Hashim Thaqi, right?"

23 Answer --

24 MR. PACE: And for this in the English we need to go to next
25 page. Thank you.

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1 Q. "From Hashim Thaci, that is, instructions were given to me to go
2 to Lipjan and Shtime."

3 And then back to the previous page:

4 "In the case of Malisheve he asked Fatmir Limaj to go. In the
5 case of Suhareke it was thought that Kumanova should go. For Kacanik
6 it was Agim Bajrami who went.

7 "Q. When you say 'he,' this is Hashim Thaqi that we're talking
8 about. Right?

9 "A. Yes."

10 Witness, is what you answered during your testimony in 2005 that
11 I just read out correct?

12 A. Yes, but not in the sense of orders. But conversations,
13 discussions, and instructions we gave to one another to each other
14 in -- with a purpose of organising guerilla units.

15 Q. Now, to be clear, part of the answer I read from you was:

16 "From Hashim Thaqi, that is, instructions were given to me to go
17 to Lipjan and Shtime."

18 So is it correct that Hashim Thaci gave you an instruction to go
19 to Lipjan and Shtime as you testified?

20 A. I explained this before. We expressed our desire to go to the
21 territories we knew best, where we came from. This was the way we
22 organised, to go to areas where we knew people, where we could
23 organise, because this was a brutal occupation and we were highly
24 endangered. We could not contact people if we didn't know them
25 because this was very dangerous. Therefore, I declared, stated, that

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1 we went to these areas, and we discussed this matter in this form,
2 and it was agreed upon, including by Hashim Thaci, who was present
3 there.

4 MR. PACE: I'd like to go to 10 March from this testimony, and
5 that is at IT-03-66 T4088-T4174_Corr Interp, page 5, lines 11 to 16
6 in English, which in Albanian is IT-03-66 20050310 Part 1-TR-AT,
7 page 5, lines 13 to 19.

8 MR. MISETIC: Mr. President.

9 PRESIDING JUDGE SMITH: Yes, Mr. Misetic.

10 MR. MISETIC: I've been consulted -- or I consulted with my
11 client who asked me to bring to your attention that a portion that
12 was read out in English as -- where it says: "When he says 'he'" --
13 this is at line 124 -- page 124, line 10 to 12. In the English where
14 it says:

15 "When [he says] 'he,' this is Hashim Thaqi that we're talking
16 about. Right?

17 "A. Yes."

18 In the Albanian, it's recorded as there was no response in the
19 Albanian version of the transcript.

20 PRESIDING JUDGE SMITH: If you're wanting to correct a
21 transcript, we have to go through the proper procedures. You'll have
22 to -- I don't know -- I don't know what -- I don't speak Albanian.

23 MR. MISETIC: Nor do I, but my client called me back to raise
24 that issue with you, and I'm raising it with you, that in the
25 Albanian transcript --

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1 PRESIDING JUDGE SMITH: [Microphone not activated] Yes, you can
2 raise it with the translators and they'll recheck it.

3 MR. MISETIC: Yeah, it's the ICTY's transcript, so it's not an
4 issue of this Court's translation.

5 PRESIDING JUDGE SMITH: So how did they find out?

6 MR. MISETIC: There's an Albanian version of this that -- I
7 don't know who did the transcript, but it says that the answer was
8 not audible.

9 PRESIDING JUDGE SMITH: I'll suggest that the SPO do a re-check
10 of that with your translators.

11 MR. PACE: We can, Your Honour. It's correct that that's what
12 the Albanian says. I do note that the Defence has been in possession
13 of the audio of these prior statements for a very long time, so if
14 they wanted to make these kinds of checks and corrections, they could
15 also do so in advance.

16 PRESIDING JUDGE SMITH: If they just caught it, they just caught
17 it. We're not going to punish them for that. Please just check on
18 it.

19 MR. PACE: We will, Your Honour.

20 Q. Now, Witness, on the screen in front of you, as I was saying
21 before, is an excerpt from your 10 March 2005 testimony in Limaj, and
22 I'm going to read, as I said, in English from page -- from at lines
23 11 to 16; and in Albanian, from lines 13 to 19:

24 "I was myself settled in Shtime municipality and I explain here
25 also about Agim Bajrami whose responsibility was to set up the unit

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1 in Kacanik, whereas Fatmir Limaj had the responsibility to set up in
2 the unit in Malisheve.

3 "The form of command was based on guerilla units. And the
4 orders to these units were given by the General Staff."

5 Is that correct, Witness, what you testified in 2005?

6 A. I couldn't hear the question.

7 Q. The question was whether it's correct what I just read out here
8 from your answer in 2005, whether the answer you gave under oath is
9 correct.

10 A. Yes, it is correct. I have explained this. We waited for
11 orders from the General Staff without knowing who the General Staff
12 was. And we did not receive any orders from the General Staff at the
13 time.

14 Q. Witness, as we just went through, here you said:

15 "... the orders to these units were given by the General Staff."

16 Is that correct or not?

17 A. Yes, but at the time we did not receive any orders. It was said
18 by the General Staff, but we did not know who the General Staff was.

19 PRESIDING JUDGE SMITH: Madam Court Usher, could you check the
20 sound level of the witness's hearing.

21 [Microphone not activated].

22 Can you hear any better now?

23 THE WITNESS: [Interpretation] Yes.

24 MR. PACE: We can take this document down.

25 Q. Witness, do you know or recall how far Tice is from Likoc,

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1 roughly?

2 A. I'm sorry. I didn't understand the question.

3 Q. How far, I mean, how many kilometres, if you know, is Tice or
4 Tice from Likoc?

5 A. I do not know.

6 Q. Are they close? Are they far away from each other?

7 A. They're not far from each other, but I do not know exactly what
8 distance there is between the two of them.

9 Q. And if I'm not mistaken, earlier you were telling us about your
10 journey to Shtime, and did I understand correctly that on the way you
11 went through Malisheve?

12 A. Yes. Yes, we went through the villages of Malisheve because we
13 couldn't get into Malisheve itself.

14 Q. And did you say that Malisheve is where Fatmir Limaj stopped,
15 and then you proceeded without him?

16 A. In a village of Malisheve, because Malisheve is a town.
17 Fatmir Limaj stopped in a village of Malisheve.

18 Q. And when you proceeded after Fatmir Limaj stopped, who was with
19 you, if anyone?

20 A. It was Agim Bajrami and I.

21 Q. And was Fatmir Limaj known by any nicknames or pseudonyms in
22 1998?

23 A. No, not up until then. But on the way there, we decided on the
24 pseudonyms with each other right there and then.

25 Q. And what pseudonyms did you decide on?

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1 A. About Fatmir Limaj, you mean? Is that your question?

2 Q. Yes.

3 A. Yes. It's not like we decided on it for him there. But he
4 said, "I think Celiku suits me," and we agreed, because we each would
5 come up with our own pseudonym.

6 Q. To your knowledge, was Fatmir Limaj ever known as Arben and
7 Daja?

8 A. We called him Daja, too, but there were many others who were
9 called Daja in the KLA.

10 Q. And do you happen to recall why you called Fatmir Limaj Daja?

11 A. I mostly called him Celiku, to be honest, quite frequently, and
12 others called him Daja. So they could call him Daja.

13 MR. PACE: I'd like to call up SPOE0022977-00229840, and that's
14 in Albanian, and can we call up the English translation, which is
15 SPOE0029777-SPOE00229802-ET. And in both let us please look at page
16 SPOE00229777.

17 Q. Witness, there are two documents on your screen; the left in
18 Albanian, the right in English. Have you seen the document in
19 Albanian before?

20 A. No, I have not seen this document before.

21 Q. Okay.

22 MR. PACE: Let's please turn to the next page in both documents,
23 and I will read from the last paragraph of this page, page 229778,
24 until the end of the first paragraph on the next page, which is
25 229779.

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1 Q. Again, Witness, this is a page from the document that you just
2 saw the first page of. I'm going to read an excerpt from it, and
3 then I have some questions:

4 "After several days of stay in Likoc, considering that it was
5 almost unnecessary for us to stay there, as we were doing practically
6 nothing, and we were becoming a burden to the family which offered us
7 immediately their hospitality in their homes, I started to look into
8 what we should do, to engage ourselves, because we had rested enough
9 and all of us wanted to receive our duties. I spoke about this issue
10 with Rexha, and he told me that you can stay here, but it's better
11 and to the interest of the KLA to go to your area, i.e. Malisheva,
12 and work there in order to extend the organisation in that area.
13 That it is easier for us, for we are from around there and we can
14 find shelter and organise many of the people we knew, almost in all
15 villages of Malisheva. And nobody else could do it easier than us,
16 because we were born in that area. So, at that time the KLA had
17 established a rule that everyone would engage themselves in their
18 district, because they knew the area and there were no other expenses
19 and troubles, as no one needed to be provided with food or any other
20 needs, because we were in our birthplace. I gladly accepted this
21 proposal because I also wanted to engage myself in my birthplace. I
22 told Rexha where we could stay temporarily and that from there we
23 would start our work for the massive expansion of the KLA. We agreed
24 with Rexha and he instructed me to go to Likovc for anything I needed
25 or to him in Klecka. Meanwhile we also met Hashim [Thaci] and he

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1 asked me to take Shukri Buja and Agim Bajrami with me. And, of
2 course, he asked me if I could organise the trip from Malisheva to
3 Lipjan, and I immediately said yes, don't worry about this issue, I
4 can handle this, because it was easier for me. I was going to my
5 birthplace, I knew the area and I had people waiting for me, and they
6 could accompany these two men to their birthplaces."

7 Now, Witness, here the author refers to the KLA having
8 established a rule that everyone would engage themselves in their
9 district. Is that consistent with your recollection of events around
10 March 1998?

11 A. I might recall the events, but names and surnames which I didn't
12 know back then.

13 Q. Yes. For now, Witness, can you actually tell us what names and
14 surnames you don't recall from what I just read?

15 A. I remember Agim Bajrami. But names and surnames, back then I
16 did not know. For instance of Haxhi, which was written here.
17 Ismet's name I did not know back then. Ismet, if it is about Ismet
18 Jashari indeed. I did not know about these names back then.

19 Q. Okay. And then I'll repeat my question and I ask you to focus
20 and answer only that for now. The author in what I read refers to
21 the KLA having established a rule that everyone would engage
22 themselves in their district. Is that consistent with your
23 recollection of the events around March 1998?

24 A. I do not know how he has used rules, but we didn't have rules
25 back then. We just thought that it was best that each organises

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1 themselves with the people they know. And the circumstances back
2 then was the brutal invasion and occupation, and, of course, there
3 was a high danger and risk. That is why it was best to go to the
4 areas we knew best and the people that we knew best, because we could
5 stay with them. And, of course, the risk was higher. So we could
6 actually stay in their homes to organise the guerilla units, and this
7 was the way we thought it was best to go about at that time.

8 Q. And the author here refers to Rexha telling him, the author, it
9 would be better to go to Malisheve, which is the author's area. And
10 is it correct that it was Fatmir Limaj's area, Malisheve?

11 A. Baje is the village Fatmir Limaj was born in, so it comes in the
12 Malisheve area.

13 Q. And I believe you said this already, but just to be sure, is it
14 correct that Fatmir Limaj on the way with you stopped in a village in
15 Malisheve, and he did so so that he would set up units there?

16 A. Yes, correct. Although, the village of Klecke where
17 Fatmir Limaj was thinking of undertaking an organisation did not come
18 under Malisheve municipality but under Lipjan municipality instead.

19 Q. I'm going to continue reading from the second paragraph on this
20 page, and then I'm going to stop at the end of the fourth paragraph
21 also on this page:

22 "Then I returned to Ismet and Haxhi and I informed them that we
23 will go to Malisheva and that the son of Haxhi's ... uncle is
24 expecting us, and he has secured the place where we will go, and that
25 'Gazetari' /The Journalist/ (Shukri Buja) and 'Zefi' (Agim Bajrami)

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1 would be travelling with us to Malisheva, and that we will help them
2 to go to their area, therefore we must get ready tonight.

3 "After a while, Hashim and Rexha called me and Shukri came there
4 as well. We discussed one more time what we had discussed earlier
5 without Shukri. They told Shukri that I would help them to go to
6 their area, and he was told the same thing, that it is better for him
7 to go to his area to expand the organisation the same way as I would
8 be doing.

9 "While in my presence they told him that for any needs, /he
10 could contact me/, because the area Shukri was going to, was very far
11 from Likovc and the region was under strict surveillance of the
12 Serbian forces, and there was almost no organisation of the KLA. It
13 was hard for him to travel, therefore, if he could not send any
14 information or requests himself, they proposed him to transfer them
15 to me, and then I would transfer them to Rexha, and so we could keep
16 in touch, because the place where I would settle was very close to
17 Shukri, and it was easy for me to travel to Likovc, because the
18 situation was much better and the location suitable, or even closer.
19 And the organisation had just started to expand, considering the fact
20 that the region had no Serbian families, and the police at that time
21 was not patrolling the region at night, therefore in all ways it was
22 much easier for me than for Shukri, and let's not even mention Agim
23 who was going to Kacanik."

24 Now, the author here refers, Witness, to discussions including
25 yourself, Hashim, Rexha, and the author concerning you going to your

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1 area. Do you recall such discussions being had with Hashim, someone
2 referred to as Rexha, and anybody else?

3 A. I cannot recall this. Actually, I noticed that I didn't even
4 know the name and surname.

5 Q. I'm going to read from the fifth paragraph at page --

6 A. As I explained earlier, that we discussed this matter with
7 Hashim and friends in Tice or around, so we discussed the
8 organisation. But I do not know of any other cases that were
9 discussed.

10 Q. And to go back to that discussion. Apart from with Hashim, did
11 you also have discussions with Fatmir Limaj, I think you said
12 earlier?

13 A. We discussed this with Fatmir and Agim, so the discussions were
14 about the war effort. And it's quite normal, isn't it.

15 Q. I'll continue reading. So I'm reading from the fifth paragraph
16 on this page until the end of the first paragraph on the following
17 page, the following page ending in 780:

18 "After we agreed, we immediately left for Malisheva in the
19 evening. After a few hours we reached Malisheva region. That night
20 we slept in Vermica at some friends of Haxhi's. The next day, in the
21 evening, we continued our journey to Terpeza village. Naser Shala
22 with two of his friends received us with their cars and they arranged
23 a place for me for the night in Pagarusha.

24 "The next day in the evening we split up with Shukri and 'Zefi'.
25 They continued their journey to Klecka with a companion of mine who

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1 brought them to my nephew in Klecka, Sadik, so that he could
2 accompany them to Shukri's destination. Sadik knew the area very
3 well, because Klecka was part of Lipjan commune. We arranged with
4 Shukri about how we could contact with friends, in order to see how
5 we were and if we were settled, and in order to exchange information
6 on the field situation."

7 Now, Witness, do you recall going through Vermice and Terpeze on
8 your way to Shtime?

9 A. From what I can recall, I remember Pagarushe in Drenica. And
10 the journey to Klecke wasn't with anyone else other than Agim
11 Bajrami.

12 Q. Do you recall, as mentioned here, someone named Sadik
13 accompanying you?

14 A. No. We contacted Sadik in Klecke - Sadik Shala, that is - who
15 knew the terrain between Klecke and Lipjan municipality. So we
16 contacted him in Klecke. Nobody accompanied us to Klecke.

17 Q. And why did you contact Sadik in Klecke?

18 A. Once again, please?

19 Q. And why did you contact Sadik in Klecke?

20 A. We contacted Sadik because Sadik was the contact that
21 Fatmir Limaj gave us. He knew him. And this is how it would go back
22 then. We wouldn't necessarily know somebody to contact them. So
23 Sadik knew the grounds up to a village of Lipjan municipality, and
24 from that village onwards, I knew the rest of the terrain myself.

25 Q. And then, Witness, just to go back to something I read:

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1 "They continued their journey to Klecka with a companion of mine
2 who brought them to my nephew in Klecka, Sadik, so that he could
3 accompany them to Shukri's destination."

4 So the text is saying that somebody took you to Klecke and from
5 there Sadik accompanied you to your destination. Is that also your
6 recollection of the events?

7 A. My recollection is that Sadik Shala accompanied up until a
8 particular village where his -- where he knew people there. Whereas
9 the rest of the journey was undertaken by me and Agim Bajrami on our
10 own.

11 Q. And to be clear, from where did Sadik Shala start to accompany
12 you? From Klecke or from somewhere else?

13 A. From what I can remember, it was from Klecke. He joined us
14 through the mountains going through Blinaje, a mountain or a national
15 reserve area, and then we went to greater Ribar or Ribar i Madh.

16 Q. And was Sadik Shala related in any way to Fatmir Limaj?

17 A. I do not know what relations they were, but they called Daja
18 Fatmir Limaj. And Fatmir Limaj had given us his contact as a contact
19 person who could take us all the way to Ribar i Madh.

20 Q. I'm going to read from the third paragraph on this page.

21 MR. PACE: Just a reminder, we're at page 229780.

22 Q. Witness, again I'm going to read and then I have a question or
23 two:

24 "During all this time, we would call Shukri 'Gazetari', Agim
25 'Zefi', and I do not remember about Ismet and Haxhi, but I know /we

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1 didn't call them/ after their names. Whereas I was known from
2 Albania as 'Arben' and 'Daja' /Uncle/ since Haxhi was a nephew of my
3 relatives and he called me 'Daja' regularly, and so did Ismet call me
4 as well. I had this nickname until the end of the war, because I
5 settled at my nephew's in Klecke as well, and whoever came would call
6 me 'Daja' as the others, and all the soldiers called me 'Daja. I
7 think that after the brigade was established, sometime around 23-25
8 March, the three of us newcomers and my nephews started to test the
9 public opinion and the ground, in order to see the extent the
10 massacres and the resistance were reflected in Drenica."

11 And, Witness, having heard this information from this document,
12 are you able to tell us who the author could be?

13 A. From what I can tell, it's Fatmir Limaj himself.

14 MR. PACE: And, Your Honour, we seek admission of the pages from
15 this item that have been shown and discussed with the witness.

16 PRESIDING JUDGE SMITH: Any objection?

17 MR. MISETIC: We have no objection in principle to the
18 admission. We would object to the manner in which this document can
19 be used.

20 Our position is that the Panel has ruled previously under the
21 principle of orality that witnesses should be called to give
22 evidence. And so, therefore, our position is that statements in this
23 document cannot be used in place of testimony and the person that the
24 SPO believes is the author should be called. Thank you.

25 PRESIDING JUDGE SMITH: Anybody else? No.

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1 MS. V. ALAGENDRA: Your Honour, we only preserve our position on
2 the documents seized from Jakup Krasniqi.

3 PRESIDING JUDGE SMITH: SPOE0022977 to 00229840 in Albanian and
4 English is admitted. The pages used. Only the pages used.

5 THE COURT OFFICER: Thank you, Your Honour. If I can just
6 correct the ERN for the record. It was SPOE00229777 to SPOE00229780.
7 Classification is confidential, and the exhibit number assigned will
8 be P01812.

9 MR. PACE: It can be public.

10 PRESIDING JUDGE SMITH: Reclassified as public.

11 THE COURT OFFICER: Thank you, Your Honour.

12 MR. PACE: And the document can be taken down, please.

13 Q. And, Witness, where in Shtime or Lipjan did you go at the end,
14 let's say, of this journey that we've been discussing?

15 A. Could you please repeat the question?

16 Q. Where, which village or location in Shtime or Lipjan did you go
17 at the end of this journey that we've just been discussing which
18 started in or around Tice, went through Malisheve, then Klecke?
19 Where did you get to?

20 A. So to start off with we went to the village I was born in, at my
21 family's home.

22 Q. And can you remind me the name of that village?

23 A. Bujan in Lipjan municipality.

24 Q. And how long did you spend there?

25 A. Up until I contacted my brother, Rame Buja. So it was one

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1 night, no more than that. And then I travelled on to Mullopolc in
2 Shtime.

3 Q. And once you got to Mullopolc in Shtime, how long did you stay
4 there? Days, weeks, months?

5 A. In Mullopolc, that's where I was located. And Agim Bajrami and
6 I separated. He went to Kacanik from -- and then he was accompanied
7 by Ahmet Mujota who was the owner of the home we stayed in.

8 Q. And when you got to Mullopolc, was that still March 1998?

9 A. I cannot remember exactly. It must have been the end of March
10 or beginning of April. I cannot remember exactly.

11 Q. And around this time when you were based in Mullopolc, so around
12 the end of March, beginning of April, what did you do when you were
13 there? What were the main activities that you yourself undertook?

14 A. Well, to start off with, I contacted the people I knew and hoped
15 would join the Kosovo Liberation Army. So I contacted my brother,
16 who was a member of the steering board of the LDK and he was quite
17 close to Mr. Rugova. I then contacted other people in the LDK, the
18 Democratic League of Kosovo, who were in the steering committee. So
19 Sahiti, for instance, whom I contacted, and then later on Fitim
20 Selimi, who was a doctor, as well as other people who I hoped would
21 be involved in our liberation war.

22 Q. And just before I ask anything else, could you tell us the name
23 of the brother that you contacted at this time?

24 A. My brother was Rame Buja.

25 Q. And you said that you were reaching out to people in the hopes

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1 that they would be involved in the liberation war. Am I
2 understanding correctly that this was you trying to make efforts to
3 recruit people to join you in the KLA?

4 A. Yes. So I tried to contact them to talk to them for them to
5 join the Kosovo Liberation Army. I mean, people who held certain
6 political and public authority, like Rame Buja, Haset Sahiti, Fitim
7 Selimi, Ismail Gashi, and so on.

8 Q. And do you recall how long you did this for when you were based
9 in Mullopolc? Was it all of April into May, if you recall?

10 A. This was a difficult time, and it was difficult to set up
11 contacts or keep these contacts going. So it took days for a single
12 contact. But we didn't stop working. So even when I had to move
13 from Mullopolc to Ferizaj or Kacanik, I just decided what meetings
14 would take place so that when I returned, or in other places, I would
15 meet people whom I knew and thought that could be organised into the
16 KLA.

17 Q. And in terms of your efforts to organise for the KLA, were you
18 in touch with anyone outside of these areas, so outside of the areas
19 where you were trying to recruit?

20 A. Well, to start off with, we tried to contact people we knew and
21 people I knew personally. So after a little time, about a month or
22 so, we also had Imri Ilazi join us, and he knew the territory of
23 Ferizaj because he came from Ferizaj municipality. Whereas
24 Agim Bajrami was quite far away, so it was difficult to contact him.
25 But we did contact him easily after Imri Ilazi arrived because he

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1 started the organisation work in Ferizaj.

2 Q. And around this time, so the end of March and April and also
3 moving into May, were you able to make any contact by telephone with
4 anyone in the KLA?

5 A. This time was difficult. This period of time was difficult. I
6 did not have a phone. And there was a landline in the home I was
7 staying in, and it was difficult to get in touch through that number,
8 but I sometimes contacted my brother but in a limited way.

9 Q. And did you contact anyone other than your brother around April
10 or May 1998? And I'm interested in KLA members. And I should say
11 via telephone.

12 A. I cannot recall a particular contact other than the ones that
13 were conducting the organisation work in Switzerland to support the
14 KLA. But I cannot remember a particular contact.

15 Q. And who are these people who were conducting the organisation
16 work in Switzerland to support the KLA?

17 A. Well, there were a lot people in Switzerland. That's where also
18 the Popular Movement of Kosovo, Adem Grabovci, Jashar Salihu, Agush
19 Buja, Zenun Bajrami, et cetera.

20 Q. And in April or May 1998, did you make any telephone contact or
21 other form of contact with Hashim Thaci?

22 A. I cannot remember exactly when I had a telephone contact.

23 Q. Do you remember having telephone contact with Hashim Thaci at
24 any time in 1998?

25 A. I cannot remember at the moment.

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1 Q. And around April or May 1998, were you in any way involved in
2 obtaining weapons for the KLA?

3 A. Well, the very first task was to ensure that soldiers had
4 weapons. And, of course, I did involve myself in obtaining weapons,
5 be it inside Kosovo, whoever had brought weapons, and to see if we
6 could arm ourselves, albeit through Macedonia or Albania. You
7 couldn't really have soldiers unless you had weapons to arm them or
8 have soldiers, and then you needed to give them uniforms and,
9 obviously, weapons.

10 Q. And did anybody communicate this task to you or inform you of
11 this task to procure weapons and the other items you mentioned?

12 A. About this task. Well, the soldiers, we knew that we had to
13 ensure we had weapons for them, and then we could mobilise people.
14 So if there was a need for more weapons, then somebody could request
15 for weapons, and then if we could supply them with weapons from other
16 parts where we had contacts.

17 Q. Did the General Staff task you or assign you to take care of the
18 supply of weapons or ammunition around this time, April or May 1998?

19 A. In April, May 1998, I had the first contact with Agim Bajrami,
20 the physical contact, that is, because it was impossible before, and
21 that's when I was informed that quite a large part of the weapons was
22 actually obtained by people without actually joining the KLA to start
23 off with, and they'd obtained them from Macedonia. So then we tried
24 so that these weapons would be given to the units in Lipjan and
25 Shtime.

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1 But if I'm not wrong, it was in May that the fighting started in
2 the Gryke e Llapushnikut, and I tried to get these weapons so that
3 they would be available for that.

4 MR. PACE: And, Your Honour, I'm conscious of the time, but just
5 one last question for today.

6 Q. Witness, I asked if the General Staff had tasked you or assigned
7 you to take care of the weapons supply. Had they or had they not?

8 A. Well, I didn't know the General Staff, so I couldn't have been
9 given a task or a duty or an order by the General Staff.

10 MR. PACE: We'll take this up in the morning, Your Honour.

11 PRESIDING JUDGE SMITH: Witness, this the end of your testimony
12 for today. We will adjourn now, and you will have to be back here at
13 9.00 in the morning. We will continue your testimony at that time.

14 I remind you that you cannot speak to anyone outside of this
15 courtroom about your testimony in the courtroom.

16 Please have a pleasant evening and we'll see you tomorrow
17 morning.

18 THE WITNESS: [Interpretation] Thank you.

19 [The witness stands down]

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 --- Whereupon the hearing adjourned at 4.31 p.m.

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