

1 Tuesday, 5 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, you may 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 For the record, all the accused are present in court today.

12 Madam Court Usher, please bring the witness in.

13 We will continue the hearing the evidence of Prosecution
14 Witness W01453.

15 [The witness takes the stand]

16 PRESIDING JUDGE SMITH: You may be seated.

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

19 Good morning, Witness. Good morning, Mr. Buja.

20 THE WITNESS: [Interpretation] Good morning.

21 PRESIDING JUDGE SMITH: Good morning, counsel.

22 MR. HODAJ: [Microphone not activated].

23 PRESIDING JUDGE SMITH: Witness, I remind you to please try to
24 answer the questions clearly with short sentences. If you don't
25 understand a question, feel free to ask counsel to repeat the

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1 question or tell them you don't understand and they will clarify.

2 Also, please try to indicate the basis of your knowledge of
3 facts and circumstances upon which you will be questioned.

4 Please also speak into the microphone and, as instructed
5 yesterday, wait five seconds before answering a question, and then
6 speak at a slow pace for the interpreters to catch up.

7 If you feel the need to take a break, please make an indication
8 and an accommodation will be made.

9 I remind you that you are still under an obligation to tell the
10 truth as stated by you in your solemn declaration. And I also remind
11 you that the assurances provided you yesterday by the Panel are still
12 applicable and that a refusal to give testimony may be sanctioned
13 with the imposition of a fine.

14 WITNESS: SHUKRI BUJA [Resumed]

15 [The witness answered through interpreter]

16 PRESIDING JUDGE SMITH: So we are ready to continue now with the
17 questions from the Special Prosecutor's Office. They will begin now.
18 Please give them your attention.

19 Mr. Pace.

20 MR. PACE: Thank you.

21 Examination by Mr. Pace: [Continued]

22 Q. And good morning, Mr. Witness. Just before the end of the
23 session yesterday, and I am referring to page 141, line 16 to 18, you
24 said that you could not remember having telephone contact with
25 Hashim Thaci at any time in 1998. And at page 142, line 10, to page

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1 143, line 1, you also said that, around April or May 1998, you did
2 not know the General Staff so they could not have given you a task or
3 duty or order to take care of the weapons supply.

4 MR. PACE: And Your Honour, with your leave, I'd like to put a
5 document to the witness pursuant to Rule 143(2)(c).

6 PRESIDING JUDGE SMITH: Yes, go ahead.

7 MR. PACE: And I'd like to call up IT-03-66 T3761-T3827
8 Unredacted_Corr Interp, and I will read from page 14, lines 6 to 16,
9 including the correction at page 15. In Albanian, to be called up
10 side by side, it's IT-03-66 4 March 2005-TR-AT Part 1 Unredacted,
11 page 14, lines 3 to 20.

12 Q. Witness, on your screens we see a page from your testimony on
13 4 March 2005 at the ICTY in the Limaj case. I'm going to read and
14 then ask you a question.

15 "Q. And again I'm going to ask you the same question I asked
16 you before when we were talking just about March and April. Now
17 we're talking about May and we're talking about other municipalities.
18 Did you -- did you coordinate your organisation activities in these
19 municipalities and with these other people with Fatmir Limaj in
20 Klecka?

21 "A. The coordination of our activity did not continue up to
22 May, but in May, as I said earlier, after the contact I made with
23 Hashim Thaqi via telephone I undertook to take care of the
24 transportation, the shipping of arms from Albania to Kosova. I
25 undertook to coordinate the activity of Kacanik unit, Ferizaj,

1 Shtime, Lipjan in order to take care of the supply line."

2 MR. PACE: And in the English, if we could go to the next page.

3 Q. "[...] That was the supply line for weapons, ammunitions. That
4 was the task I was given by the General Staff, passed to me by
5 Hashim Thaci."

6 Witness, is what you testified there correct?

7 A. Excuse me. Realistically speaking, and I said earlier, that I
8 took this task, I took this task upon myself. Whether it's on the
9 telephone, which it could have been the case that I had a telephone
10 call, he may have confirmed, Mr. Thaci, that it's okay. But it's not
11 an order.

12 Q. As I just read, in your testimony you stated:

13 "... that was the task I was given by the General Staff, passed
14 to me by Hashim Thaci."

15 Could you tell the Judges whether what you testified under oath
16 over there is correct or not?

17 A. Well, I cannot confirm whether it is correct because the
18 circumstances under which I gave this statement -- and, actually,
19 we've always called it the General Staff, but I didn't know
20 whether -- whether Hashim Thaci was a member of the General Staff or
21 not.

22 Q. Then why, Witness, here, in your sworn testimony in the
23 courtroom in the Limaj case, did you refer to this task being given
24 by the General Staff and being passed on to you by Hashim Thaci?

25 A. Well, we supposed, and I've said this earlier, we supposed as to

1 who the members of the General Staff could be. We did not know. But
2 we just supposed that it could be Hashim Thaci or somebody else. And
3 when I said this, I meant as an assumption that he could be a member
4 of the General Staff.

5 Q. And focusing on the last part of the sentence, that the task was
6 passed to you by Hashim Thaci, regardless of whether you knew or
7 didn't know of his membership of the General Staff, do you recall
8 this task being passed to you by Hashim Thaci?

9 A. I cannot remember exactly whether it was Hashim Thaci or my
10 brother, Agush Buja, because it was through him that we spoke on the
11 phone.

12 Q. What do you mean that it was through him that you spoke on the
13 phone?

14 A. Well, the telephone where I stayed in Mullopolc, we could only
15 make contact via Agush Buja's telephone who was in Mullopolc.

16 Q. So did you use Agush Buja's telephone to make contact with
17 Hashim Thaci in May 1998 as you testified here?

18 A. I used the home phone I was at, Ahmet Mujota's home, their
19 phone, to contact Switzerland where my brother, Agush Buja, was. So
20 that was the -- how I could contact Switzerland.

21 Q. I'm not talking about Switzerland. I'm asking you specifically
22 about Hashim Thaci because in this testimony, as you heard or read,
23 you said that in May you made contact with Hashim Thaci via
24 telephone. Do you recall such contact?

25 A. At the moment, I cannot recall that. But I did contact my

1 brother, Hashim Thaci when he was in Switzerland, Agim Sylja, and I
2 supposed back then that he was commander general.

3 MR. PACE: Let's stay in the same document and move to page 16
4 from line 18 to page 17 to line 16, including the correction at page
5 18. And in Albanian, again the same document, let's move to page 16,
6 line 1, and I'll read until page 17, line 7.

7 Q. Witness, this is another page from the same date of your
8 testimony in the Limaj trial on 4 March 2005. Again, I will read and
9 then ask you a question or questions.

10 "Q. And you testified yesterday that when you were [asked] by
11 Hashim Thaqi in March of 1998 and you -- in Drenica that it was
12 specific to Lipjan and Shtime. Did there come a point where your
13 task was expanded to include Kacanik and Ferizaj; that is, were you
14 told at some point that your task was broader and it would include
15 Kacanik and Ferizaj?

16 "A. This was an extra task, a specific task, to coordinate the
17 activities of Kacanik, Ferizaj, Shtime, Lipjan units to create this
18 weapons supply line. [This] was an extra responsibility for me.

19 "Q. And when did you learn of that extra responsibility?

20 "A. It was in May during my visit to Kacanik.

21 "Q. But did you take on this extra responsibility on your own
22 or were you assigned this extra responsibility?"

23 Answer --

24 MR. PACE: And for this in English the next page. Thank you.

25 Q. "Of course. If I was not willing to take up this

1 responsibility, it wouldn't have been assigned to me. I was ready to
2 act and work according to orders of the General Staff that it had
3 started issuing later."

4 And then we go we can go back:

5 "Q. And who communicated to you that you would have this extra
6 responsibility?

7 "A. I find this insisting a little bit strange. I was clear
8 when I said that the communication was made with Hashim Thaqi by
9 phone regarding this extra work.

10 "Q. Okay. I think I understand now, and that communication was
11 in May of 1998 before you went to Kacanik or when -- I'm sorry, when
12 you were in Kacanik?

13 "A. It was in May."

14 Is what you testified under oath in this excerpt correct,
15 Witness?

16 A. Yes, it is correct. I coordinated the activities in Shtime,
17 Ferizaj, and Kacanik, actually. And this was like an instruction by
18 the General Staff. Although, they weren't instructions as such.
19 They were just normal communications between friends.

20 JUDGE GAYNOR: Mr. Prosecutor, could I just ask you -- there
21 seems to be ever so slightly a mismatch between the transcript on our
22 screens and to what you're reading out.

23 For example, I think on the screen it says:

24 "I was ready to act and work according to the orders issued by
25 the General Staff."

1 And --

2 MR. PACE: Yes, Your Honour, I think I can address you
3 immediately.

4 JUDGE GAYNOR: Please.

5 MR. PACE: Where we see in the English transcript an excerpt
6 highlighted in yellow, that means that there has been a correction to
7 it which is why I then read from the next page. So if the Court
8 Officer could switch. That is the correct version of the excerpt
9 highlighted in yellow. Before testimony, we were disclosed quite a
10 few documents for the corrections, and this was the easiest way,
11 although I know it's not so easy, to make it clear by virtue of the
12 yellow highlight that there is a correction, and those corrections
13 are to be found on the next page.

14 So when I read out in court, I'm reading with the correction
15 built in.

16 JUDGE GAYNOR: I understand. Thank you.

17 MR. PACE: Thank you.

18 Q. And, Witness, you talked about the communication that arrived to
19 you about this task. And can you confirm that it is correct, as you
20 said here, that it was Hashim Thaci that conveyed that communication
21 to you?

22 A. Honourable Prosecutor, I have also stated back then, and as one
23 can see in the transcript too, I did so willingly. I took these
24 tasks willingly. Nobody could impose upon me any tasks. And I say
25 it clearly here that I started the weapons supply or the

1 transportation of weapons, and, of course, with members I supposed or
2 assumed were members of the General Staff, and I told them that I was
3 carrying out the transportation of weapons. And I took this task
4 upon myself willingly, to say that I will ensure the supply line,
5 because, if I'm not wrong, it was in May that the fighting started in
6 Llapushnik.

7 Q. Witness, in the answer that you provided in 2005 you said:

8 "I was clear when I said that the communication was made with
9 Hashim Thaqi by phone regarding this extra work."

10 Can you tell the Judges whether that is correct or not?

11 A. Well, I cannot remember whether there was this communication.
12 But I said here that I communicated with Hashim Thaci. And, of
13 course, I communicated with Hashim Thaci because our communication
14 was constant.

15 Q. Would you have provided untruthful information during your
16 testimony in that case?

17 A. I am describing what the case was like. And I have already
18 provided a statement and I said that to the best of my knowledge and
19 recollection. Please bear in mind that circumstances back then were
20 very difficult, and the developments were dynamic, changing on a
21 daily basis. And it is difficult to remember to this day, as was
22 then, to remember every single detail about the organisation work.

23 Q. Witness, with respect, that didn't answer my question. My
24 question is: In 2005, when you were testifying under oath at the
25 ICTY in the Limaj case, would you have provided information that, to

1 your knowledge, was not truthful?

2 A. I am not saying that it was not truthful, because I gave that
3 under oath. And whatever I could remember and to the best of my
4 recollection and knowledge I did so there under oath.

5 MR. PACE: Let's please go to another day of this same
6 testimony, and that is 8 March 2005. And the reference is IT-03-66
7 T3915-T4001_Corr Interp, and I will read from page 72, lines 7 to 9.
8 In Albanian, that is IT-03-66 8 March 2005 Shukri Buja Part 2-TR-AT,
9 page 24, lines 11 to 15.

10 Q. Witness, this is a page from your testimony on another day in
11 this same trial, 8 March 2005, and I'm going to read an answer that
12 you gave and then ask you a question:

13 "A. I don't remember if I contacted the General Staff in June,
14 although I know that in May I did contact the member of General Staff
15 Hashim Thaqi, who I learned later was a member of the General Staff."

16 Is that correct, Witness?

17 A. Yes. In relation to Hashim Thaci, I found out later that he was
18 a member of the General Staff.

19 Q. And in relation to having contacted him in May, is that correct?

20 A. From what I did remember, I did contact. But exactly what, what
21 we discussed, and how, it's been such a long time since.

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

23 Q. Witness, do you know Hajrush Kurtaj?

24 A. Yes.

25 Q. Was he a KLA member?

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1 A. Yes.

2 Q. And what was his role in the KLA?

3 A. He was deputy commander of the 162nd Brigade.

4 Q. And do you recall when he occupied that role or position?

5 A. I cannot remember exactly, but it must have been definitely the
6 end of 1998.

7 MR. PACE: I'd like to call up before 036622-036837, the first
8 page, and side by side the Albanian version, which is 077039-077258,
9 again the first page.

10 Q. Witness, on your screens on the left we have the front page of a
11 document which is in Albanian and on the right in English. Do you
12 recognise the one on the left, the Albanian one?

13 A. Yes.

14 MR. PACE: And if we can turn in the same item to page 36624 in
15 English and 077041 in Albanian.

16 Q. [Microphone not activated].

17 On this page from the same book, we see that you are listed as
18 an editor, "Shukri Buja, Major-General," one of two editors; is that
19 correct?

20 A. Yes.

21 Q. And as an editor of this book or a co-editor of this book, am I
22 correct in assuming that you read it before it was published?

23 A. Actually, I haven't read it.

24 Q. Did you never read the book?

25 A. Well, after it was published. I read it much later on. But

1 Hajrush Kurtaj asked that my name should be attached to it because
2 Professor Dr. Selim Daci is there and my name should be there as
3 editor, and I respected his request.

4 Q. And when you say you read this book later on, did you provide
5 any comments or feedback to Hajrush Kurtaj about any of the contents
6 in this book?

7 A. Yes, I did make comments.

8 Q. And do you recall what those comments related to?

9 A. I cannot remember exactly what comments I made, but I remember
10 that I did make them.

11 Q. And to be clear, are you saying that you provided these comments
12 after the book was published?

13 A. I provided him with comments about the book as part of the book,
14 because this is precisely what the author asked for.

15 Q. And so the comments that you gave to him were before the book
16 was published?

17 A. Yes. Because in order for the comment to be published, I needed
18 to provide it to start off with.

19 MR. PACE: In the English, let's please turn to page 036631 and
20 in Albanian to page 077048.

21 Q. Now, Witness, these are Albanian and English pages of the same
22 book. We see the title of this section: "Some words on the
23 greatness of KLA in OAN."

24 MR. PACE: And if we could go to the next page in both items,
25 please.

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1 Q. And we see that this section at the end purports to have been
2 authored by you, "Shukri Buja, Major-General." Do you recall having
3 written or provided comments for about a page and a half as we've
4 seen?

5 A. Yes.

6 MR. PACE: And if we could go back to the previous pages in
7 each, please.

8 Q. And, Witness, if you take a look at the contents of this page on
9 the left in Albanian, you will see that it describes the content of
10 the book in some detail; is that correct?

11 A. Yes, it is.

12 MR. PACE: In the English version, let's please turn to page
13 036645, and we'll focus on the third paragraph in this page; and in
14 Albanian, at page 077063, and there it'll be the first paragraph.

15 Q. I'm going to read an excerpt from this page, Witness, and then I
16 have a question:

17 "At the order of KLA HQ, Shukri Buja returned to Kacanik and
18 announced the decision of HQ to appoint Agim Bajrami Commander of the
19 Kacanik Unit."

20 And then, as you can see, there is a footnote, footnote 21.

21 MR. PACE: And if we go to bottom of the page, we can read the
22 text of that footnote.

23 Q. 21. And we see that here it refers to an interview with
24 Major-General Shukri Buja, Lipjan, 05/23/2007. And, Witness, does
25 this mean that you provided the author with this information in 2007?

1 A. I cannot remember. But I know that I was interviewed by the
2 book's author, because he was completing his master's and that was
3 his thesis.

4 Q. And then if we just focus a little bit on the content on the
5 sentence that I read to you, it says:

6 "At the order of KLA HQ, Shukri Buja returned to Kacanik and
7 announced the decision of HQ to appoint Agim Bajrami Commander of the
8 Kacanik Unit."

9 Do you remember returning to Kacanik and announcing such a
10 decision?

11 A. I went there for other things as well but also for Agim Bajrami
12 becoming the commander of the unit.

13 Q. And here it is saying that the decision is of the HQ to appoint
14 Agim Bajrami commander of the unit. Could you clarify what HQ is
15 being referred to that issued or put out that decision?

16 A. Well, yes, that's what we used to refer to at that time. So,
17 when we appointed somebody, we would tell him that he was appointed
18 by the General Staff so that there wouldn't be scope for the
19 decisions to be misinterpreted. As matter of fact, I appointed Agim
20 Bajrami commander of the guerrilla unit there and said that it was an
21 appointment of the General Staff.

22 Q. And who called you on behalf of the General Staff?

23 A. I don't remember at the time, but I do know that I communicated
24 with Azem Sylja, who we did not know to be a member of the
25 General Staff at the time. Upon my return in Kacanik, I said to

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1 Agim Bajrami, in front of four or five members of the unit, that he
2 had been appointed to lead the unit. There was nothing in writing or
3 any order in writing, but this was a communication.

4 Q. And I think you said you don't remember the time, but do you
5 recall roughly the month and year when you communicated this decision
6 to appoint Agim Bajrami commander?

7 A. It might be end of June or beginning of July, because the first
8 time I was there in May and then the second time must be July.

9 Q. And could you specify the year?

10 A. 1998.

11 MR. PACE: And, Your Honour, most of the pages I showed have
12 already been admitted as excerpts from this book, but I do seek to
13 admit pages 036631 to 32 from the English, corresponding to 077048-49
14 in Albanian, and those should be added to P01015, which is the
15 document that has the admitted excerpts from this book. And to be
16 clear, the two pages I'm seeking admission of are the introductory
17 remarks by the witness.

18 PRESIDING JUDGE SMITH: Any objection?

19 MR. MISETIC: No objection.

20 MR. DIXON: [Microphone not activated].

21 MS. V. ALAGENDRA: No objection.

22 PRESIDING JUDGE SMITH: The indicated pages will be admitted and
23 will be added to P01015.

24 THE COURT OFFICER: Thank you, Your Honour. These two pages in
25 Albanian and English will be added to P01015. Classification

1 currently of the book is confidential.

2 MR. PACE: It should be public. All admitted excerpts from this
3 book should be public.

4 THE COURT OFFICER: Thank you.

5 PRESIDING JUDGE SMITH: Reclassified as public.

6 MR. PACE: And we can take this document down.

7 Q. Witness, did you meet Jakup Krasniqi in 1998?

8 A. Yes.

9 Q. When in 1998 did you meet him for the first time?

10 A. I don't know exactly when, but most probably it was in June or
11 July.

12 Q. And do you recall where that meeting took place?

13 A. I don't remember exactly where, but most probably in the
14 surroundings of Klecke.

15 Q. And what was the occasion or the reason for this meeting?

16 A. I met with him for the first time when he gave his first
17 interview in his capacity as spokesperson for the Kosovo Liberation
18 Army.

19 Q. And what did he say during that interview?

20 A. This was a press conference, and it was asked from us to attend
21 and be on his side at that time.

22 Q. Who asked you and others to attend and be at his side at that
23 time?

24 A. Actually, I went there. Nobody asked me to. I was present. It
25 was necessary to have someone to accompany Jakup Krasniqi during the

1 interview, and we did that.

2 Q. And am I understanding correctly that you were present
3 physically during the interview, so you were also appearing with
4 Jakup Krasniqi during this first interview of his?

5 A. Yes.

6 Q. And around the time that you appeared with him in this
7 interview, did you have any discussions with Jakup Krasniqi about the
8 KLA's organisation?

9 A. I don't remember exactly, but most probably I discussed this
10 since he was the first person publicly as a member of the
11 General Staff. I must have discussed matters related to the
12 guerrilla units, but I don't remember any specifics or if I did
13 discuss this at all.

14 MR. PACE: Your Honour, with your authorisation, I would like to
15 pull up a prior statement of the witness under Rule 143(2) (b) and
16 (c).

17 PRESIDING JUDGE SMITH: Go ahead.

18 MR. PACE: And I'd like to call up IT-03-66 T3761-T3827
19 Unredacted_Corr Interp and here we'll go from page 25, line 10, to
20 page 26, line 15. In Albanian, that is IT-03-66 4 March 2005 TR-AT
21 Part 1 Unredacted, page 25, line 2, to page 26, line 19.

22 Q. And, Witness, once again this is going to be a page from your 4
23 March 2005 testimony in the Limaj trial. I'm going to read and then
24 ask you a question or questions:

25 "A. After my return to Kroimire, the thing that we were waiting

1 for a long time happened, the public appearance of the KLA
2 spokesperson who gave his first the same. This made us be more aware
3 and made us -- made it possible for us to communicate with the
4 General Staff through Jakup Krasniqi, the spokesperson; this happened
5 in mid-June. During this time I was this Kroimire, but after the
6 public appearance of Jakup Krasniqi, I insisted to meet the
7 spokesperson of the KLA.

8 "Q. Did you meet him?

9 "A. Yes. I met him after the 15th or 16th. I remember this
10 date due to the engagement of my brother, Rame Buja, in the ranks of
11 the KLA. I met with Jakup Krasniqi in Klecka. He was there for an
12 interview. We discussed with him the possibilities for organising
13 ourselves better in the parts where I had contacts.

14 "Simply, Jakup Krasniqi at that time informed me that the
15 subzones of the KLA had been designated and that those days one or
16 two commanders of subzones were appointed. And he also told me that
17 he planned to organise and appoint commanders of another subzone
18 whose name -- which name he didn't know but this subzone was to
19 include the municipalities of Shtime and Ferizaj. The dilemma at
20 that time was the municipalities of Kacanik and Elez Hani. This
21 information motivated me to work even harder and on that day
22 Jakup Krasniqi had an interview. Some journalists wanted to
23 interview him and myself, together with Jakup Krasniqi, would be on
24 that interview. And of course the interview was given by the
25 spokesperson while I was standing at his side.

1 "Q. You said that's the 15th or 16th. Is that the 15th or 16th
2 of June, 1998?

3 "A. I said this happened after 15th or 16th of June, and I
4 remember these dates due to the engagement of my brother. To my
5 recollection, he got engaged with a weapon in the KLA on the 16th.
6 Now, after these dates, I don't know when exactly it happened but it
7 was around the 20th of June. So this is an approximate date."

8 Now, Witness, is the excerpt that I read out to you, are the
9 answers that you provided there correct?

10 A. Yes.

11 MR. PACE: And we can take this document down.

12 Q. As you confirmed, and we saw in this excerpt, Jakup Krasniqi had
13 mentioned to you the creation of subzones when you met him in June
14 1998. Could you tell us whether anyone was put in charge of the
15 subzones then or at a later time?

16 A. I know that later on I was appointed the deputy commander of the
17 Nerodime subzone.

18 Q. Sorry, Witness, just to clarify, you were appointed the deputy
19 commander of the Nerodime subzone?

20 A. I was appointed commander of the Nerodime subzone.

21 Q. And who issued that appointment?

22 A. The appointment mentioned that this was done by the
23 General Staff of the Kosovo Liberation Army.

24 Q. And do you recall how long after your conversation and
25 appearance with Jakup Krasniqi in June 1998 you were informed of this

1 appointment?

2 A. Probably 20 to 30 days after.

3 Q. So sometime in July 1998 or around that time?

4 A. In July 1998.

5 Q. Do you recall who was in charge of the Pashtrik subzone?

6 A. Could you please repeat the question?

7 Q. Do you recall who was in charge of the Pashtrik subzone?

8 A. I don't know if I knew that information in July. But at the end
9 of July, if I'm not mistaken, it was Muse Jashari.

10 Q. And once you were appointed as subzone commander, did you
11 coordinate the subzones together with the General Staff? Did you
12 engage in any coordination with them in relation to your subzone?

13 A. No. I was appointed commander of the subzone, and I did not
14 know exactly what would be the staff and the territory under my
15 responsibility. At that time, I only received the appointment.

16 Q. And did you seek clarity as to what the territory under your
17 responsibility was?

18 A. The territory was not clear. However, I was told that in terms
19 of municipalities, we were to operate in Kacanik, Lipjan, Shtime, and
20 Ferizaj municipalities. However, Kacanik was still uncertain.

21 Q. And once you started to set up these units or to coordinate
22 them, did you speak to anyone in the General Staff about what you
23 were doing?

24 A. We had a person to contact, to turn to. We had the spokesperson
25 of the KLA, and we started informing him about the developments on

1 the ground. Also because of the interviews he was giving information
2 to the reporters who would ask questions, and also because he had
3 then, we assumed, to report further to the Kosovo Liberation Army
4 General Staff. This is how we understood it.

5 Q. And to be clear, could you state the name of the spokesperson
6 you're referring to?

7 A. We are referring to the spokesperson of the Kosovo Liberation
8 Army, honourable Jakup Krasniqi.

9 Q. And you said that you informed him about the developments on the
10 ground. Could you start with how you informed him? In person, on
11 the phone, in writing? What manner?

12 A. We did not have phones at the time, but we did that whenever it
13 was possible to contact him in person.

14 Q. And where would you contact him in person? Where would you meet
15 for such contacts?

16 A. If I'm not mistaken, I met him in July on a weekly basis.

17 Q. And in what location or locations did those meetings take place?

18 THE INTERPRETER: Interpreter's note: It was not weekly
19 meetings but the village's name, which is Javor.

20 THE WITNESS: [Interpretation] I met him once in Javor.

21 MR. PACE:

22 Q. Okay, Witness. There's now been a correction to the
23 interpretation. I now understand your answer was that you met
24 Jakup Krasniqi once in Javor; is that correct?

25 A. Correct.

Witness: Shukri Buja (Resumed) (Open Session)
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1 Q. And what did you discuss when you met Jakup Krasniqi in Javor?

2 A. We discussed the developments as -- with respect to the
3 organisation in Kacanik, Shtime, Lipjan, and problems I had to report
4 to him for him to report to the General Staff, indicating that I had
5 numerous problems, and we were facing a harsh offensive at the time
6 as well.

7 Q. What kind of problems did you mention to Jakup Krasniqi at the
8 time?

9 A. There were many problems and a powerful propaganda going on,
10 which was intensified by the occupier, Serbia, and which was
11 unawaringly being propagated by some members of the KLA and
12 civilians.

13 Q. And for a moment I want to take a step back in time. Before the
14 creation of the subzones, was there any person or group you had to
15 keep in touch with in relation to the organisation of KLA units in
16 your area?

17 A. In the subzone or the guerrilla units I met with, there was the
18 guerrilla unit in Kacanik with Agim Bajrami. In Ferizaj, the unit
19 was led by Imri Ilazi, Commander Fehri. In Shtime, I was there
20 mostly. And in Lipjan, there were several units. However, the most
21 outstanding unit was the one led by Ramiz Qeriqi.

22 Q. And at this time, so again before the creation of the subzones,
23 did you feel that you had to keep in touch with the General Staff
24 about the developments in the units?

25 A. We wanted to. However, we had difficulties because we did not

1 know who the members of the General Staff were. We could only make
2 assumptions. Therefore, our work, in terms of organising, was mostly
3 focused with guerrilla units which operated independently in their
4 territory.

5 Q. And did you have to keep in touch with Hashim Thaci about these
6 units at the time?

7 MR. MISETIC: I'm going to object as to leading, Mr. President.

8 PRESIDING JUDGE SMITH: Overruled.

9 MR. PACE: Your Honour, I don't understand --

10 PRESIDING JUDGE SMITH: Go ahead.

11 MR. PACE: Thank you.

12 Q. Witness, I can repeat the question, which was: Did you have to
13 keep in touch with Hashim Thaci about the units at this time? So
14 before the creation of the subzones.

15 A. I needed to contact every one of them, but I'm not aware that I
16 contacted Hashim Thaci at that time.

17 MR. PACE: Your Honour, with your leave, I'd like to pull up a
18 prior statement pursuant to Rule 143(2)(c).

19 PRESIDING JUDGE SMITH: Go ahead.

20 MR. PACE: Let's please call up IT-03-66
21 T3686-T3760_Corr Interp, and I'll read from page 83, lines 3 to 7,
22 which in Albanian is from IT-03-66 20050303 Part 3-TR-AT page 21,
23 line 24, to page 22, line 4.

24 Q. And, Witness, what I'm going to read to you is once again from
25 your 2005 testimony in the Limaj trial, and this is on 3 March.

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 "A. The form of organisation of the KLA at that time, the way I
2 saw it, was the General Staff and the guerrilla units. As a man who
3 was supposed to organise a guerrilla unit, I had to keep in touch
4 with the General Staff through Hashim Thaqi. That was the purpose of
5 my trip there."

6 Witness, is that correct?

7 A. Yes, this what I said.

8 MR. PACE: And we can take the document down.

9 Q. Witness, to your knowledge, did the creation of the subzone
10 bring about any changes in terms of coordination of the units in your
11 area?

12 A. The changes happened in July with the public appearance of the
13 spokesperson of the KLA. This became a public person for everyone,
14 for the civilians and for us.

15 Q. And can you explain how that public appearance of the
16 spokesperson changed things in July?

17 A. It changed things because we, as commanders of the KLA and
18 commanders of the guerrilla units, had the possibility at that point
19 in time to contact the spokesperson to make our various requests
20 through him to the General Staff of the KLA. This was, however,
21 through a very short period of time, because if I'm not mistaken, in
22 August the subzone commanders knew the name of the general commander
23 of the KLA.

24 Q. And how did the subzone commanders come to know that name?

25 A. We were informed through the spokesperson that there was a chief

1 of the General Staff named Bislrim Zyrapi, and that further contacts
2 had to be maintained through the chief of the General Staff of the
3 KLA.

4 MR. MISETIC: Mr. President, I just want to put on the record
5 that I'm going to have to an objection to a question that was posed
6 to the witness, but I don't want to interrupt the flow, so if I could
7 be heard after the -- at the 10.00 break or --

8 PRESIDING JUDGE SMITH: Yes.

9 MR. MISETIC: -- just before.

10 PRESIDING JUDGE SMITH: That's fine.

11 MR. MISETIC: Thank you.

12 MR. PACE:

13 Q. Witness, to your knowledge, around the time the subzones were
14 created were there any orders or instructions concerning the creation
15 of brigades?

16 A. The creation of the subzones and the appointment of commanders
17 of these subzones are broad issues. We were appointed commanders of
18 subzones. However, the formation of subzones, which implies the
19 formation of brigades up to the division, in terms of military
20 formation, requires time. And in countries that are not at war, this
21 takes years.

22 So we were appointed commanders of subzones and started our work
23 to form a command. This was a limited time. And in October with the
24 start of the formation of the zones, we started forming these
25 structures of the brigade commands as well.

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 Q. And in the summer of 1998 or later, did the KLA General Staff
2 issue an instruction or order that brigades and fighting units must
3 come into existence?

4 A. To my knowledge, no, because I was in Kosovo until mid-August,
5 and then the organisation was made clearer after my return in Kosovo
6 and when I -- and the restructuring of the subzone to the operational
7 zone, which happened sometime in October 1998.

8 Q. And who made the organisation clear after your return in Kosovo?

9 A. The organisation was made clearer after the return in Kosovo
10 because we had the chief of staff who was in charge of the
11 operational aspects of the KLA, and he was also in charge of contacts
12 and orders to zone commanders.

13 Q. And just to be clear, who is the chief of staff you're referring
14 to?

15 A. The chief of staff was Bislim Zyrapi.

16 Q. And do you recall an order or instruction by Bislim Zyrapi that
17 brigades must come into existence as well as fighting units?

18 A. If I'm not mistaken, at the time we were given a form of the
19 structure of the operative zones.

20 Q. And to be clear, in terms of timing, is this still when you had
21 subzones before they became zones or is this once they became zones?

22 A. I was not able to hear the question because of interferences.
23 Could you please repeat your question?

24 Q. You said that if you're not mistaken, at the time you were given
25 a form of structure of the operative zones. Am I understanding

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 correctly that this was still when you had subzones before there was
2 a creation of zones?

3 A. No. I said this was when we organised ourselves into zones, and
4 this was in October or November 1998.

5 Q. We'll get to that later. You mentioned having met
6 Jakup Krasniqi in 1998 in Klecke and also in Javor. Do you recall
7 meeting him on any other occasion?

8 A. I'm not able to recall any other.

9 Q. And around June or July 1998, did you meet or otherwise have
10 contact with KLA General Staff members other than Jakup Krasniqi?

11 A. I don't think I knew they were members of the General Staff.
12 However, later on I understood that people I met were perhaps members
13 of the General Staff. In July, we knew that Jakup Krasniqi was a
14 member of the General Staff and spokesperson of the Kosovo Liberation
15 Army.

16 Q. And in June or July 1998, did you meet anyone that you later
17 understood to have been a member of the KLA General Staff?

18 A. At the time, I thought or assumed that Fatmir Limaj was also a
19 member of the General Staff. However, at the end of July I
20 understood that he was not, and I understood this when he was
21 appointed in October or November. So these mistakes were normal
22 because we didn't know the members of the General Staff. We only
23 made assumptions. Therefore, there might be also omissions in my
24 statements with respect to this issue.

25 We contacted the spokesperson of the Kosovo Liberation Army, who

1 was publicly a member of the General Staff and spokesperson of the
2 KLA. With respect to the others, we could only assume.

3 PRESIDING JUDGE SMITH: Mr. Pace, we will take a ten-minute
4 break now.

5 Witness, we'll give you a ten-minute break, and then we'll be
6 back in the courtroom. You may leave the courtroom with the Court
7 Attendant now.

8 [The witness stands down]

9 PRESIDING JUDGE SMITH: Public or private?

10 MR. MISETIC: I'm sorry?

11 PRESIDING JUDGE SMITH: Public or private session?

12 MR. MISETIC: Public is fine. Thank you, Mr. President.

13 I'm just going to object to the question -- again, I've made an
14 objection that it was leading, but -- let me just pull it back up.

15 Page 23, line 7:

16 "Did you keep in touch with Hashim Thaci about the units at this
17 time?"

18 Now, the reason I said it was leading is because that very issue
19 was part of the submissions made by Alex Whiting in the Limaj trial
20 as to why he should be declared hostile. In 2003, he said he was
21 keeping in touch with the General Staff through Fatmir Limaj. Then
22 he came to the Limaj trial, and I'm just going to read Alex Whiting's
23 submission on the change of testimony. He said --

24 MR. PACE: Your Honour, can I interrupt briefly to say that this
25 is improper.

1 MR. MISETIC: No --

2 MR. PACE: Counsel can ask questions during cross-examination,
3 but this is not the time to make assertions as to characterise the
4 witness's testimony.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MR. MISETIC: Thank you, Mr. President. And I appreciate not
7 being interrupted, because that is not my objection. The Prosecution
8 has a duty here to decide which version they are saying is the truth.
9 That's my objection.

10 So Mr. Pace needs to say which version of this witness's
11 testimony the SPO is now adopting. Is it the 2003 version, which
12 Alex Whiting said was the truthful version; or are they saying that
13 this witness's version in 2005 is now the truthful version? But what
14 Mr. Whiting said in order to have him declared hostile, he said, and
15 this -- I'm reading from the ICTY transcript page 3804, he said:

16 [As read] "So there he -- from the very beginning, in March
17 1998, he says that the plan is set out. Before they leave, they
18 arrive in Drenica and the plan is go organise in this area, and the
19 structure will be as follows: Fatmir Limaj will be the coordinating
20 point with the General Staff, you coordinate with Fatmir Limaj, and
21 then he coordinates with the General Staff. You'll see, as the
22 interview continues, this is, in fact, exactly how the structure is
23 created during May, April, May, June, June and July of 1998.
24 Yesterday his description of Fatmir Limaj's role was very different,
25 and of course it was also today. Yesterday he said at page 63 that

1 he couldn't say whether Fatmir Limaj was given any tasks at the time.
2 He does not know if in March 1998 in Drenica he was given any task.
3 And he said that when he himself travelled to Mullopolc, his only
4 contact -- he agreed with Fatmir Limaj that he would have contact
5 with him but only for the purpose of him being a kind of travel agent
6 for him, that if he needed to travel to see Hashim Thaci, he would
7 then get in touch with Fatmir Limaj who would show him the way so he
8 could meet with Hashim Thaci."

9 Now, my objection is that the Prosecution has duties here to the
10 Panel under the code in terms of what is the truth here. The way it
11 was phrased and why I objected it to be leading is that this was the
12 exact controversial point. And the way, I submit, it should have
13 been led if the Prosecution didn't want to commit to a position was
14 to ask him: Who did you -- through whom did you maintain contact
15 with the General Staff?

16 Instead, it was put to him: Did you need to go to Hashim Thaci?
17 The witness doesn't respond, and then they put the 2005 version to
18 him.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MR. MISETIC: I would like --

21 PRESIDING JUDGE SMITH: Excuse me, what is it you want us to do?

22 MR. MISETIC: Yes. I would like the Panel to ask the
23 Prosecution do they adopt the 2003 version or the 2005 version so we
24 know which -- what we're cross-examining on?

25 PRESIDING JUDGE SMITH: That has nothing to do with whether or

1 not you asked -- you objected to a leading question. I ruled on it.
2 I didn't find it particularly leading at the time. You didn't
3 explain further. And now we're after the fact. And I'm not going to
4 question the Prosecution about this. You may question anything you
5 wish on cross-examination, but the Prosecution does not have to be
6 questioned by the Panel as to what they're trying to prove. They
7 haven't got there yet. They're still proving it.

8 MR. MISETIC: Well, then I have made my record, but my standing
9 objection then going forward on this is that the Prosecution cannot
10 -- or must pick a version. And then if they're picking the 2005
11 version, which the ICTY OTP said was the false version that justified
12 his being declared hostile, then that should be clear.

13 PRESIDING JUDGE SMITH: This is merely questioning at this
14 point. They haven't got to argument yet, and argument would be when
15 they would present this material. But, yes, your standing objection
16 is noted.

17 MR. MISETIC: Let me just say it's not a question of argument
18 for me. It's a question of notice. Because one of the problems with
19 the way the Rule 154 submission was made is that both statements are
20 tendered for the truth of the matters asserted therein, and there are
21 mutually inconsistent significant parts.

22 So as I understood part of the Panel's Rule 154 ruling, some of
23 these issues needed to be led live so that we see what the witness
24 says on these disputed points. So now we're in the position on
25 cross-examination of which version are we saying is the truth here?

1 PRESIDING JUDGE SMITH: You can explore that.

2 MR. MISETIC: Okay. I will explore it, but I'm going to have a
3 standing objection to them now going forward --

4 PRESIDING JUDGE SMITH: I understand.

5 MR. MISETIC: -- and leading --

6 PRESIDING JUDGE SMITH: I understand.

7 MR. MISETIC: -- from the 2005 statement.

8 PRESIDING JUDGE SMITH: We've already gone over that once. I've
9 already said --

10 MR. MISETIC: Okay. All right.

11 PRESIDING JUDGE SMITH: -- you had a standing objection.

12 MR. MISETIC: Thank you.

13 MR. DIXON: Your Honour, could I just add on this point as well
14 because it is an important point of --

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. DIXON: Well, could I do it now or at the --

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MR. DIXON: Yes, Your Honour. It is an important point of
19 principle in that what the Prosecution is doing is they're really
20 riding two horses here. They're relying on 143 to impugn the
21 witness, but then also going and asking questions where they're
22 looking to get the truth from the witness.

23 And from the Defence point of view, we have to know, in order to
24 be able to cross-examine, do they rely on the witness, which parts.
25 And then if they're saying there is a prior inconsistent statement,

1 to say which parts those are to make it very clear: This is
2 inconsistent, you're hostile on that. I mean, that's the way the
3 adversarial system works. You're hostile on this, we don't believe
4 you on this, but then on the other parts we are going to rely on you.

5 They don't have to make their closing arguments now. Of course
6 not, Your Honours. But we have to know, from the Defence point of
7 view, in order to cross-examine, what they are relying upon and what
8 they are not relying on. And when they say there is an inconsistent
9 statement, which one. Simple as that. That is our submission,
10 briefly.

11 PRESIDING JUDGE SMITH: Thank you.

12 We will take a ten-minute break from now.

13 --- Break taken at 10.08 a.m.

14 --- On resuming at 10.21 a.m.

15 PRESIDING JUDGE SMITH: Bring the witness in --

16 MR. MISETIC: Mr. President, just --

17 PRESIDING JUDGE SMITH: -- Madam Court Usher. Don't bring him
18 in. Yes.

19 MR. MISETIC: It's just a minor matter.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MR. MISETIC: I just --

22 PRESIDING JUDGE SMITH: Now.

23 MR. MISETIC: -- wanted to alert the Panel and the parties that
24 we are going to seek a translation check on page 14, lines 15 to 16,
25 which currently reads in the transcript:

Witness: Shukri Buja (Resumed) (Open Session)
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1 "But Agim Bajrami was appointed commander, and I was called on
2 behalf of the General Staff."

3 I'm told that what was heard in Albanian on this side is:

4 "I appointed Agim Bajrami commander and said" or "was told" or
5 "told them that it was an appointment of the General Staff."

6 But I wanted to put that on the record so that everyone knows
7 that there's a question about it. Thank you.

8 PRESIDING JUDGE SMITH: Thank you.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: Witness, we will continue with questions
11 from the SPO.

12 Go ahead, Mr. Pace.

13 MR. PACE: Thank you, Your Honour.

14 Q. Witness, before the break, we were discussing whether you had
15 contact with anyone from the KLA General Staff around June or July
16 1998 other than Jakup Krasniqi. And you were saying that you learned
17 the identities of certain members as possibly having been in the
18 General Staff at a later time to that.

19 I wanted to ask more specifically whether in or around June or
20 July 1998 you had any contact with Sokol Bashota?

21 A. I cannot remember.

22 Q. Do you recall knowing in June or July 1998 or finding out at a
23 later time that Sokol Bashota was a member of the KLA General Staff?

24 A. In relation to Sokol Bashota I found out at the end of the war.

25 Q. And what exactly did you find out at the end of the war?

1 A. Well, at the end of the war, the names of the members of the
2 General Staff became public.

3 Q. And then focusing back on the summer of 1998, what, if anything,
4 did you know about Sokol Bashota's role in the KLA?

5 A. At the time I didn't know about Sokol Bashota.

6 Q. And do you recall meeting him in 1998 at all or not?

7 A. It is possible to have met him when I entered Kosovo.

8 Q. And did you meet him at a later time?

9 A. I cannot remember having met him.

10 MR. PACE: Your Honour, I'd like to show a prior statement
11 pursuant to Rule 143(2)(b) and (c).

12 PRESIDING JUDGE SMITH: Go ahead.

13 MR. PACE: This is IT-03-66 T4002-T4087 Unredacted_Corr Interp,
14 and I'll read from page 19, line 9, to page 21, line 5. In Albanian,
15 this is IT-03-66 9 March 2005-TR-AT Part 1 Unredacted, page 23, line
16 11, to page 25, line 25.

17 Q. And, Witness, once again this is a page or pages from your
18 testimony in the Limaj trial, and the date is 9 March 2005. I will
19 read and then I have some questions for you:

20 "Q. No, but you told us that Jakup Krasniqi never transmitted
21 orders or instructions relating to units assisting other units. So
22 the question is: Who -- if it's -- not Jakup Krasniqi, if not
23 Fatmir Limaj, who from Klecka during July of 1998 transmitted
24 instructions about units assisting other units?

25 "A. At that time I knew the members of the General Staff who

1 were dealing with the organisation of this form of warfare. I knew
2 Azem Sylja, who much later I knew as general commander. I knew
3 Sokol Bashota also as a member of the General Staff, who also was
4 engaged in the organisation. And normally I received instructions
5 from them. This was one form of organisation at that time.

6 "Q. And what kind of instructions did you receive from them at
7 that time, could you be more specific?

8 "A. In July I received instructions, orders, orders which
9 applied to the Nerodime subzone, orders or -- on -- or the form of
10 restructuring of the units, the organisation of the command of the
11 subzone, the functioning of the units. That is, I received these
12 circulars, orders, from the General Staff in my capacity as commander
13 of a subzone.

14 "Q. And what about in July during what you described as the
15 very savage offensive? Were either Sokol Bashota or Azem Sylja
16 involved in coordinating the units during that fighting?

17 "A. Of course they were, because the offensive was very wide
18 and they moved in the territory of Malisheve municipality. There
19 was -- at that time the General Staff was active in that area."

20 I'll pause here for a moment, Witness. Is what I read from the
21 answers you provided thus far correct?

22 A. It could be correct, because, actually, I cannot remember just
23 now my whole testimony.

24 Q. I'll go on reading from where I left off:

25 "Q. When they did that at the end of July during the offensive,

1 were either one of them in Klecka?

2 "A. Yes, they were in July at different periods. There were
3 frequent visits by the General Staff members in Klecke, but I also
4 met them in other villages, especially with Sokol Bashota I met [him]
5 in Malisheve when we had to send soldiers from my subzone to get
6 armed supplies in Albania. I contacted very often with the members
7 of the General Staff then."

8 And, again, I'll pause here, Witness. Do you recall this
9 instance that you are talking about here in testimony, meeting
10 Sokol Bashota in Malisheve when he had to send soldiers from your
11 subzone to get armed supplies in Albania?

12 A. Yes. But at that time, I didn't know his name and surname, but
13 it was after the war that I found out that he was Sokol Bashota. So
14 with had civilians and we wanted them to join the KLA. But, of
15 course, I met Sokol Bashota, too. But at that particular period of
16 time, during the war, I didn't know his name and surname. I knew
17 after the war that he was Sokol Bashota.

18 Q. And during the war, what did you know him as?

19 A. I saw him in action, and I contacted him about how people could
20 go to Albania to get arms supplies. I contacted other people too,
21 but with Sokol Bashota it was about how to take people all the way to
22 Dukagjin, and I suggested that they needed to take care because it
23 was civilians who were part of my subzone I was in charge of to get
24 arms in Albania.

25 Q. And if I'm understanding correctly, you're saying that at the

1 time of this contact, you didn't know his name as Sokol Bashota.

2 That's something you discovered later. What name or pseudonym did
3 you know him as when you made that contact?

4 A. I cannot recall his pseudonym, but I know that after the war I
5 realised that he was Sokol Bashota.

6 Q. I'll continue reading where I left off:

7 "Q. My question was more specific. At the end of July during
8 the offensive when you say that these -- that Sokol Bashota and
9 Azem Sylja were involved in coordinating the units, were either ... of
10 them in Klecka when they were doing this?

11 "A. I said that they stayed for certain periods, two, three
12 days in Klecke, and for some other days in other villages, like
13 Javor, Terpeze villages, villages which were close to Klecke; or in
14 Malisheve for two, three days. I could contact these people and more
15 often I contacted them in Klecke.

16 "Q. I understand your answer, but if you could answer this
17 question: Do you know if either ... of them was in Klecka during the
18 first offensive at the end of July 1998?

19 "A. I said that they have -- they stayed in Klecke for certain
20 periods of time and that in July I met them very often. I couldn't
21 tell you whether they were in Klecke each and every day, but I did
22 contact them in Klecke, in Javor, and in Terpeze."

23 And is that correct, Witness?

24 A. Yes. From what I can recollect, that's the way it was.

25 Q. And in relation to Azem Sylja, could you clarify when it would

1 have been that you would have met him?

2 A. It was July if I'm not wrong, but it was at the time of this
3 brutal offensive, and I do not know exactly when it was, whether it
4 was end of July or August.

5 MR. PACE: And we can take the document down.

6 Q. Witness, did you ever meet Hashim Thaci in Klecke in 1998 or
7 1999?

8 A. If I'm not wrong, I met him in July.

9 Q. And what was the occasion or the purpose of that meeting?

10 A. Well, there was a meeting with internationals, if I'm not wrong,
11 and it was then that I met him.

12 Q. Do you remember the subject of that meeting or the topics
13 discussed?

14 A. Again, if I'm not wrong, after the meeting with the
15 internationals, we went to meet the civilian population in the Shala
16 gorge.

17 Q. And focusing first on the meeting with the internationals. What
18 was the meeting about, if you recall?

19 A. I wasn't part of the meeting, but it was a meeting which later
20 became public. And I know that they met in relation to political
21 representation and the ideas of -- the political ideas of the Kosovo
22 Liberation Army.

23 Q. To be clear, were you at this meeting with Hashim Thaci and the
24 internationals in Klecke in July 1998 or you only learned about it?

25 A. I think the meeting was held in Klecke, but I was not part of

1 this meeting. But as I said, it was made public. In the media, we
2 heard that a meeting between the KLA representatives and the
3 internationals was held.

4 Q. And you said earlier that "after the meeting with the
5 internationals, we went to meet the civilians population in the Shala
6 gorge." You and who went to meet the civilian population in the
7 Shala gorge after this meeting?

8 A. Well, it was myself, Jakup Krasniqi, and Hashim Thaci.

9 Q. And why did you go to meet the population there on that
10 occasion?

11 A. After the brutal offensive of Serbian forces and the very harsh
12 fighting that we were involved in, the KLA units, and the inability
13 to resist to that entire operation, the civilian population was
14 displaced to the gorges. And in the Shala gorge, there was a large
15 part of the civilian population where there was bad propaganda which
16 was launched by the Serbian forces. So it was a major concern of the
17 civilian population.

18 And, therefore, the purpose of that contact with the civilian
19 population was for them to see the spokesperson of the KLA,
20 Mr. Jakup Krasniqi, and for them to see that seniors like myself, the
21 commander of the subzone, as appointed, we were in the territory, in
22 fact, because there was a huge propaganda going on that the KLA
23 commanders have left and are now in Albania.

24 So this was the purpose of the meeting with the civilian
25 population.

1 Q. And to your knowledge, in what capacity was Hashim Thaci at this
2 meeting?

3 A. He was there with us, but I assumed that he was one of the
4 people that, after the meeting with the internationals, he was a
5 person who was prepared politically. And Jakup Krasniqi, the public
6 figure of the KLA, and I, as a commander of the subzone, the whole
7 time being -- taking part in operations. So the three of us meeting
8 the civilian population.

9 Q. What do you mean when you say in relation to the Hashim Thaci
10 that he was "prepared politically"? What does that mean?

11 A. Well, since he had met the internationals, and they had met in
12 relation to political matters with internationals, so the objectives
13 of the KLA -- so in the population, the way they took it was that he
14 was quite a strong politician of the KLA. And just as much,
15 Jakup Krasniqi was rather known by the civilian population because he
16 was a former politically imprisoned individual, but also he was a
17 person who was involved in the organisation of the structures, he was
18 part of the LDK structures, and he was quite recognised as a
19 competent person politically and very smart politically.

20 Q. And could you tell us about this meeting with the civilian
21 population? Was it one meeting, more than one meeting with the
22 civilians? What did it look like? What was the setting for it?

23 A. In the Shala gorge, there were around 20, 30.000 civilians who
24 were there in tents -- or had tried to put up tents, rather. They
25 were in an open plain. And they were rather concerned. So we met a

1 lot of people, we walked amongst them, and we spoke to civilians.
2 And at a particular moment, quite a lot of civilians got together and
3 Jakup Krasniqi spoke to them, for them not to be concerned because
4 our units are definitely here. That we as the leaders of the KLA are
5 also here. So it was mostly for them not to be too worried or
6 concerned.

7 Q. And did you yourself speak at this meeting with the larger group
8 of civilians that you just mentioned where Jakup Krasniqi also spoke?

9 A. Yes, I spoke to many civilians as well because these were *ad hoc*
10 meetings with a group, another group. This was a large gorge where
11 many civilians were there, so we contacted many persons present
12 there.

13 Q. And do you recall, at least in general terms, what you were
14 saying to the civilians that you met on this occasion?

15 A. If I'm not mistaken, I addressed the civilians there knowing
16 that there was a huge propaganda going on that the spokesperson of
17 the KLA had received 100.000 Deutschmarks and had left to Albania,
18 and the idea was to have the person who knows best whether
19 Jakup Krasniqi had left the war or not. So we let Jakup Krasniqi
20 address the people himself in order to remove these doubts. I do not
21 recall exactly the words of Jakup Krasniqi towards the civilians, but
22 this was the whole purpose of our interventions.

23 Q. And do you recall whether Hashim Thaci spoke to one or more
24 civilians on this occasion?

25 A. He spoke to civilians. I do not recall, however, him holding a

1 speech on that occasion.

2 Q. Did you ever meet Hashim Thaci in Blinaja in 1998 or 1999?

3 A. If I'm not wrong, yes.

4 Q. And roughly, if you remember, when was that?

5 A. I can't recall the exact time.

6 Q. Do you recall whether it was 1998 or 1999?

7 A. 1998.

8 Q. And what was the occasion for you meeting Hashim Thaci in
9 Blinaja in 1998?

10 A. This was a friendly visit. Nothing more than that. He visited
11 me as a friend. We had been together in Switzerland, and we had
12 joined the war in Kosovo together.

13 Q. And do you recall whether on this occasion when you met
14 Hashim Thaci whether anyone else was present when he visited you?

15 A. We were a number of soldiers. I do not know whether someone
16 else was present.

17 Q. And do you recall what, if anything, you discussed with
18 Hashim Thaci during this visit?

19 A. No, I cannot recall that.

20 Q. And changing subjects slightly, Witness. I believe you already
21 touched upon this, but in 1998 was there a time when there were
22 rumours about you or allegations against you in the KLA?

23 A. Could you please repeat the question? I didn't quite
24 understand.

25 Q. So in 1998, was there a time when there were rumours about you

1 or allegations against you in the KLA?

2 A. I am not sure I understand. Against me or against the Kosovo
3 Liberation Army?

4 Q. Against you. Do you recall a time when anyone made any
5 allegations against you, about the manner you were behaving in the
6 KLA, about certain choices you made, for example?

7 A. Yes. In addition to other people within the KLA, I was
8 initially hit by the most powerful propaganda, which alleged that I
9 was a military leader who had left the front line and was not taking
10 part in the fighting. And so this was the propaganda.

11 Q. And did you speak about this propaganda about you with anyone in
12 particular at the time?

13 A. When I realised that this was becoming a serious concern because
14 it was propagated amongst the KLA soldiers as well, at that point, if
15 I'm not wrong it was in July, I went to the spokesperson of the KLA
16 to express my concerns in relation to this powerful propaganda, and I
17 was personally highly endangered as a result of this propaganda.

18 Q. And do you recall what you said to the spokesperson at this
19 time?

20 A. Could you please repeat the question?

21 Q. Do you recall what you said to the spokesperson when you met him
22 about this issue?

23 A. If I remember, these were the concerns: People were spreading
24 propaganda against me, and part of this was the leader of the
25 guerrilla unit in that area. And my request was to either take

1 measures, if I had deserted, as it was alleged, or to take measures
2 against those persons who were propagating that propaganda.

3 Q. What measures were you referring to that could be taken against
4 you or other persons?

5 A. I was hoping that there would be a mechanism to take such
6 measures. But later on, when such measures were not taken, I
7 realised there was no such mechanism in place which would have helped
8 to prevent such propaganda or take measures against those who were
9 spreading or supporting such propaganda. One of them was a leader of
10 a unit.

11 I expected and waited for a while for some form of action to be
12 taken, but this did not occur.

13 Q. And why did you raise these matters with Jakup Krasniqi at the
14 time?

15 A. In July, the only public person from the General Staff was
16 Jakup Krasniqi, and I hoped that the spokesperson of the KLA would be
17 able to convey this to the General Staff, because at that time he was
18 the only public person from the General Staff.

19 Q. And if I understood correctly, you said that you understood that
20 there were no measures that could be taken. But following your
21 conversation with Jakup Krasniqi, did anything happen, did anything
22 change in relation to your situation or the propaganda?

23 A. After the conversation with Jakup Krasniqi, I waited for several
24 days, if I'm not wrong. It could be weeks, though. I waited for
25 measures to be taken either against me or against those who had

1 spread such propaganda. However, no measures were taken. And
2 sometime around mid-August, I was told to go to the supply line in
3 the zone where I was the commander and to start with the structuring
4 of the Nerodime operational zone.

5 Q. And who was it that told you to do so?

6 A. Can you please repeat the question? Sorry, I understood. I was
7 in Javor when I informed them that if no measure is taken against
8 them, and I waited for a long while, following which, in coordination
9 with Ismet Jashari, who is a commander of the guerilla unit, we
10 decided to go to Albania. We informed Jakup Krasniqi that we were
11 going to Albania, on which occasion he said then, "Fix also the arms
12 supply issue and the structure." Azem Syla was not there.

13 In July, I thought, as it was talked about and assumed, that he
14 was the general commander. Azem Syla, that is.

15 Q. And did you receive any orders in relation to this going to
16 Albania and addressing the supply line?

17 A. No, there was no need for orders because I was commander of the
18 subzone, and I was just told to go to Albania to address the supply
19 line and the structure because a part of the soldiers and officers
20 were also in Albania.

21 MS. V. ALAGENDRA: Your Honours, I'm told there is a transcript
22 error. It's page 45, line 25, and it should read as:

23 "Azem Syla was there."

24 Here it reflects:

25 "Azem Syla was not there."

1 Could we clarify that with the witness, please?

2 PRESIDING JUDGE SMITH: That should be easily clarified,
3 Mr. Pace, if you will.

4 MR. PACE: Yes.

5 Q. Witness, in a previous answer the transcript currently reads:

6 "We informed Jakup Krasniqi that we were going to Albania, on
7 which occasion he said [to them], 'Fix also the arms supply issue and
8 the structure.'"

9 And then it says:

10 "Azem Syla was not there."

11 Is that correct, Azem Syla was not there?

12 A. I said Azem Syla was there.

13 Q. And to be clear, Azem Syla was where? In Albania, you're
14 saying?

15 A. No. He was together with Jakup Krasniqi when I discussed this,
16 the fact that I was going to Albania. And at that time, with respect
17 to Azem Syla, I assumed and people were saying that he was the
18 general commander, but there was nothing official in that regard.

19 Q. And is this still in August when you met both Jakup Krasniqi and
20 Azem Syla?

21 A. Yes, it was in August, because I travelled to Albania in August.

22 Q. And you also said in another answer:

23 "... there was no need for orders because I was commander of the
24 subzone, and I was just told to go to Albania to address the supply
25 line and the structure ..."

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1 Can you clarify who it is that told you to go to Albania to
2 address the supply line and the structure?

3 A. As a zone commander, I had the right to take this decision
4 myself. I informed the spokesperson of the KLA to inform the
5 General Staff that I was travelling to Albania for the purpose of
6 contacting there with the officers who were there and deal with the
7 supply line. This was the form at the time. Because at the time, I
8 was the commander of the subzone, despite the propaganda that was
9 spread at the time.

10 MR. PACE: Your Honour, with your leave, I'd like to put a prior
11 statement to the witness under Rule 143(2)(c).

12 PRESIDING JUDGE SMITH: Yes, go ahead.

13 MR. PACE: I'd like to call up IT-03-66 P160-TR-ET and I'll read
14 from page 61, line 20, until page 62, line 2. In Albanian, that's
15 IT-03-66 P160-TR-AT, page 63, lines 10 to 24.

16 Q. Witness, what's being called up on the screen now and is already
17 on the screen is going to be an answer or answers that you provided
18 in your 2003 ICTY interview. I'm going to read and then ask you a
19 question.

20 "A. Then it must have been in the beginning of August, or in
21 the middle of August that I was ordered by the Main Headquarters to
22 go to Albania -- i ...

23 "So I was ordered to leave for Albania, tasked to consolidate
24 the subzone command for Nerodime and to take care of the supply - the
25 weapons supply line."

1 Is what you said there correct?

2 A. This seems to be a statement given to the investigators of the
3 tribunal, which I disputed during the Limaj trial for the reasons
4 mentioned during the trial at the time.

5 Q. And I'm asking you in particular about two answers that you are
6 recorded as having here. This is a transcript of what was said. And
7 could you tell the Judges whether what you answered here is correct,
8 that in the middle of August you were ordered by the main
9 headquarters to go to Albania?

10 A. No, there was no order at that time because the General Staff
11 was not known. And it seems that this statement was given during the
12 investigations and on which occasion I might have made omissions.

13 MR. PACE: And we can take the document down.

14 Q. And, Witness, to your knowledge, what role or roles did
15 Fatmir Limaj play in the KLA in 1998?

16 A. I explained this. I considered him as my first commander
17 although no one appointed him as a unit commander. I viewed him as
18 such, though, because he escorted us from Drenica territory to the
19 Llapusha territory, as we referred to at the time, in Malisheve. So
20 during this whole time I assumed that Fatmir Limaj was a member of
21 the General Staff, and I assumed this because he had been persecuted
22 and sentenced, if I'm not wrong, by Serbia before being a KLA member.

23 So this brought me to think that he's a member of the
24 General Staff. However, at a later stage it was understood that he
25 had not been a member of the General Staff.

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1 Fatmir Limaj was one of my war comrades with whom I operated
2 with the guerrilla units in a rather broad territory. And despite my
3 wish to be with Fatmir and Agim, each of us had their own territory
4 and we were spread around. Until the end of July, if I'm not
5 mistaken, Fatmir was in Klecke with a unit there.

6 Q. And just one more question before the break. To your knowledge,
7 Witness, at any point in 1998 did Fatmir Limaj act as a liaison or a
8 go-between in relation to yourself or others and the KLA
9 General Staff?

10 A. There was a period of time during which we agreed that
11 Fatmir Limaj would escort me to Drenica whenever he could do so.
12 This was a responsibility thought to be with Fatmir. This was an
13 agreement with Fatmir and Agim in terms of coordinating our actions
14 if there was fighting going on, because we were in the process of
15 forming the guerilla units.

16 So during a certain period of time, this is how it was thought
17 or viewed. However, this did not happen because if I needed to
18 contact somebody thought to be a member of the General Staff in
19 Drenica, by the end of June the spokesperson of the KLA came out
20 publicly and the need to do, as mentioned earlier, did not present
21 itself.

22 MR. PACE: It's a good time for a break, Your Honour.

23 PRESIDING JUDGE SMITH: Witness, we'll have a half-hour break
24 now. So you may leave the courtroom with the Court Usher. Please do
25 not speak to anyone about your testimony outside of the courtroom,

1 and we'll see you back here at 11.30.

2 THE WITNESS: [Interpretation] Thank you.

3 [The witness stands down]

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

5 --- Recess taken at 11.02 a.m.

6 --- On resuming at 11.32 a.m.

7 PRESIDING JUDGE SMITH: Mr. Pace, before proceeding, about how
8 many hours left do you have?

9 MR. PACE: Your Honour, that's a bit hard to gauge, but I can
10 say I definitely need this session, likely most or all of the next
11 one. I'm not sure I'll be able to finish today. I might go into the
12 first session tomorrow, which I think would still be within my
13 nine-hour estimation.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 We didn't count yesterday's morning at all against you, so --
16 the reason I ask is because CMU has to know whether or not to send
17 the team tomorrow to the -- for the video-conference on Thursday and
18 whether or not to do that.

19 MR. PACE: Indeed, Your Honour, I wanted to mention this myself.
20 From our calculations, unless anything has changed drastically on the
21 Defence side with the 12-hour cross-examination estimate, and
22 potentially questions by the Panel, if you authorise it, we will tell
23 the reserve witness not to be on standby and nobody needs to travel
24 this week.

25 PRESIDING JUDGE SMITH: I think concerning the amount of

1 testimony this witness is going to give or has given already, it's
2 probably prudent to just tell them to let the reserve witness go for
3 this week.

4 MR. PACE: We will.

5 PRESIDING JUDGE SMITH: Yes.

6 MR. MISETIC: Mr. President, I'll take the opportunity on a
7 related subject, which is I think I have two hours estimated, but
8 that was when he was giving -- his evidence was going to be under
9 154, and a lot has developed, so I may be asking, depending on how it
10 goes on my cross, to go beyond the two hours as well. So I do agree
11 that it's highly unlikely that we would need another witness this
12 week.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 That's our judgment so -- you'll take of that. All right.

15 MS. V. ALAGENDRA: Your Honours, we have indicated four hours.
16 I'm likely going to be less than that. So about two to two and a
17 half hours at the moment.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 It would be good if we could finish this witness --

20 MS. V. ALAGENDRA: Certainly.

21 PRESIDING JUDGE SMITH: -- this week because then there's a
22 delay. It's not irreparable but it certainly is preferable. So we
23 will hope that happens.

24 All right. Madam Usher, you may bring the witness in.

25 MR. ROBERTS: Your Honour, as we have two seconds, could I just

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1 make a quick request. I know we have only a one-week break before
2 the next block of witnesses. Normally the Prosecution would give the
3 list, I think, by Thursday afternoon at 4.00. If at all possible, if
4 we could receive the order of those next witnesses by tomorrow, that
5 would assist certainly in preparing, given the fact that we only have
6 the one-week break between the blocks of witnesses.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: Is that possible, James?

9 MR. PACE: I will ask and if it's possible, we will do so,
10 Your Honour.

11 PRESIDING JUDGE SMITH: Okay. Report back, if you would, at the
12 noon break.

13 All right. Mr. Buja, we will continue with questions from the
14 Special Prosecutor's Office. Please give them your attention.

15 Mr. Pace, you have the floor.

16 MR. PACE: Thank you, Your Honour.

17 Q. Witness, earlier today you told us about the restructuring of
18 the subzone to the operational zone, and you said it happened
19 sometime in October 1998, and that the organisation was made clearer
20 after your return in Kosovo because there was a chief of staff, who
21 you told us was Bislum Zyrapi, and he was in charge of contacts and
22 orders to zone commanders.

23 Could you tell us, if you know, why the decision was taken to
24 convert subzones into zones at this time?

25 A. It was a political change to start off with, because at the

1 beginning we, as the KLA, aimed to liberate the occupied territories
2 of Albania. And after some contacts with internationals, the
3 position was taken not to cause a Balkan war or for it to be even
4 larger than that. And, therefore, the political side of the KLA
5 suggested that the aim of our liberation, as KLA, should be Kosovo
6 within its administrative borders as they were recognised then. And
7 since Kosovo could be a whole zone -- or, rather, a territory which
8 would be liberated, then the subzones were then named as zones and
9 were separated into operational zones.

10 So it was a political change to start off with but then also a
11 military one.

12 Q. Did the Nerodime zone have the same area of responsibility as
13 the Nerodime subzone had?

14 A. As I clarified earlier, in terms of it being a subzone, we
15 weren't clear in terms of the territory that was under our
16 responsibility. But as a zone, that became much clearer. And as a
17 zone, it was from the Carraleve gorge to the border with Macedonia.

18 Q. Do you recall roughly how many KLA members were attached to your
19 zone once it became a zone, an operational zone?

20 A. As an operational zone, the number varied because at the
21 beginning there were very few soldiers. But at the time of
22 reorganisation, we had two brigades, and, I mean, in terms of the
23 operational aspect they were light because they only had 700 to 800
24 in a brigade. And at the end of the war, it extended to other
25 brigades. They also had a light number but around, I would say, in

1 total, 3.000 soldiers. At the end of the war, that is.

2 Q. And to your knowledge, did other operational zones have more or
3 less KLA members attached to the zones than you did?

4 A. Yes, there were zones which were larger than the Nerodime zone,
5 operational zone, but also zones that had fewer soldiers. They were
6 smaller.

7 Q. And do you recall those which were larger?

8 A. Well, the larger zones were the Pashtrik zone as well as the
9 Drenica zone.

10 Q. And did you have a deputy once you were zone commander?

11 A. Yes, I did have one.

12 Q. And who was that?

13 A. Imri Ilazi, who was known by the pseudonym Commander Fehri.

14 Q. And did he serve as your deputy until the end of the war?

15 A. Yes, up until the end of the war.

16 Q. And do you recall who occupied the other positions within the
17 Nerodime operational zone structure or staff?

18 A. Yes. After the deputy commander, it was the chief of staff or
19 the chief of the staff of the Nerodime operational zone, and then
20 there were sectors, and there were heads of these sectors. And at
21 the time we had two brigades. And at the end of the war, there were
22 four brigades, although the number of soldiers was small to complete
23 the whole structure of four brigades.

24 Q. Let's start with the chief of staff. Who was that?

25 A. Hysen Shahini was chief of staff. He came from Albania. He was

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1 part of the organised forces organised by the former prime minister
2 of the time, Mr. Bujar Bukoshi.

3 Q. Do you recall when Hysen Shahini took up this position as the
4 chief of staff of the Nerodime zone?

5 A. If I'm not wrong, it would have been November or December of
6 1998.

7 Q. And you also mentioned that there were sector heads. Could you
8 tell us who these sector heads were and what sector they covered?

9 A. We had the personnel sector which was first headed by an officer
10 by the surname of Hajrullahu. Then Naim Imeri was appointed. The
11 second sector was the intelligence and counter-intelligence, and that
12 was headed by Elmi Reqica. There was also the logistics sector, and
13 we also had a military hospital in it, and it was headed by another
14 officer of the surname Hajrullahu. The liaison communications
15 officer was Ekrem Matoshi. The political and morale sector was
16 headed by Fehmi Mujota for a time. And the relations with the
17 civilians sector was headed by Mr. Ruzhdi Jashari.

18 Q. You mentioned two persons with the surname Hajrullahu. The
19 first, for personnel, what was that person's first name, please?

20 A. I cannot remember right now. But the logistics sector, his name
21 was Fehmi, Fehmi Hajrullahu.

22 Q. And the persons that you mentioned in relation to personnel, you
23 mentioned Hajrullahu and then it was someone else. In relation to
24 each of the other sectors, were these heads of these sectors there
25 throughout the period from the creation of the zone until the end of

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1 the war or were there any changes?

2 A. From October or beginning of November, they were heads of
3 sectors, but there were also changes. In personnel sector there were
4 changes because Mr. Hajrullahu moved -- given the office of the zone
5 commander, the legal office as it was called, and therefore Naim
6 Imeri was appointed instead. In the political and morale sector
7 there was also a change, and it was Fehmi Mujota in charge and Ruzhdi
8 Jashari then later became in charge. And Ruzhdi Jashari was also --
9 took on the role of spokesperson in a way of the Nerodime operational
10 zone.

11 Q. Was there a military police unit or company attached to the
12 Nerodime zone?

13 A. Yes, we had the military police company until the end of the
14 war. At the end of the war, it became a battalion of the military
15 police.

16 Q. And who was in charge of that company, initially at least?

17 A. The company commander of military police was Isak Musliu.

18 Q. Was he known by any nickname or pseudonym at the time?

19 A. Yes, he was known as Commander Qerqizi.

20 Q. And did he serve until the end of the war in that capacity?

21 A. Yes, from what I can recollect, until the end of the war.

22 Q. And forgive me if you mentioned the name and it escaped me. Was
23 Daut Ilazi a member of the zone staff in any capacity?

24 A. Not when I was there. He was there in the first part of the
25 fighting, in Jezerc, which is known as the Jezerce fighting. So

1 Daut Ilazi was part of the structures in Jezerc.

2 Q. And what period of time was that when there was the Jezerc
3 fighting?

4 A. I'm referring to September 1998, where he was wounded and he was
5 then sent to Albania.

6 Q. And let's turn now to the two brigades. You mentioned at first
7 there were two brigades. Could you tell us or remind us who was the
8 head of each of those -- the commander of each of those brigades?

9 A. Yes. Brigade 161 was commanded by Ahmet Kaciku; whereas 162,
10 its commander was Qamil Ilazi.

11 Q. And was Ahmet Kaciku the commander of Brigade 161 until the end
12 of the war or was there a change in commander?

13 A. Could you repeat the question, please? I didn't quite
14 understand.

15 Q. How long did Ahmet Kaciku serve as the commander of Brigade 161?

16 A. Commander Ahmet Kaciku was commander of the brigade up until the
17 moment he fell in the fighting, and he became a martyr in January
18 1999.

19 Q. And at that time, did anybody replace him as commander of the
20 brigade?

21 A. Yes. He was replaced with Commander Graniti, or in terms of
22 name and surname, if I'm not wrong, it's Ilmi Ramusholli.

23 Q. You mentioned that Brigade 162's commander was Qamil Ilazi. And
24 again, in relation to him, was he the brigade commander until the end
25 of the war?

1 A. Qamil Ilazi was also commander of the brigade up until he also
2 fell in Kacanik in the last offensive. Up until then, he was brigade
3 commander.

4 Q. And when was that offensive? When did he fall?

5 A. It was in the May offensive, if I'm not wrong, that is. Either
6 April or May 1999.

7 Q. And to be clear, before Qamil Ilazi, was anybody in command of
8 Brigade 162?

9 A. There wasn't any brigade commander, but there was a commander of
10 the unit for Kacanik, and that was Agim Bajrami.

11 Q. And was Qamil Ilazi known by any names or pseudonyms or
12 nicknames?

13 A. Yes. Qamil Ilazi was also Commander Bardhi because of his grey
14 hair. So his hair had gone grey and that is why his pseudonym was
15 Commandant Bardhi.

16 Q. Do you know Rafiz Sejdiu?

17 A. Once again, please, the name? Unless it was pronounced wrongly.

18 Q. I probably pronounced it wrongly. Rafiz Sejdiu.

19 A. Yes. He was part of the Kosovo Liberation Army in Nerodime
20 operational zone.

21 Q. And what was his role within the zone, if you recall?

22 A. I cannot recall his role. But he is now the chair of the
23 veterans association in Ferizaj.

24 Q. Do you recall whether he was attached to the zone staff or to a
25 brigade, for example?

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1 A. I do not believe that he was part of the zone staff. He could
2 have been part of the units of Brigade 161, of Ahmet Kaciku's.

3 Q. And do you recall whether he was known by any nicknames or
4 pseudonym at the time in 1998 or 1999?

5 A. In 1999, I do not know of him having a pseudonym.

6 Q. Have you ever heard of him being referred to as The Engineer?

7 A. Yes, sometimes people called him The Engineer because he was an
8 engineer by profession.

9 Q. And do you recall what village he was from?

10 A. No, I cannot recall that.

11 Q. Do you recall what municipality he was from?

12 A. Yes, it was Ferizaj municipality.

13 MR. PACE: I'd like to call up P01508 and P01508-ET side by
14 side. It's only one page so we can go to that page.

15 Q. Witness, there's two documents on your screen; on the left in
16 Albanian, and on the right in English. Do you recognise the document
17 on the left side of your screen in Albanian?

18 A. I think it looks like a newspaper.

19 Q. And who does the person in the picture look like?

20 A. In the photograph? That's me.

21 Q. And so we can see - perhaps if we zoom a little bit at the top
22 of the document in both of them - that it refers to *Zeri i Kosoves*,
23 and the date is 1 October 1998.

24 MR. PACE: And I'm going to start reading from the third
25 question and answer, which in the Albanian goes from the second to

1 the third column. And in the English, we would please need to go to
2 the second page where it's at the top.

3 Q. And before I read, Witness, do you remember giving any
4 interviews to *Zeri i Kosoves* around the time of this publication,
5 October 1998?

6 A. No, I do not recall that.

7 Q. So I'm going to read the question and the answer, and then I
8 have a question for you:

9 "Zeri i Kosoves: Initially, the KLA was known for its units,
10 whereas now there is talk of a higher level of organisation. What
11 was it that influenced its organisation?

12 "Commander Sokoli: In the beginning, the KLA started off with
13 the small guerrilla units because it operated under different and
14 obviously more difficult circumstances, with both the occupier and
15 even our own people accusing us as individuals in the service of the
16 Serbian secret service, Arkan, calling us terrorists and what not.

17 "However, following the public appearance of the KLA soldiers
18 during the funeral ceremony of the teacher Halit Geci and the
19 massacre the Serbs did in Prekaz, there was a change of
20 circumstances, people began to see more clearly and they supported
21 the KLA openly by attending the protests, joining the KLA ranks,
22 providing support and offering shelter for the soldiers. This helped
23 the KLA grow at a speed which exceeded even our own expectations.

24 "As it grew during the fighting, the KLA began to consider a new
25 organisation in order to match the new reality. And so, a regular

1 military organisation was done starting with the squads, platoons,
2 companies, battalions, brigades and so on."

3 And do you recall providing information of this nature to *Zeri i*
4 *Kosoves*?

5 A. No, I do not recall that. But you have to bear in mind the fact
6 that these statements could have been statements for the purposes of
7 propaganda, that we are organised, we're strong, and so on. And in
8 every sort of war, armies never admit that there are losses but
9 always exaggerate their wins. And we, the Kosovo Liberation Army,
10 tried to be as vociferous as possible, if not even more so, in terms
11 of our army, because our army needed stronger propaganda.

12 Q. Now, we established that the photo along with this article is
13 yours, and we see that the answers are attributed to a
14 Commander Sokoli. Would that be you?

15 A. I am the one in the photograph, but I do not remember the
16 interview.

17 Q. Yes. And Commander Sokoli, I believe you've already told us, is
18 one of the nicknames or pseudonyms you had in the war; right?

19 A. I did have this pseudonym, Sokoli, as well as others, like
20 Gazetari, but the majority of the time people knew me by name and
21 surname. In particular, at the time of the writing of this article
22 in *Zeri i Kosoves*, I was known by name and surname.

23 Q. And *Zeri i Kosoves* is the publication that you before this time
24 were an editor or -- I think you said on the editorial board; right?

25 A. Yes, but not at this time. I had worked there a year earlier.

1 Q. And from what you know about the publication, they wouldn't
2 publish words ascribing them to you --

3 MR. MISETIC: Objection, leading.

4 MR. PACE:

5 Q. -- if they didn't know -- if it wasn't correct that they were
6 yours?

7 PRESIDING JUDGE SMITH: Overruled.

8 Go ahead.

9 THE WITNESS: [Interpretation] Well, they could have published
10 inaccurate words also because we were conducting propaganda. Even
11 when I was part of the editorial board, we were carrying out
12 propaganda for the KLA. So it could be that they could have put a
13 statement that was exaggerated by a member of the editorial board.

14 MR. PACE:

15 Q. To be clear, are you saying that somebody could say words or say
16 things as propaganda and then they'd be published by *Zeri*, or are you
17 saying something different?

18 A. Yes, they could have used words like that, sir. And they could
19 have used those and put together an article which served the
20 objective of the war and our war effort and the propaganda for it.

21 Q. And from what you know in your experience as a member of the
22 editorial board with *Zeri i Kosoves*, would they have published words
23 and said that you were saying them when you hadn't said such words,
24 regardless of whether they were propaganda or not?

25 A. I did not understand the question. I'm really sorry, but there

1 is interference in my headset.

2 Q. No problem. I'm asking you -- you told us that you were a
3 member of the editorial board of *Zeri i Kosoves* before October 1998;
4 correct?

5 A. Yes.

6 Q. And based on what you know due to your involvement with *Zeri*, in
7 terms of their practices, would they publish an article saying
8 Commander Sokoli said this when, in fact, Commander Sokoli had not
9 said that to *Zeri*?

10 A. We mostly received writings with pseudonyms, and they were
11 published with these pseudonyms in *Zeri i Kosoves*. This was the
12 policy of the editorial board. We published them using pseudonyms.
13 I'm referring to the period of time when I was a member of the board.

14 Q. I'm going to continue reading from the next question and answer:

15 "Zeri i Kosoves: Since you mentioned the brigades, have you
16 heard of 131 Brigade?

17 "Commander Sokoli: Yes. I have heard /of it/ on TV from the
18 'Information Directorate of the Ministry of Defence', a ministry
19 which, obviously, has its offices based somewhere in the Moon and its
20 directorate at some satellite.

21 "To tell the truth, the attempts from the 'institutionalists'
22 did not end even after their leader's statement that 'FARK' forces do
23 not exist, that 'FARK' was a Serbian fabrication, etc. 'FARK'
24 operate through the headquarters based somewhere in Albania, from
25 where they receive instructions on how to enter

1 illegally /wearing/ Kosovo Liberation Army uniforms in order to cause
2 harm to the army and our people's fight for freedom. Such attempts
3 failed especially during the offensive launched by the Serbian
4 occupiers. The Brigade or Zone 3 Commander, as Tahir Zemaj prefers
5 to call himself, the former ordinary prisoner, the former KOS
6 /Yugoslav military counter-intelligence service/ major, the person in
7 charge of the operation to kill Rexhep Mala and Nuhi Berisha, will
8 answer for everything he and they did, as per the warning of the
9 KLA's Communiqué 53, which was censored or not published, not for the
10 first time, by the media, a decision which can only favour attempts
11 like that."

12 Witness, do you recall providing information of this nature to
13 *Zeri i Kosoves* at any time?

14 PRESIDING JUDGE SMITH: Yes, Mr. Hodaj.

15 MR. HODAJ: Thank you, Your Honour. I think the witness should
16 be informed about Rule 151 before answers to this question.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MR. HODAJ: Thank you.

19 PRESIDING JUDGE SMITH: Say that again, please.

20 MR. HODAJ: Thank you, Your Honour. The witness should be
21 informed about the rights of the Rule 151 before answers to this
22 question, just to inform him about his rights. Actually, I -- I
23 object the question or -- on behalf of the client I would like to --

24 PRESIDING JUDGE SMITH: We reminded him of that when we began
25 today.

1 MR. HODAJ: Okay. But I think he has to know this rights,
2 because I don't know if he remembered again. Thank you.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 Go on, please.

5 MR. PACE:

6 Q. So, Witness, I was asking you whether you recall providing such
7 information to *Zeri i Kosoves* at any time?

8 A. I don't recall giving such information.

9 MR. PACE: We can take the document down.

10 Q. And, Witness, do you recall a cease-fire around October or
11 November 1998?

12 A. No, I don't.

13 Q. Do you recall ever receiving any orders or instructions not to
14 go on fighting in 1998, October, November?

15 A. I didn't understand the question.

16 Q. In October or November 1998, do you recall there ever being a
17 time when somebody told you to stop fighting? Let's start from
18 there.

19 A. I don't recall it.

20 MR. PACE: And, Your Honour, with your leave, I'd like to call
21 up, pursuant to Rule 143(2)(b) and (c), a prior statement.

22 PRESIDING JUDGE SMITH: Yes, go ahead.

23 MR. PACE: And I'd like to call up SITF00223935-00223961, and
24 we'll go from the penultimate paragraph on page ending 223944 until
25 the end of the second paragraph on the following page. And in

1 Albanian, it's the same -- I see it's on the screen already. For the
2 record, it's the same ERN, -AT, and the same page references.

3 Q. So, Witness, in this case, on your screen on the left in
4 Albanian and on the right in English, we have pages from your 2001
5 statement to the ICTY, which we've looked at, I believe, yesterday.
6 And I'm going to read a part of what you said, and then I have some
7 questions:

8 "They kept these positions until the cease-fire in the beginning
9 of November 1998 then they returned to their barracks. We made a
10 commitment not to attack each other. The agreement was that there
11 would be no movement of VJ or KLA. The Serbs used this time to
12 reposition themselves especially along the Caraleva Gorge; which
13 meant that the cease-fire was broken. We gave all the positions to
14 OSCE especially in the Nerodime Zone because this is where they used
15 their positions to attack Recak. They took up these new locations
16 around late December.

17 "During this time there was 36 KLA soldiers out of approximately
18 100 killed and others were captured in the Pashtrik Zone, included in
19 this number were three from the Nerodime Zone, this was all done
20 during the cease-fire. I know this because there were survivors and
21 they were able to tell me what happened. The Serbs shot them in an
22 ambush in the suburbs of Prizren because they were importing weapons
23 from Albania. The Serbs got a large part of the weapons. The first
24 group had a guard ahead of them and the rest were in small groups and
25 not far from each other, it was dark and they were on foot and

1 carrying the weapons. In the agreement it stated that we could not
2 move from our positions or enter into armed conflict, but there was
3 nothing about not arming ourselves. We had the right to
4 self-defence.

5 "With the OSCE escort the Serbs could move from place to place
6 but not take up a position. We were ordered by KLA Main HQ not to
7 break the agreement because we believed that the future of Kosovo
8 would be advanced and that the situation would be worked out through
9 dialogue. There were no retaliations for the 36 KLA soldiers
10 killed."

11 Is that correct, Witness?

12 A. Yes, although I noticed a mistake which is that at that time
13 there was no Central Staff but the General Staff of the KLA.

14 Q. And, Witness, to be clear, the excerpt in English reads:

15 "We were ordered by KLA Main HQ not to break the agreement ..."

16 Is there something you want to clarify in relation to that?

17 A. Yes. We had an order from the General Staff not to engage into
18 fighting, to comply with the terms of the agreement between Holbrooke
19 and Milosevic.

20 MR. PACE: We can take that document down.

21 Q. And, Witness, a few moments ago you told us that Isak Musliu,
22 Qerqizi, was the military police commander within the Nerodime zone;
23 correct?

24 A. Correct. He was the commander of the military police company.

25 MR. PACE: I'd like to call up U017-3163-U017-3194. The English

1 is the same with -ET at the end, and I would like to go to the first
2 page, please. Thank you. And for now we can zoom out also in the
3 Albanian so we can see the header as well. Yes.

4 Q. And, Witness, so on the left you have a document in Albanian, on
5 the right in English, and we'll now zoom in.

6 MR. PACE: Could we zoom in a little bit more, trying to capture
7 still all the words on the page if possible. Yes, that's good.
8 Thank you.

9 Q. So, Witness, I'm just giving you a moment to have a look at the
10 document in Albanian on the left. Do you know whether you've seen
11 this document before?

12 A. I have not seen this document before. At least I cannot recall
13 it.

14 Q. And we can see that this is a KLA Nerodime OZ military police
15 request from Qerqiz, as MP commander, military police commander,
16 stating in part the following:

17 "Should the Military Police Company have a depot for its own
18 needs? This was once allowed only to be shut down later on strict
19 orders from the N.O.Z. allegedly in accordance with the CS
20 /Central Staff/ rules."

21 And, Witness, my question is do you recall any orders from the
22 Nerodime zone concerning a depot?

23 A. I don't recall this request.

24 Q. And to be clear, what I'm asking is if you remember something
25 mentioned in this request which is an order from the Nerodime zone to

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1 shut down a depot?

2 A. I don't recall it. We had many requests, from the military
3 police, from brigades, because we lacked ammunition, weaponry, even
4 military uniforms, lack of food, supplies, and so on. So there were
5 many requests sent to the Nerodime operational zone.

6 MR. PACE: We can take this document down. And instead, I'd
7 like to call up P00784. And we'll look at the first page. Thank
8 you.

9 Q. And, Witness, there is an image on your screen. Can you tell us
10 whether you recognise the image?

11 A. I do know the image.

12 Q. And can you tell us who and what occasion, if you recall, it
13 depicts?

14 A. I am depicted in this photograph, Fatmir Limaj, and
15 Mr. Hashim Thaci. I do not recognise the other persons. I don't
16 know when this photograph was taken.

17 Q. And to be clear, are you the first person on the left that we
18 see in this image?

19 A. Correct.

20 Q. And next to you, is that Fatmir Limaj?

21 A. He looks like him. He's wearing glasses, though, and it's a bit
22 difficult to recognise him.

23 MR. PACE: And perhaps we can zoom in a little bit. Thank you.

24 Q. And then you mention Hashim Thaci. Is that the person next to
25 who could -- the one who could be Fatmir Limaj?

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1 A. He seems to be Hashim Thaci. Although, the quality of the
2 photograph is poor.

3 Q. So that would be the third person from the left?

4 A. Correct.

5 Q. And do you have any idea of where or when this would have been
6 taken?

7 A. No, I have no idea who took the photograph.

8 Q. I didn't ask who took it. I'm asking where the photograph was
9 taken or when.

10 A. As I said, I have no idea where and when was this photograph
11 taken. I cannot recall it.

12 MR. PACE: And, Your Honour, with your leave, I'd like to call
13 up a prior to statement under Rule 143(2) (b) and (c).

14 PRESIDING JUDGE SMITH: Yes, go ahead.

15 MR. PACE: And we can take the document down, and instead please
16 call up IT-03-66 P160a-TR-ET, and we'll read from page 42, line 16,
17 until page 44, line 7. And in Albanian, it's the same ERN but -AT,
18 and there it will be from page 43, line 1, to page 44, line 16.

19 Q. So, Witness, this is from your 2003 statement. I'm going to
20 read some questions and answers, and then I have a question for you.
21 And just for your knowledge, there is going to be mention of a
22 document and the document is the same one that we just looked at, the
23 picture we just looked at:

24 "But I would like to show you a few pictures.

25 "For the purpose of the tape, the first one is numbered

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1 U0033239.

2 "Do you -- can you remember where this picture is from?

3 "A. Well, I don't know about the circumstances, where this
4 photo was taken, I think it had been at the Main Headquarters or
5 probably during the visit that members of the Main Headquarters were
6 paying to me.

7 "A. So, I used to have a beard in the first period of fighting.

8 "Q. Okay. So you think that this would be in the headquarters
9 in Krojmir then?

10 "A. No, this is not Krojmir. I don't think it's Krojmir.

11 "A. It's probably -- it's after November '98 or after my return
12 from Albania."

13 And then the excerpt proceeds with you identifying the persons
14 similar to those that you've identified today.

15 And now, Witness, we see that here you said you think it was at
16 the main headquarters or probably during the visit that members of
17 the headquarters were paying to you. Is that correct to your
18 recollection?

19 MR. MISETIC: I'm going to object, Mr. President. If he's going
20 to put it to him, he should put the whole paragraph back to him as to
21 what he said, particularly line 22 and 23.

22 MR. PACE: Your Honour, I'm happy to read the whole thing. I
23 said I didn't because it's --

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MR. PACE: So --

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 Read the rest of it, please.

3 MR. PACE:

4 Q. So I stopped at:

5 "Can you just for the purpose of the tape, can you tell us which
6 persons you recognise on this photo?

7 "A. It's me here. [Then] the person wearing glasses is
8 Fatmir Limaj. Further next in the middle is Hashim Thaci. The other
9 two, I don't --

10 "Q. What position would you say Fatmir Limaj had at this time?

11 "A. I think he must have been a member of the Main
12 Headquarters, the General Staff.

13 "It must have been November.

14 "Q. And it's the same -- what's the position of Hashim Thaci
15 then?

16 "A. He must have been ... He must have been in the Political
17 Directorate at [this] time.

18 "Q. But you don't remember the actual location that picture was
19 taken?

20 "A. No."

21 Now, Witness, as I was saying, initially you said you think it
22 had been at the main headquarters or probably during the visit that
23 members of the main headquarters were paying to you.

24 PRESIDING JUDGE SMITH: Just a moment, please.

25 MR. MISETIC: And that's the portion that I object to, the

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1 paraphrasing of that portion of what was read to the witness. It
2 should be page 42, lines 22 to 25. The Prosecutor is skipping the
3 first sentence -- or first part of that sentence, and then
4 re-packaging it without that qualification. And I think it should be
5 read in its entirety if it's going to be put to him that what he said
6 was.

7 MR. PACE: Your Honour, I read the entire excerpt. And then
8 after I was finished reading the entire excerpt, I went back and
9 focused on something the witness said there and I asked him if it's
10 correct.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. PACE: That's where we're at.

13 PRESIDING JUDGE SMITH: That's what I thought he was doing.

14 MR. MISETIC: Since it's already read, I can read it out in
15 front of the witness.

16 MR. PACE: Sorry, why would you do that?

17 PRESIDING JUDGE SMITH: No. You can do that later if you wish
18 to in cross-examination, but right now what's your objection? It's
19 not complete?

20 MR. MISETIC: Yes, because a key part of what he said is being
21 left out about --

22 PRESIDING JUDGE SMITH: If there was something left out, please
23 read it.

24 MR. PACE: I have no idea what was left out, Your Honour.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 MR. MISETIC: May I read it out? Or ask the witness to --

2 PRESIDING JUDGE SMITH: Just point out the line that it's on.

3 MR. MISETIC: I'm looking at a hard -- okay. It should be page
4 42, beginning at line 22. Yes. And the lines 22 and 23. And
5 instead the question is being put, 24 and 25, without 22 and 23.

6 MR. PACE: Your Honour, perhaps counsel wasn't listening when I
7 read it, but I read the lines that he mentioned.

8 MR. MISETIC: Mr. President, I've listened. The question, and
9 we can re-read the question as posed, you said -- and the way it was
10 posed was: You said this photo was taken at the main headquarters or
11 probably during the visit.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 Read the whole thing including that paragraph once more so that
14 we can move on.

15 MR. PACE: Yes, Your Honour. Emphasis on the "once more"
16 because I did read that. I will go again.

17 Q. Witness, I will start again. In this excerpt, the question was:

18 "But I would like to show you a few pictures for the purpose of
19 the tape. The first one is numbered U0033239.

20 "Do you -- can you remember where this picture is from?"

21 And your answer is:

22 "Well, I don't know about the circumstances, where this photo
23 was taken, I think it had been at the Main Headquarters or probably
24 during the visit that members of the Main Headquarters were paying to
25 me."

1 And my question to you now, Witness, is, having read this, do
2 you think that's correct that it could have been at the main
3 headquarters or during a visit that members of the main headquarters
4 were paying to you?

5 A. I do not recall this. Meaning, where this was taken. And in my
6 statement, I was not certain where or when was this taken.

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

8 Q. Witness, could you tell us where you were based in January 1999?

9 A. In January 1999; right?

10 Q. Yes.

11 A. In the village of Mullopolc.

12 Q. And to your recollection, were you in Mullopolc for the entirety
13 of January 1999?

14 A. I was based there. I was stationed there. My command was
15 there. However, I moved around within the war territory.

16 Q. And do you recall where in January 1999 you moved? So if you
17 weren't in Mullopolc in January 1999, where were you?

18 A. I moved in that territory. I am not able to remember
19 specifically the locations where I went. My battalion, the command
20 was in Jezerc. Another part of it was in Recak, Petrove. These were
21 under the command of Brigade 161. And the command of the Nerodime
22 operational zone was based there as well.

23 Q. And to be clear, when you say "the command of the Nerodime
24 operational zone was based there," do you mean Jezerc, Petrove, or
25 somewhere else, sorry?

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1 A. In January, the command of the Nerodime operational zone was in
2 Mullopolc as well as the command of Brigade 161, Ahmet Kaciku,
3 Brigade 161, because at that time Ahmet Kaciku was still the
4 commander of this brigade.

5 Q. And to your knowledge, did anyone from the KLA General Staff
6 visit the Nerodime operational zone around January 1999?

7 A. I am not able to recall it now.

8 MR. PACE: I'd like to call up Exhibit 1D00033 alongside 1D0 --
9 well, with the same with ET at the end. And we'll start from page,
10 in both, SPOE00226336, please. Thank you. If we could zoom out just
11 a little -- or, actually, scroll out in the Albanian just so we see
12 the top and the bottom. Thank you.

13 Q. Witness, the document on the left is in Albanian handwritten and
14 on the right is its English translation. Do you recognise the page
15 from this document on the left of your screen in Albanian?

16 A. I see the handwriting is in Albanian, but I do not know who is
17 the author.

18 Q. Do you happen to recognise the signature at the bottom of the
19 page?

20 A. No.

21 Q. And just above that signature we see a reference to:

22 "The KLA GS team concluded its three-day mission at Nerodima OZ
23 headquarters in Mullopolc on 08.01.1999."

24 And, Witness, my question is do you recall such a visit from the
25 KLA GS in Mullopolc in January 1999?

1 A. I remember that some of the officers were in the oath ceremony,
2 but I don't think this occurred in January. It must have been in
3 December.

4 Q. And which oath ceremony are you referring to?

5 A. An oath ceremony took place in Jezerc regarding some soldiers
6 who were members of the battalion of Jezerc.

7 Q. And who do you recall - you mentioned officers - being in
8 attendance for that ceremony in Jezerc, the oath ceremony?

9 A. I recall, if I'm not mistaken, Sali Veseli was present,
10 Rexhep Selimi was present, and I don't know about the others.

11 Q. And what was Sali Veseli's role at the time of this oath
12 ceremony?

13 A. I did not know exactly, but I know that it was in the
14 operational one, which was led by Bislim Zyrapi.

15 Q. And was that within the KLA General Staff?

16 A. From what I know, yes.

17 Q. And what, if anything, did Sali Veseli say during this oath
18 ceremony, if he said anything?

19 A. I do not know as to whether he had a speech or anybody had a
20 speech, but I know that I spoke to the soldiers. I addressed the
21 soldiers of the company. I read out the text of the oath, then they
22 signed it, and that was the end of the ceremony.

23 Q. Do you recall whether Rexhep Selimi spoke on that occasion?

24 A. I cannot remember him speaking, but Rexhep Selimi was present
25 though.

1 Q. And at the time when Rexhep Selimi was present for this
2 ceremony, what did you understand his role or position to be in the
3 KLA?

4 A. He came there as a member of the General Staff.

5 MR. PACE: And I'd like to turn in this same document to the
6 page ending 226336, please.

7 THE COURT OFFICER: That is the same page we're on right now.

8 MR. PACE: That's correct. Thank you.

9 Q. And, Witness --

10 MR. PACE: In fact, if we can zoom on the top entry on this
11 page, please.

12 Q. Witness, over here, this is the same page, as I've been
13 reminded, and we see a reference to "08.01.1999 - Jezerca." And then
14 the text reads:

15 "We take part in the 161 Brigade, 1st Battalion, 2nd Company
16 soldiers oath ceremony. We greet the soldiers of the Company on
17 behalf of KLA GS.

18 "There was a successful parade by a rapid intervention unit
19 platoon and a reconnaissance platoon before the oath ceremony."

20 Now, Witness, you told us that this oath ceremony in Jezerc
21 could have been in, I believe you said, December 1998. Is it
22 possible that the date on this document is more accurate, 8 January
23 1999?

24 A. I cannot remember, but I know end of December, 8th of January,
25 perhaps it's quite later on. I cannot be sure about that.

1 Q. And do you recall if there was one or more oath ceremonies in
2 Jezerc where Rexhep Selimi and Sali Veseli were present with you
3 around that time in December and January?

4 A. Well, there were also civilians there, the soldiers of the
5 company that took the oath, as well as the soldiers of the special
6 unit who performed in the two ways, so as part of the ceremony, of
7 the oath-taking ceremony.

8 Q. And you told us that the oath ceremony, you recalled, in Jezerc,
9 amongst others, there were yourself, Rexhep Selimi, and Sali Veseli.
10 Do you recall whether Rexhep Selimi and Sali Veseli were there for
11 one or for more than one oath ceremony in Jezerc?

12 A. From what I remember, they were in this oath ceremony, because
13 then later on there was a harsh fighting, and the public knows about
14 these, and it was not possible for us to conduct an oath ceremony of
15 other soldiers.

16 Q. So to be clear, to your recollection, Rexhep Selimi and
17 Sali Veseli, along with yourself, only attended one oath ceremony
18 together in Jezerc; right?

19 A. Yes, just one ceremony. But it wasn't just us. My deputy was
20 there, the chief of staff, civilians were there of the area, so there
21 were quite a lot of people there.

22 Q. And in your answer a few moments ago, you said, in fact:

23 "Well, there were also civilians there, the soldiers of the
24 company that took the oath, as well as the soldiers of the special
25 unit who performed in two ways, so as part of the ceremony, of the

1 oath-taking ceremony."

2 Who are the soldiers of the special unit that performed in the
3 two ways?

4 A. There was a special unit. It was a small unit composed of
5 around 20 KLA soldiers who at the time were being trained to take
6 responsibility as a special unit which would undertake tasks later
7 on, tasks which would be very important. Because where the front
8 line was, this special unit would intervene, and it would push back
9 the front line or positions which we had lost and it would bring them
10 to the control of the KLA. So very special tasks.

11 Q. And who was in charge of the special unit that you're just
12 describing?

13 A. It was Commander Murtaja, name and surname, Sadik Begaj. He's a
14 martyr now.

15 Q. We're going to go back to the oath ceremony a little later.

16 MR. PACE: But for now, just to stay in this document, could we
17 please go back a few pages to the page ending 226329.

18 Q. And, Witness, again, this is another page from the same
19 document. And we see that at the top of this page there's a
20 reference to 06.01.1999 Mullopolc and to the Nerodime operational
21 zone. My question, Witness, is we can see some letters and symbols
22 highlighted in purple. Do you have any idea what those could refer
23 to?

24 A. I do not understand what they are about.

25 MR. PACE: Let's turn to the next page, 226330, please.

1 Q. And here at point number 2 on this page, Witness, we see:

2 "Full speech ... and detailed report by Nerodima OZ Commander
3 Shukri Buja."

4 And my question is do you recall giving a speech and a detailed
5 report in Mullopolc in or around January 1999?

6 A. I cannot remember this reporting. I cannot remember that.

7 Q. And on the same page, in fact, the point just below the one I
8 read out, it reads:

9 "3. Problem with 162 ... Brigade: it is not in operation even
10 though it has the potential and enough soldiers."

11 And, Witness, do you recall if there were any such problems with
12 the Brigade 162 not being in operation despite having enough
13 soldiers?

14 PRESIDING JUDGE SMITH: Yes, sir.

15 MR. MISETIC: Mr. President, I'd just note for the record that
16 these questions are based on the proposition that the document is
17 from January, and I'd ask for foundation for that in either the
18 original or the translation.

19 MR. PACE: Yes, Your Honour, we just looked at a page earlier
20 that refers at the top to 06.01.1999. We also looked at another page
21 that refers to 8 January 1999. And the event on 8 January 1999, the
22 witness recalls it was either in December 1998 or January 1999.

23 PRESIDING JUDGE SMITH: [Microphone not activated] ... am I not
24 correct, this is 06.11.1999?

25 MR. MISETIC: [Microphone not activated].

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 MR. PACE: Yes, this page says "06.11.1999," which I can clarify
2 with the witness.

3 PRESIDING JUDGE SMITH: Please do so.

4 MR. PACE: So let's go back to --

5 PRESIDING JUDGE SMITH: Mr. Misetic, something else?

6 MR. MISETIC: I just was -- I think if we could look in the
7 original what it says, it might be helpful as well.

8 MR. PACE: Yes. So let's please go back to page ending 6329.

9 Q. And here, Witness, at the top of this page, can you confirm you
10 see in Albanian "06.01.1999 Mullopolc" and "Nerodime Operational
11 Zone"?

12 A. Yes, I see that.

13 Q. And you told us earlier that you were based in Mullopolc in
14 January 1999; correct?

15 A. Yes, that's correct.

16 MR. PACE: Now let's go to the next page, which is the one we
17 were looking at, so 6330.

18 Q. And here, Witness, do you see that at the top of this page it
19 refers to "Mullopolc 06.11.1999" and then "With the Nerodime OZ
20 Command"? Do you see that?

21 A. Yes, I do.

22 Q. And to your recollection, was the Nerodime operational zone
23 command in Mullopolc on 6 November 1999?

24 A. Yes, it was in Mullopolc.

25 Q. And at that time, was that still within the KLA or some other

1 entity?

2 A. Part of the Kosovo Liberation Army.

3 Q. And do you recall a visit by the KLA General Staff in November
4 1999?

5 A. I do not recall a visit in November.

6 Q. Now, at point 3 of this page we see:

7 "Problem with 162 ... Brigade: it is not in operation even
8 though it has the potential and enough soldiers."

9 Witness, could you tell us when Brigade 162 was in operation?

10 A. Brigade 162 commenced at the same time as 161 as the brigade.
11 But in terms of structuring, completing the command, the soldiers,
12 the whole military structure, please bear in mind that this was a
13 wartime and there were a lot of difficulties. And actually,
14 difficulties in terms of supply were even greater, and the
15 structuring was not completed of the brigades, of the staff of the
16 zone even by the end of the war. So we continued to work all the
17 time in terms of the structuring of our units during our liberation
18 war.

19 Q. And you said it commenced at the same time as the 161 Brigade.
20 When was that?

21 A. We started off organising the brigades at the end of October
22 1998, and we continued with the structuring, the organisation of
23 these brigades later, sometime November, December. That's when the
24 organising into battalions, companies, as well as other parts which
25 are necessary for its operation. But it was a process which

1 continued not within a short amount of time, but it continued,
2 nonetheless, with various steps to structure these units.

3 Q. And in this context, when you refer to November or December,
4 which year is that?

5 A. This is about 1998.

6 MR. PACE: And could we now turn to page 00226334, please. Now,
7 if we zoom in on the second entry on this page. Thank you.

8 Q. So, Witness, this is another page from the same document we've
9 been discussing. And as you can see, it reads "07.01.1998." And it
10 says:

11 "Visit

12 "The mountain peak between Popoz and Llanishta."

13 And my first question is, to your recollection, are Popoz and
14 Llanishta within the Nerodime operational zone or somewhere else?

15 A. Llanishta, Topilla, and those other villages were part of the
16 Nerodime operational zone, but there was a unit which was active
17 there which did not come under the Nerodime operational zone command.
18 So it was a battalion, a company, in fact, to start off with, which
19 was a surveillance company, a reconnaissance company of the
20 General Staff.

21 Q. And who was in charge of that company of the General Staff that
22 you just mentioned?

23 A. So it was a company and later became a battalion. And we called
24 them Commander Guri's soldiers.

25 Q. And how did you learn about this company that later became a

1 battalion?

2 A. Well, this was there earlier as well. Also at the time before
3 the restructuring of the Nerodime operational zone. But these
4 soldiers insisted that they should be part of the Kumanova 121
5 Brigade. But because of the territorial division of the Carraleve
6 gorge and the difficulties to communicate with the command of the
7 121st Brigade, then what happened was that a unit was established --
8 or a company, rather, this reconnaissance company which was later
9 called the battalion, the reconnaissance battalion.

10 MR. PACE: Let's please go to, in the same document, page ending
11 226350. Thank you.

12 Q. And, Witness, again this is another page from the same document
13 we've been looking at. And at the top, we can see a reference to
14 "07.01.[1999]" and then "Work of the commission on defining OZ" and
15 then "Nerodima - Pashtrik" in highlights.

16 First of all, Witness, are you familiar with a commission on
17 defining OZ, operational zones?

18 A. No, I was not aware of this.

19 Q. On this page we see a number of what appear to be locations, but
20 we can start. So one of the first ones we see is "Plosh- Pashtrik."
21 Are you aware of a location called or known as Plosh?

22 A. Could you repeat the question, please.

23 Q. On the page we see reference to "Plosh- Pashtrik." Are you
24 aware of a location or a village or town called or known as Plosh?

25 A. I cannot remember anything like that.

1 Q. The next name down, we see "Prevallac- Pashtrik." Do you know
2 somewhere known as Prevallac?

3 A. Prevalle, yes. Prevallac, no, I do not recognise that.

4 Q. Let's go with Prevalle then. Was Prevalle in Pashtrik or
5 somewhere else?

6 A. I do not know exactly.

7 MR. PACE: We can take this document down. And can we please
8 call up U001-2063-U001-2101 alongside the English translation, which
9 is the same ERN -ET Revised 1. And in both, let's please go to page
10 2085.

11 Q. Now, Witness, this is a different document on your screen. On
12 the left is in English, and on the right is in Albanian. And -- yes.

13 MR. PACE: For now we can zoom out in the Albanian at least.
14 Thank you.

15 Q. Witness, have you seen the page on your screen on the left in
16 Albanian? Have you seen that before?

17 A. No.

18 Q. Do you recognise the handwriting?

19 A. No.

20 Q. I will read the entry at the top of this page, and then I have a
21 question. It reads:

22 "Daily Report

23 "On 08 January 1999 - From 08:30 the Military Oath was taken,
24 with the participation also of many senior commanders of the Kosovo
25 Liberation Army General Staff, including the Commander of the

1 Nerodima Operational Zone at Jezerca. It was carried out for the
2 Battalion commander, the deputy, as well as the ... commander and
3 many soldiers coming from all positions in the Nerodima Zone at
4 Jezerca. The Oath /ceremony/ lasted until 13:20. We swear! KLA!

5 "08 January 1999

6 "Meti."

7 Witness, I actually cannot recall right now if you told us if
8 you know who Meti is. If you know or -- can you repeat that if you
9 did?

10 A. I do not know who Meti is. It could have been a soldier. I do
11 not know.

12 Q. And the information in this excerpt that I just read out to you,
13 does that correspond to your recollection of the oath ceremony you
14 described to us earlier at which Rexhep Selimi and Sali Veseli were
15 also present?

16 A. It could be. It could correspond to what happened. But I
17 cannot confirm it exactly.

18 MR. PACE: We can take the document down. And instead let's
19 please call up P00647 alongside P00647-ET.

20 Q. So while the English translation comes up. Witness, on the
21 right-hand side of the screen can you see a document in Albanian
22 partially typed and partially handwritten?

23 A. Yes, I see it, but I've never seen it before.

24 MR. PACE: And now I'm going to ask to turn to the last page of
25 the document in both English and Albanian. And if we scroll --

1 that's good, yes, for now.

2 Q. And, Witness, we see on the left in Albanian, this is a page
3 which at the top refers to 20 January 1999 and then has signatures
4 and stamps. Do you recognise any of the signatures on this page?

5 A. I see my name there, and there's a handwriting which I believe
6 is mine.

7 Q. And the date at the top, 20 January 1999, do you recall whether
8 that would have been when you signed this document?

9 A. I do not remember that.

10 MR. PACE: And we can take the document down.

11 Q. And, Witness, do you recall ever writing any notes or articles
12 or chapters or books in 1998 or 1999 or concerning 1998 or 1999?

13 A. Many books were written. There are many untruths in books, too,
14 many exaggerations, and it really is something that puts out a lot of
15 things that are unclear about that period.

16 Q. And did you yourself ever write any note or article, a chapter
17 or a book, published or not?

18 A. There could be a speech of mine. But a book per se, I have not
19 written. There could be an excerpt from a speech of mine or perhaps
20 an article that might have been published but not books or a lengthy
21 article. No.

22 Q. And do you recall whether you ever provided anything you wrote
23 either in 1998 or 1999 or about that time to anyone?

24 A. I do not recall that.

25 MR. PACE: Your Honour, I think it's a good time for a break

1 because what I have to do next might take a little longer.

2 PRESIDING JUDGE SMITH: All right. Witness, we will break for
3 lunch now. You'll have an hour and a half. We'll come back at 2.30.
4 Please do not speak with anyone about your testimony outside of the
5 courtroom, and you may go with the Court Usher now to leave the room.
6 Thank you.

7 [The witness stands down]

8 PRESIDING JUDGE SMITH: We're adjourned until 2.30.

9 --- Luncheon recess taken at 12.58 p.m.

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

11 PRESIDING JUDGE SMITH: Mr. Pace, have you got an answer for us
12 on whether you can do the update on witnesses by Thursday?

13 MR. PACE: By tomorrow, yes, Your Honour. It's usually due
14 Thursday, so we'll get it by tomorrow close of business. There's
15 something we're needing to look into. And I'm sure everyone
16 understands that it also is greatly or at least partially impacted by
17 whether this witness is held over or not. But we'll send it
18 tomorrow.

19 PRESIDING JUDGE SMITH: Thank you very much.

20 Madam Usher, you can bring the witness in.

21 We'll take ten minutes at 3.30 as has been the practice.

22 [The witness takes the stand]

23 PRESIDING JUDGE SMITH: Mr. Buja, we take it up again. We will
24 be still with the SPO. Please give them your attention.

25 Mr. Pace, you have the floor.

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 MR. PACE: Thank you. And could we please call up
2 SPOE00227462-SPOE00227503 alongside the English translation, which is
3 the same ERN with -ET, and we'll start on the first page, please.

4 Q. And, Witness, on your screen we see a new document on the left
5 in Albanian and on the right is the English translation. And we can
6 see that the heading reads: "What was the strategy of closing the
7 Carraleve-Llapushnik Gorge."

8 And, Witness, my first question is whether you recognise the
9 page in Albanian?

10 A. Yes, this is a document.

11 Q. Do you recognise this document?

12 A. No.

13 MR. PACE: And I'd like to turn to the next page, 7463, and we
14 could please zoom in on the first three lines.

15 Q. Witness, this is the next page, a second page from this item,
16 and I'm going to read to you from a part of it. And we see the
17 heading: "On 6 June I am appointed commander of the Neredime ...
18 Operational Sub-zone."

19 "On 6 June 1998 I am appointed by the KLA General Staff to be
20 commander of the Neredime Operational Sub -zone, which sub-zone
21 included the territory from Fushtice up through Gllobocice."

22 And, Witness, my question is do you agree that this implies the
23 document purports to have been written by you?

24 A. I see a mistake here. This was not on the -- in June, on
25 6 June. I was appointed in July instead. This might be an omission

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 I might have made at the time I drafted this, if I did so.

2 Q. And do you recall having drafted this?

3 A. I don't remember. But I see the mistake I mentioned, because
4 the date of 6 June is wrong.

5 MR. PACE: And if we could go to the page 227491, and we can
6 zoom in on the bottom half of that page in both versions, please.
7 Yes.

8 Q. And I'm going to read from the last, let's say, five or six
9 sentences on this page, Witness, and then I'm going to ask you some
10 questions:

11 "I appeared in the media for the first time in Klecke. At that
12 time the spokesman of the Kosovo Liberation Army, Jakup Krasniqi,
13 together with Jahi Ibrahimimi gave the first public interview with TVSH
14 ... This, I recall, was also the first appearance of representatives
15 of the Kosovo Liberation Army before the public. The first public
16 appearance was for me as emotional as it was dangerous. The reason
17 for this was that I had my family in the village, and I put the whole
18 region I [came] from in danger. But the greatest danger I saw was
19 for my older brother, Rame, who was in Pristina."

20 Witness, it's correct that you have a brother called Rame, isn't
21 it -- is it?

22 A. Yes, that's correct.

23 Q. And you told us earlier today that you, in fact, were present
24 during Jakup Krasniqi's first televised appearance as a spokesperson
25 for the KLA; is that correct?

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 A. Yes, that's correct.

2 Q. And do you recall having written the information that I just
3 read out to you?

4 A. No, I do not recall this information.

5 Q. To be clear, first of all, is the information I read out
6 consistent with your recollection of those events, the appearance
7 with Jakup Krasniqi for example?

8 A. Yes. Jakup Krasniqi made the first public appearance as the
9 spokesperson of the Kosovo Liberation Army in June 1998.

10 Q. And the excerpt I read starts with:

11 "I appeared in the media for the first time in Klecke."

12 And, Witness, could you clarify whether when you appeared in the
13 media with Jakup Krasniqi, besides being his first public appearance
14 for the KLA, was that also your first media appearance with the KLA?

15 A. Yes, I made my first appearance together with Jakup Krasniqi in
16 Klecke.

17 MR. PACE: And if we can now turn to the page ending 227470, and
18 we'll go from the subheading there.

19 Q. Witness, this is another page from the same item. I'm going to
20 read from the subheading we can see in bold and then ask you a
21 question:

22 "Why Shukri Buja withdrew from the TMK

23 "I withdrew from the TMK because I did not agree with the flow
24 of its further transformation. We had agreed that the Kosovo
25 Liberation Army would be transformed, not FARK ... The Armed Forces

1 of the Republic of Kosovo/ and many Albanian /handwritten: *magjupe*
2 ... and *shkie* ... and Serbs together.

3 "Because many distinguished KLA commanders and soldiers remained
4 on the streets of our cities; they took up selling small items, such
5 as cigarettes, etc. I, as their former commander during the war,
6 since I could not influence things to be better for them, I wanted to
7 join them in their fate."

8 And, Witness, here, as you can see, we have a header referring
9 to Shukri Buja and below that heading multiple references to the
10 first person, "I." And do you agree this implies this item purports
11 to have been written by you?

12 A. It doesn't appear that I wrote this but that I was asked,
13 instead, and that I declared this.

14 Q. And do you recall ever being asked and declaring information of
15 the nature as that I've been reading to you from this item?

16 A. I do not recall this interview.

17 Q. Did you withdraw from the TMK at any point?

18 A. Yes, I did.

19 MR. PACE: Let's turn to page 227463, please. And we'll zoom in
20 on the last five lines on those pages.

21 Q. Witness, this is another page from the same item. I'm going to
22 read an excerpt and then ask you a question or questions:

23 "In the village of Jezerc we also established the school for
24 preparing the soldiers /... and officers/. Meanwhile in the village
25 of Devetak we also had the school for special units."

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 Witness, are you familiar with these schools?

2 A. No, we did not have a school in Devetak. In Jezerc, some
3 soldiers were trained towards the end of the war in April.

4 MR. PACE: And let's please now turn to the page ending 227473,
5 and there I'll read from the last two lines there until the first few
6 lines on the following page.

7 Q. Witness, again, I'm going to read an excerpt from this item:

8 "/handwritten: From Drenica, by order of the GS the unit
9 comprised of 5 individuals was sent off: K./?Commanders/ Celiku,
10 Kumanove, A. Bajrami, Topi, and [Shukri] Buja, led by Celiku, in
11 order to/ ... set up in Klecke.

12 "The plan was to set up in Klecke. In Pagarushe, A. Bajrami and
13 I split off from the group (the unit) to continue on to Mallopolc,
14 where the base would be set up in order to carry out the duties that
15 Agim and I were charged with./"

16 And then crossed out we have the words:

17 "General ... of the KLA, we received new assignments," and then
18 we have "who charged Agim," crossed out "Bajrami and me to act in the
19 territory of Suhareke and Kacanik."

20 And then we see:

21 "In this territory we were appointed to with a duty to organise
22 the Kosovo Liberation Army for the municipalities of Lypjan, Shtime,
23 Ferizaj /and/ Kacanik. Meanwhile, the General Staff charged me with
24 the very responsible duty of handling the coordination of actions
25 from Kacanik up to Klecke. /handwritten: This territory would later

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 be known as the Nerodime Subzone./"

2 And, Witness, my question is does the information I read out to
3 you correspond with your recollection of the events described
4 therein?

5 A. No, they're a bit elaborated. I intervened in order to rectify
6 and improve some incorrect paragraphs. There are a lot of
7 exaggerations in this writing.

8 Q. And what do you mean when you say you intervened to correct and
9 improve some incorrect paragraphs?

10 A. The whole writing seems to be more of an artistic nature rather
11 than fact based. I tried to establish the truth based on my
12 recollection at the time, and I tried to indicate there in writing
13 that we went to Klecke with Agim Bajrami. And then from there, on
14 the same night, we travelled with Sadik Shala to my village, and then
15 we set up in Mullopolc.

16 I have presented this in a concise manner with the improvements
17 inserted there.

18 Q. And do you recall who you presented this writing to?

19 A. I don't recall who did this writing, because somebody else did
20 it. It's not my writing. But there some improvements in there that
21 seem to be -- and they are my handwriting.

22 Q. Okay. So just to clarify the handwriting we see on this page,
23 for example, obviously in Albanian, you recognise that as your
24 handwriting?

25 A. The handwriting seems to be my handwriting, yes.

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 MR. PACE: And let's next go to the page ending 227475, zooming
2 in on the first ten lines or so, please.

3 Q. Once again, Witness, this is another page from the same item,
4 and here we see:

5 "As I said, from the beginning we had been chosen by the
6 General Staff to form the first units of the KLA in the," and then,
7 "/handwritten: sub-/Zone of Neredime."

8 And is that correct in terms of does it correspond to your
9 recollection of events at the time?

10 A. At the time of this writing, certainly after the war, we
11 exaggerated the organisation and described the General Staff.
12 Whereas, in fact, the organisation of the zones started in July, and
13 we continued without knowing precisely how this would be structured.
14 This is more of a propaganda or artistic book or writing, and I tried
15 to make some corrections and improvements to it.

16 MR. PACE: And let's please turn to the page ending 227493, and
17 we can zoom in on the second paragraph there.

18 Q. Witness, this is another page on the same item. I'm going to
19 read an excerpt, and then I have some questions:

20 "In the early hours of 15 January /1999/ the occupiers led by
21 soldiers, police, paramilitaries and criminals deployed with [one or]
22 more elite units, also led by some *shqipfoles* /phoney Albanians ...
23 First came the shelling, which was very powerful. Recak was shelled
24 from all sides, such as from Pod i Geshtenjave, from Ceste, from
25 Pishat and elsewhere. It was impossible for the populace to be

Witness: Shukri Buja (Resumed) (Open Session)
Examination by Mr. Pace (Continued)

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1 protected, regardless of how much we worked in all directions. The
2 first ones to come to our aid were Commander Guri and his unit, which
3 was acting with the sabotage-reconnaissance battalion that was
4 directly connected to the General Staff."

5 Now, Witness, you testified earlier about Commander Guri who was
6 in charge of a unit under the General Staff that, if I remember
7 correctly, you said was based in Llanishte, so within your zone but
8 it was separate; is that correct?

9 A. Yes, this is what I said and this is how it was.

10 Q. And the rest of this excerpt that I just read out to you talks
11 about the Recak attack in January. Is what is written here, does it
12 correspond to your recollection of the events -- of that event?

13 A. Yes. In general terms this is how it was.

14 MR. PACE: Your Honour, we seek admission of this document.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. MISETIC: No objection.

17 MR. DIXON: No objection.

18 MS. V. ALAGENDRA: No objection.

19 MR. ROBERTS: No objection.

20 PRESIDING JUDGE SMITH: SPOE00227462 to SPOE00227503 is
21 admitted.

22 THE COURT OFFICER: Yes, Your Honour. That document and its
23 English translation will receive Exhibit P01813. Classification is
24 confidential.

25 MR. PACE: It can be public.

Witness: Shukri Buja (Resumed) (Open Session)

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Examination by Mr. Pace (Continued)

1 PRESIDING JUDGE SMITH: Reclassified as public.

2 THE COURT OFFICER: Thank you.

3 MR. PACE: We can take the document down.

4 Q. And, Witness, you've testified and we've seen prior statements
5 about you taking care of the supply of weapons, and correct me if I'm
6 wrong, I believe in May or around May and around August 1998; is that
7 correct?

8 A. I dealt also with the organising the guerrilla units at the
9 time. But most of the time I dealt with collecting and transporting
10 weapons.

11 Q. And were you involved in the collecting or transportation of
12 weapons additionally in 1999 at any point, then?

13 A. In 1999, I was more involved with the command and structure of
14 the zone. Whereas the logistics units dealt mostly with the supply
15 matters, which were at the time starting to organise.

16 Q. Do you recall going to Albania in January 1999 in relation to
17 making arrangements for the supply lines of firearms and ammunition
18 or other weapons?

19 A. No, it was impossible for me to go there in January because of
20 the events around Recak. So I was in Kosovo at the time.

21 Q. And do you recall going to Albania at any time between January
22 and the NATO intervention in 1999?

23 A. I went there during a period of four, five days, in Albania,
24 shortly before the NATO intervention, but I do not recall the exact
25 time.

Witness: Shukri Buja (Resumed) (Open Session)

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Examination by Mr. Pace (Continued)

1 Q. And do you recall having received any orders or instructions to
2 do so, to go to Albania for the purpose of obtaining weapons?

3 A. I don't recall.

4 MR. PACE: Your Honour, with your leave, I'd like to call up a
5 prior statement pursuant to Rule 143(2)(b) and (c).

6 PRESIDING JUDGE SMITH: Yes, go ahead.

7 MR. PACE: I'd like to call up SITF00223935-00223961, and we'll
8 look at page 223954, the penultimate paragraph. And in Albanian,
9 it's the same ERN with -AT and the same page reference.

10 Q. And, Witness, just to orientate you, once again this is from
11 your 2001 statement to the ICTY. I'm going to read a passage and
12 then ask you a question or questions:

13 "After the burial in Recak and before NATO intervention I was
14 assigned to the Karadak Zone, Gjilan is its biggest town in the zone.
15 I was in a meeting with the command of this zone to coordinate the
16 affairs of two zones, Nerodime and Karadak Zones, to coordinate the
17 action of two Brigades for future fighting. They were under equipped
18 by comparison to my zone and there had been no fighting there yet but
19 it was beginning. I then went to Albania through Macedonia and my
20 order from KLA Main HQ was to prepare the supply lines of firearms
21 and ammunition because the Albanian border was blocked. I had to
22 establish new routes; this was not an easy task."

23 Is what you stated in this prior statement correct?

24 A. There are some mistakes. When it says I was assigned to the
25 Karadak zone, the fact is that I went through the Karadak zone.

1 Gjilan was the biggest town in the zone. I had a meeting with the
2 command of this zone. It's illogical for me to have been appointed
3 in the Karadak zone and have a meeting with the command of the
4 Karadak zone. The fact is that I went to this zone, they had not
5 been engaged in fighting yet, and they were in the process of being
6 consolidated.

7 Q. And in this excerpt you go on to say:

8 "I then went to Albania through Macedonia and my order from KLA
9 Main HQ was to prepare the supply lines of firearms and ammunition
10 because the Albanian border was blocked."

11 Is that part correct?

12 A. This part is correct.

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

14 Q. Witness, do you recall any KLA orders for mobilisation being
15 issued around March or April 1999?

16 A. I recall an order, but I do not remember the exact time.

17 Q. And what do you recall that order to be concerning?

18 A. This was an order for all those of an adult age, from 18 to 40
19 or 60 years old, to mobilise within the KLA and join the fighting for
20 the liberation of Kosovo. This was a call for general mobilisation.

21 Q. And who issued this call for general mobilisation?

22 A. This came from the General Staff, but I do not recall exactly
23 who signed it.

24 Q. Do you recall this having been in writing, you just can't recall
25 who signed it, or did you learn about it some other way?

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Examination by Mr. Pace (Continued)

1 A. This order was in writing.

2 Q. Where were you based in March 1999?

3 A. In Mullopolc, the same place.

4 Q. And around March 1999, were you ever present in Pustenik?

5 A. I can't hear.

6 Q. I can repeat. In or around March 1999, were you based or
7 visiting Pustenik?

8 A. I was not stationed in Pustenik, but I had soldiers there in a
9 company or a battalion. I don't remember.

10 Q. And do you recall visiting Pustenik or the area where you had
11 those soldiers or battalion around March 1999?

12 A. I do not know whether it was March. But upon returning from
13 Albania through Macedonia, I visited the territory where the
14 162nd Brigade, Agim Bajrami, was operational. And it was in the
15 context of these units that Pustenik's units were also acting.

16 Q. And in terms of timing, you mention here your return from
17 Albania through Macedonia. Do you recall when that was roughly?

18 A. This was when the NATO intervention commenced, I was there.

19 Q. To be clear, when the NATO intervention commenced, where were
20 you: Albania, Macedonia, Pustenik, somewhere else?

21 A. No. When -- at the very beginning when NATO bombing started, I
22 was in Albania, and then I immediately started off to enter Kosovo.

23 Q. And do you recall roughly how many days it took you to get back
24 to Kosovo from the moment that started?

25 A. I'm sorry. The volume is really low. I cannot hear very well.

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1 Can we try again, please? It's better now. Thank you.

2 Q. [Microphone not activated].

3 I'll repeat my question, Witness, and that was: Do you recall
4 roughly how many days it took you to get back to Kosovo from the
5 moment the bombing started?

6 A. I do not know exactly, but it could have been four to five days.

7 Q. And you mention that upon your return you visited the territory
8 where the 162 Brigade was operational. Was there any particular
9 reason why you visited at that time?

10 A. Well, I was going through that territory where the 162nd Brigade
11 was acting to then get to the staff in Mullopolc.

12 Q. And do you recall how long you spent visiting the Brigade 162 at
13 this time?

14 A. I cannot remember exactly, but it could be one or two nights.

15 Q. And did you then go to Mullopolc after that?

16 A. I do not know exactly. But the difficulties of going through
17 were quite a lot, so one had to make sure that one could go to
18 Mullopolc, so it could have been one or two days. Actually, one
19 night or two nights, because it was through the night that we went.

20 Q. So just to make sure I'm understanding. The NATO bombing
21 starts, a few days later you cross and you're in the area of
22 Brigade 162, and then one or two days or nights later, you're back in
23 Mullopolc; is that correct?

24 A. Yes, that's correct.

25 Q. What was the area of responsibility of Brigade 162?

1 A. Well, primarily it was the territory of Kacanik municipality and
2 also Elez Han.

3 Q. Could you repeat the second? I heard Kacanik. I didn't catch
4 the second place that you mentioned.

5 A. Elez Han or Hani e Elezit.

6 Q. And do you recall the names of any villages within Kacanik?

7 A. There were quite a lot of villages. I do not know exactly. But
8 where we went, the village was called the building of Rame Buja.

9 Q. Do you recall whether Ivaje fell within the area of
10 responsibility of Brigade 162?

11 A. The village of Ivaje was part of the area of responsibility of
12 the 162nd Battalion.

13 Q. And when was that correct? Was that from the end of 1998
14 throughout 1999 until the end of the war?

15 A. This was in 1999. So this is when NATO bombing had started and
16 it was around the end of the war.

17 Q. And at the beginning of 1999, so, for example, in January 1999,
18 was Kacanik already within the area of responsibility of Brigade 162?

19 A. Yes, it was in its area of responsibility, but they didn't
20 operate in this area of responsibility because they were still
21 preparing their structures and positions.

22 Q. Who operated within that area then?

23 A. So the brigade was acting as a brigade, but there weren't any
24 fighting. They were being consolidated and they were trying to
25 determine their bases, where they would be located, to organise the

1 units of the brigade. That was their activity at the then time.

2 Q. And did Brigade 162 have a headquarters at any particular time
3 in February or March 1999?

4 A. At this time, I do not know, in March. In February, definitely
5 not. But in February, a part of the soldiers of the 162nd Brigade
6 came to the aid of the units of the 161st in the area of
7 responsibility of this brigade in the Shtime municipality.

8 Q. Do you recall what buildings or structures the KLA used in Ivaje
9 in 1999?

10 A. I do not know what buildings in Ivaje, because I didn't know all
11 of the buildings that might have been used by 162nd Brigade, but they
12 used people's homes for the command to be based there.

13 Q. Did you yourself ever visit Ivaje in 1999?

14 A. I do not know to have gone to Ivaje. I do not know where the
15 place I stopped at was called, but they called it Rame Buja's
16 building, at least where we stayed overnight, where the soldiers
17 would also eat.

18 Q. And which soldiers would eat there, the soldiers from a
19 particular unit or units? More broad, less?

20 A. No, that was where the command was, and it was the soldiers of
21 the command of 162nd Brigade with Qamil Ilazi as commander.

22 Q. And was there a time in 1999 when there was an attack on Ivaje
23 to your recollection?

24 A. Could you please repeat the question?

25 Q. Was there a time in 1999 when there was an attack on Ivaje to

1 your recollection, if you remember?

2 A. I do not understand the question, I'm afraid. Or perhaps I
3 cannot hear very well. The translation, perhaps, is poor. I don't
4 know.

5 Q. I can try differently. Do you know whether there was an attack
6 on or involving Ivaje in March 1999?

7 A. I do not remember.

8 Q. Do you remember whether there came a time when there was
9 destruction of property in Ivaje in 1999?

10 A. In 1999, Kotleline and Ivaje, there was not only destruction of
11 property but also massacres of civilians, and that was from the
12 Serbian occupying forces. In 1999, there were massacres also inside
13 the city of Kacanik, and we had quite a lot of soldiers who fell in
14 the line of duty.

15 Q. And do you recall what months in 1999 these attacks and
16 massacres that you mentioned, when they took place?

17 A. Yes, it was around April, but I cannot remember the exact day.
18 So it must have been April or May.

19 Q. Earlier you told us that the headquarters of the Nerodime
20 operational zone were in Mullopolc in 1999; right?

21 A. Yes.

22 Q. And do you recall what building or buildings the Nerodime
23 operational zone used in Mullopolc?

24 A. It used a neighbourhood which was in the gorge of Mullopolc, and
25 there were several buildings which were under the ownership of

1 Albanians in that village, in Mullopolc.

2 Q. And do I recall correctly that earlier you mentioned some form
3 of hospital in or close to the headquarters in Mullopolc?

4 A. Yes, there was a military hospital there.

5 Q. And you mentioned a gorge of Mullopolc. Did that gorge have any
6 particular name?

7 A. I do not know of it having another name. We called it the gorge
8 of Mullopolc.

9 Q. And if you needed to contact or go to the KLA General Staff from
10 Mullopolc, how would you get there?

11 A. Really, we didn't have a need to meet with the General Staff at
12 the time, because, if I'm not wrong, it was in May that in my area we
13 had the chief of staff, Mr. Agim Ceku, who was appointed as chief of
14 staff of the Kosovo Liberation Army.

15 Q. Was the Lluzhak gorge within the area of responsibility of the
16 Nerodime operational zone?

17 A. Yes.

18 Q. And that goes from Petrove and includes Lluzhak village?

19 A. Well, Lluzhak's gorge is the part between Petrove to Lluzhak.
20 It's a deep gorge which during the wartime served us well to protect
21 the civilian population or for the civilians to go there, in
22 particular during the last offensive of the summer of 1999 when a lot
23 of civilians -- where a lot of civilians went from the villages
24 around.

25 Q. And the gorge, how far was that, to your recollection, from the

1 border with the Pashtrik zone?

2 A. The Pashtrik zone was in Budakove's area, so it included the
3 area of Budakove. And from Lluzhak's gorge, there must have been 7
4 to 8 kilometres.

5 Q. And do you recall ever stating that the route through the gorge
6 was important to keep contact with the General Staff?

7 A. Yes. I have stated this because it was the gorge which helped
8 us communicate, other than the physical communication to also
9 communicate via our own means of transport with the Pashtrik
10 operational zone, which helped us then to penetrate to other areas
11 and to then contact members of the General Staff or dependent on the
12 needs we had back then.

13 Q. And who was the KLA General Staff commander?

14 A. Much later we understood, in particular in a meeting of the
15 commanders of the zones where the chief of staff was present, the
16 general commander of the KLA was Azem Syla, who later was changed.

17 Q. And when was this meeting that you just referred to when you
18 found out this information?

19 A. It was held at the time of the Rambouillet conference, so at a
20 time being sometime in May.

21 Q. And was there, to your knowledge, one or more deputy commanders
22 within the General Staff?

23 A. I do not know about this. I know that in that meeting what was
24 stated was that the general commander was Azem Syla. And the zone
25 commanders asked that they should be responsible to appoint the

1 general commander since they would be directly related in terms of
2 the military information and military actions that were to be
3 undertaken, for them to be in charge of appointing the general
4 commander.

5 Q. You told us earlier that the chief of the General Staff was
6 Bislrim Zyrapi; right?

7 A. Yes. Up until a certain moment, the end of the war, yes, he was
8 the chief of staff of the KLA.

9 Q. Do you know who was in charge of political issues within the KLA
10 General Staff?

11 A. Yes. When everything was made public, and if I'm not wrong,
12 this became public in April or May, but in particular with the team
13 going to Rambouillet, those in charge of the political issues were
14 made public knowledge, and we recognised them as such. And the main
15 person in charge, and the most authoritarian one, with authority on
16 this matter, was Hashim Thaci. And it was also in this context that
17 there was a delegation with him and Mr. Jakup Krasniqi as the
18 spokesperson of the KLA. And part of the delegation were also other
19 individuals who at this moment I cannot recall. My brother, by the
20 way, also.

21 Q. And to your knowledge, who was in charge of the police, the
22 military police within the KLA General Staff?

23 A. I really was not a member of the General Staff and did not know
24 officially, but I was informed once it was all made public in
25 relation to the names of the members of the General Staff. And it

1 was the General Staff itself that made this information public. And
2 if I'm not wrong, the director of the directorate of the police was
3 Fatmir Limaj, appointed to start off with, and then Rexhep Selimi.
4 But I could be wrong here.

5 Q. Was your brother Rame a member of the General Staff at any point
6 in time?

7 A. According to the information, and also from my own brother, in
8 November 1998 he was appointed a member of the General Staff. And in
9 that piece of public information, he was also the director of the
10 directorate for civil administration.

11 Q. And do you know what your brother's role entailed in the
12 position that you just mentioned?

13 A. I cannot actually say this with certainty, but I know that he
14 was involved in the organisation of civil directorates or civilian
15 directorates and tried to organise these directorates in every city
16 in every place which was part of our areas of responsibility.

17 Q. And to your knowledge, did he undertake that role from November
18 1998 when he was appointed, as you mentioned?

19 A. No, I do not think it would have been November. But once it was
20 made public in terms of the members of the General Staff, then
21 everybody knew that Rame Buja is the director of the directorate for
22 civil administration.

23 Q. And this making public, are you still referring to April or May?

24 A. Well, it was around then. I cannot remember exactly, but that's
25 when the names of the directors of the directorates were made public.

1 Q. And to your knowledge, what did your brother Rame do between
2 November 1998, when you say he was appointed, until around April or
3 May, when you say the names of the members of the General Staff were
4 made public?

5 A. I do not know about this because I was in the Nerodime
6 operational zone and, territorially speaking, we were far from each
7 other.

8 Q. To your knowledge, was Kadri Veseli a member of the KLA
9 General Staff?

10 A. Towards the end, after the publication, I realised that
11 Kadri Veseli was also a member of the General Staff.

12 Q. In what capacity, to your knowledge?

13 A. In the information, he was the director of intelligence.

14 Q. Was the KLA General Staff or part of that staff ever based
15 within the Nerodime operational zone?

16 A. Yes, a part of the General Staff was there. This was at the
17 beginning of the consolidation or the appointment of the provisional
18 government.

19 Q. And do you recall what month and year that would have been?

20 A. This was in May, if I'm not wrong, of 1999, and the beginning of
21 June.

22 Q. And you said that part of the General Staff was based in the
23 Nerodime operational zone. Who from the General Staff was based
24 there around this time?

25 A. If I can remember exactly, it was Hashim Thaci. It was also my

1 brother, Rame Buja. Fatmir Limaj, too. Kadri Veseli as well. These
2 are the ones I remember.

3 Q. Was Rexhep Selimi among the members that were there?

4 A. I cannot remember him being there. I just can't. I don't think
5 he was at that time.

6 Q. And where within your zone were these KLA General Staff members
7 based?

8 A. At the beginning of May they were located in Dramjak. And after
9 the harsh, brutal offensive, and after us trying to do the best for
10 the village and also the civilians withdrawing from Dramjak, also the
11 members of the General Staff withdrew and they located themselves in
12 Petrove.

13 Q. And did you yourself meet any of these members of the
14 General Staff when they were based in these locations?

15 A. Yes, of course I did meet them because they were in the
16 territory for which I had responsibility of. And, yes, I did contact
17 quite often with them because I needed to also take care of their
18 logistics, of their locations where they would stay, and the
19 conditions and the circumstances they needed to have during the war,
20 at wartime.

21 Q. Do you recall where you met them?

22 A. Well, I met them in Dramjak as well when they were there, but
23 mostly they stayed in and I met them in Petrove.

24 Q. And in terms of timing, are you certain about the timing that
25 you're mentioning, that this was around May 1999?

1 A. Yes, May, beginning of June.

2 Q. And do you recall ever having stated that this was towards the
3 end of March 1999?

4 A. End of March? I don't think I would have said that, but I might
5 have said end of April. But I don't think it would have been the end
6 of March. I don't think I would have said that.

7 Q. And do you recall how long they stayed in those areas within
8 your zone?

9 A. Some of the General Staff stayed for about a month, so around a
10 month, and they travelled to Berisha in the mountains of Berisha.
11 Whereas the other part stayed in my area.

12 Q. And who was part of the General Staff that stayed for about a
13 month?

14 A. The members of the General Staff that stayed for about a month
15 were Mr. Hashim Thaci, Mr. Fatmir Limaj, and some who came to the
16 area later. But they were primarily the ones from the General Staff.
17 Rame Buja, who in the meantime was at the military hospital, and
18 Mr. Kadri Veseli.

19 Q. And do you recall what Hashim Thaci did during his stay in your
20 zone?

21 A. While staying in my zone, he was primarily involved in
22 organising the provisional government, and he directly contacted - by
23 phone, that is - international politicians. And, of course, I wasn't
24 competent enough to know about that then, let alone now.

25 Q. And how do you know that he was in contact with international

1 politicians at that particular time?

2 A. Well, this happened also when I was present where the members of
3 the General Staff stayed. So there was telephone contact with
4 politicians, international politicians who either called Mr. Thaci or
5 he called them.

6 Q. Other than those phone calls that Mr. Thaci was engaged in at
7 the time, do you recall any other particular activities that he
8 undertook while he was based within your zone?

9 A. No, I could not know because this was a matter of a different
10 sort of level.

11 PRESIDING JUDGE SMITH: Mr. Pace, we need to take a break now.

12 MR. PACE: Yes.

13 PRESIDING JUDGE SMITH: We'll give you a ten-minute break,
14 Witness. The same rules: Please don't speak with anyone outside the
15 courtroom about your testimony.

16 [The witness stands down]

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 --- Break taken at 3.31 p.m.

19 --- On resuming at 3.42 p.m.

20 PRESIDING JUDGE SMITH: Madam Court Usher, please bring the
21 witness in.

22 [The witness takes the stand]

23 PRESIDING JUDGE SMITH: Mr. Pace, you may continue with your
24 examination.

25 MR. PACE: Thank you.

1 Q. Witness, just before the break you were telling us, amongst
2 other things, about the activities that, to your knowledge,
3 Hashim Thaci undertook when he was based within your operational
4 zone. You mentioned Kadri Veseli was also based there around this
5 time. Could you tell us, to your knowledge, what Kadri Veseli did
6 while he was based there?

7 A. I do not know his activities. But from what I saw, he was
8 together with Hashim Thaci and the other members of the
9 General Staff. I did not know their activities there because I was
10 not a member of the General Staff.

11 Q. You mention that you knew that Hashim Thaci was making phone
12 calls to, I believe you said, international persons. To your
13 recollection, was Kadri Veseli also doing that?

14 A. I did not see this -- I did not see him, rather, but I saw
15 Hashim Thaci doing such communications.

16 Q. Did you ever attend or learn of any General Staff meetings while
17 part of the General Staff was based within your zone?

18 A. I might have attended a meeting, but I did not have the right to
19 vote or participate in the discussions there.

20 Q. And do you recall having attended a meeting at the time that the
21 General Staff was based in your zone?

22 A. Not an official meeting, but I was part of meetings where
23 political matters were discussed.

24 Q. What political matters were discussed at the meetings you're
25 referring to?

1 A. This was a discussion about the Rambouillet agreement, so the
2 discussion was about the conference in Rambouillet.

3 Q. Do you recall having attended any meetings in Petrove at the
4 time that the General Staff -- part of the General Staff was based
5 within your operational zone?

6 A. When I referred to this meeting, I meant when it was based in
7 Petrove, because it was in Petrove.

8 Q. Do you recall having attended any meetings where Operation Arrow
9 was discussed?

10 A. No, I don't recall.

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

13 PRESIDING JUDGE SMITH: Go ahead.

14 MR. PACE: I'd like to call up SITF00009397-00009417, and we'll
15 go to the page ending 9402 until the page 9404. And in Albanian,
16 it's from the same document but at pages 9413 to 9414. And I'm going
17 to start reading from question 57.

18 Q. Witness, on your screen, on the left in Albanian and on the
19 right in English, are pages from the hearing in 2011 in the Arben
20 Krasniqi and others investigation, and I'm going to read some of the
21 questions and answers and then have some questions for you.

22 Question: "During the period when your brother and other HQ
23 members were there did you take part in any meeting?"

24 "SB: I have taken part in one meeting in Petrovo."

25 Question: "What was the topic of the meeting?"

1 "SB: The appointment of the commander of Operation Arrow."

2 Question: "And who was appointed as commander?"

3 "SB: Fatmir Limaj."

4 Question: "Do you remember who took part in the meeting?"

5 "SB: I was there although I did not have the right to speak.

6 Moreover there were Hashim Thaci, Kadri Veseli, Sylejman Selimi,

7 Rexhep Selimi and Fatmir Limaj."

8 Question: "Agim Ceku?"

9 Answer: "Yes."

10 Question: "Your brother Rame?"

11 Answer: "Yes."

12 Question: "Jakup Krasniqi?"

13 Answer: "No."

14 Question: "Bislim Zyrapi?"

15 Answer: "No."

16 Question: "Were there other HQ meetings as well in that
17 period?"

18 Answer: "Yes, they had other meetings, including in the village
19 of Jezerc in which I did not take part."

20 Question: "How do you know?"

21 Answer: "Because as a zone commander I was responsible for the
22 security of those meetings. So I was always informed in advance
23 whenever they would hold any meetings."

24 Now, Witness, we see here that you talk about, in the first
25 part, attending a meeting in Petrovo about the appointment of

1 Commander of Operation Arrow with Fatmir Limaj being so appointed.

2 Do you recall such a meeting?

3 A. I do not recall now, but perhaps he did take part.

4 Q. And just to clarify, Witness, you said "perhaps he did take
5 part." Who is the "he" you're referring to?

6 A. I'm saying maybe I attended, because, again, I was not a member
7 of the General Staff. I might have been present when I took care of
8 their security, provide for their security, and I might have been
9 part of this meeting for a short period of time.

10 Q. And here we see, in reference to this meeting, you say that:

11 "I was there although I did not have the right to speak."

12 Does that tally up with your recollection of the events?

13 A. I do recall. I was not a member of the General Staff, and I did
14 not have the right to participate in the discussions. So I might
15 have been present there for a short while and then left.

16 Q. In the excerpt we also see that you said:

17 "... they had other meetings, including in the village of Jezerc
18 in which I did not take part."

19 And when you're asked how you know, you say that:

20 "Because as the zone commander I was responsible for the
21 security of those meetings. So I was always informed in advance
22 whenever they would hold any meetings."

23 And does that reflect your recollection of the events at the
24 time when part of the General Staff was based within your operational
25 zone?

1 A. Yes, they were also in Jezerc. I do not recall now. But when I
2 gave this statement, I most probably took into account this, and
3 because they settled in private houses and I had to provide security
4 for those houses.

5 MR. PACE: We can take this document down. And I'd like to call
6 up P01015 in English and in Albanian. And in English, we'd look at
7 page 036807; and in Albanian, 077227. I can state the whole ERN if
8 that assists, and perhaps I provided the wrong exhibit number. Yes.
9 Then it's 036622-036837 in English. And in Albanian, it's
10 077039-077258. And as I said, in English we'll go to page 036807;
11 and in Albanian, 077227. And this can be broadcast to the public.

12 Q. And, Witness, the page that we're going to is from the book we
13 looked at earlier which is the book that, as you acknowledged, you
14 are a co-editor of.

15 MR. PACE: Sorry, if it helps, the PDF number would be 186 in
16 English and 189 in Albanian. Thank you.

17 Q. Now, Witness, you have multiple images on your screen. On the
18 left, the captions are in Albanian; and on the right, they're in
19 English. Could you take a moment to look at these images.

20 MR. PACE: If we can also zoom out a little in the English,
21 please. Thank you.

22 Q. And, Witness, do you recognise any of these images?

23 A. Yes. I see the director of the political directorate of the
24 KLA, Mr. Hashim Thaci. But he did not visit the command of
25 Brigade 162 but he was passing through, either going to Rambouillet

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1 or coming back from Rambouillet.

2 Q. And how did you know about Hashim Thaci passing through at that
3 time?

4 A. I was the zone commander, and it's a normal thing for me to know
5 when a high-level military delegation is going through my zone.

6 Q. Do you recall on this particular occasion who else was part of
7 that delegation in your zone?

8 A. We can see here Agim Ceku as well who was later appointed chief
9 of the General Staff of the Kosovo Liberation Army.

10 Q. And could you tell us, if we look at the Albanian, so on the
11 left side of the screen, is Agim Ceku in which picture? One of the
12 top two, middle two, or bottom two?

13 A. I think it's Agim Ceku, the one sitting. And my brother,
14 Rame Buja, is standing.

15 MR. PACE: If we could zoom in on the middle set of photographs,
16 the one on the left. Yes, so the one below -- that one. If we could
17 zoom in there, please.

18 Q. And, Witness, the version in Albanian, is that the photo that
19 you're talking about with Agim Ceku and your brother?

20 A. Yes. Yes.

21 Q. And you said Agim Ceku is sitting. Is he the person sitting at
22 the front and in the middle of the photograph?

23 A. The person in the middle, from what I can recognise, is
24 Agim Ceku. The person standing is my brother, Rame Buja.

25 Q. And that would be the person standing, so the first person we

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1 see from the left of the image?

2 A. Yes, on the left.

3 Q. And if we now zoom in on the image right next to this one -
4 thank you - we can see that the caption here in this book by Hajrush
5 Kurtaj reads:

6 "The Delegation of KLA HQ during their stay at the 162nd Brigade
7 'Agim Bajrami' in the mountains of Kacanik, on April 5 1999."

8 To your recollection, is that the correct location and around
9 the correct time of the visit that you recall?

10 A. I cannot confirm this for sure because I was not present there,
11 and I am not able to identify the location based on the photograph.

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

13 Q. Witness, do you recall whether during this time period when part
14 of the KLA General Staff was based in your zone there were any
15 attacks in the area?

16 A. When the delegation came from Macedonia to the territory of
17 Brigade 162 under the command of the Nerodime operative zone and
18 Brigade 161, I was in Albania. And I am not able to indicate
19 precisely what was in April.

20 Q. Were you yourself injured at any time in 1999?

21 A. I was lightly wounded and I did not treat them at all.

22 Q. And what caused your wound?

23 A. It was mostly caused by pieces of -- or shrapnels, pieces of
24 projectiles that hit my right leg.

25 Q. And where were you when you suffered this injury?

1 A. I was together with Fatmir Limaj and my brother Rame Buja
2 inspecting the front line when we came under attack from Serbian
3 forces, on which occasion my brother was wounded on the forehead, I
4 sustained light injuries, which were not treated at the hospital.
5 The doctors advised to apply a bandage on them. My brother was
6 treated at the military hospital for the wounds he sustained.

7 Q. You mentioned the front line. Could you specify what village or
8 area that was in?

9 A. If I'm not wrong, this was in between Recak and Petrove. The
10 mountains or highlands before the zone command which towards the end
11 of the war was based in Petrove.

12 Q. And do you recall the date of your injury?

13 A. No, I don't recall the date.

14 Q. Other than Fatmir Limaj and your brother, do you recall whether
15 anybody was with you when you were inspecting the positions and there
16 was this attack?

17 A. I don't recall anyone else being present other than the soldiers
18 that were escorting me. After sustaining the wounds, we made sure to
19 transport the member of the General Staff to the military hospital
20 because we thought these wounds could be lethal. But then the
21 doctors informed us that there were no fractures of the jaw or the
22 skull.

23 Q. And you mentioned "to transport the member of the
24 General Staff." Can you specify who you're referring to by name in
25 this regard?

1 A. Could you please repeat the question?

2 Q. You mentioned that you "made sure to transport the member of the
3 General Staff to the military hospital." Who was this person or
4 persons?

5 A. My brother -- my driver, Adem Buja was there; my bodyguards,
6 Naim Beka -- apologies, not Naim, Lulzim Buja and Aziz Mustafa.

7 Q. Do you recall any members of the KLA General Staff ever taking
8 part in fighting within the Nerodime operational zone?

9 A. I don't recall them participating directly in combat operations,
10 but they were in the war zone in Dramjak and Petrove where we engaged
11 in fierce fighting.

12 Q. And this incidence where you were injured that we were just
13 talking about, did that coincide with when part of the General Staff
14 was based in your zone?

15 A. Yes, in the time period when the General Staff members were
16 there in the part I was referring to.

17 Q. How long did you continue to occupy the position of commander of
18 the Nerodime operational zone?

19 A. From the moment the organisation of the subzones, I was
20 appointed subzone commander. And then in the process of the
21 restructuring of the whole KLA, I took on the task and the
22 responsibilities of the zone commander, which I held until the end of
23 the war.

24 Q. Where were you based between April and September 1999?

25 A. In April 1999 until June, when the agreement was reached for the

1 Serb forces to withdraw, I was in Mullopolc and Petrove. After this
2 date, on the 13th or 15th June, we moved to the town of Ferizaj.

3 Q. And focusing on April to June when you were in Mullopolc and
4 Petrove in 1999, what were your main tasks or duties during this
5 particular period of time?

6 A. I was the commander of the Nerodime operational zone, and my
7 work was to consolidate as much as possible the zone staff. And
8 working with the chief of staff, we aimed to strengthen the sectors
9 which lacked ammunition, weapons. The person in charge of the
10 military hospital and the head of the logistics, Hajrullah, would
11 deal with the military hospital matters. I worked with the brigades
12 as well, and we received an order from the chief of staff to expand
13 the brigades so that Brigade 161 and 162 would be divided in two
14 parts to form two additional brigades. Despite having very limited
15 human capacities in terms of number of soldiers, we managed, however,
16 to create -- to form two new brigades: 164, which was functional;
17 and Brigade 163, which was not functional.

18 Q. And can you clarify the name of the person you refer to as the
19 chief of staff who issued this order for expansion of brigades?

20 A. Yes. At the moment when the mobilisation order was issued,
21 there was also an order for us to expand our structures. So the
22 mobilisation order was issued by the chief of staff, if I'm not
23 wrong, and it was still Bislim Zyrapi.

24 Q. And you've been talking about the period between April and just
25 before the 13th or 15th June. Do you recall with any more

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1 specificity when during that period you received that order?

2 A. I do not know exactly when the order was issued, the general
3 mobilisation order, that is, but it was the period between the end of
4 April, May, when we tried to structure the brigades which we thought
5 would become operational. That is, 161 to have -- to be in two
6 parts. So 163. And 162 to also have 164 in it. And 164 did manage
7 to become operational to a certain extent. Whereas, the 163rd did
8 not become operational until the end of the war.

9 MR. PACE: Can we call up 043900-044239 along with the English
10 translation which is the same ERN with -ET and we'll go to page
11 044181.

12 Q. And, Witness, for context, the page that I'm going to show you
13 is from another book by Hajrush Kurtaj, not the book that we were
14 looking at before. You can see the first page on your screen now,
15 and we're going to turn to a specific page within this book.

16 Now, Witness, on the left of your screen you can already see the
17 document in Albanian. And we're just going to call it up in the
18 English.

19 MR. PACE: The English, just in case there's an issue, it should
20 be -- oh, sorry, I was wrong. The ERN for the English is
21 044174-044186-ET. I apologise. And within this range it's 181.
22 Thank you.

23 Q. So, Witness, again this is one page from a book by Hajrush
24 Kurtaj different to the book that we have been looking at by that
25 author thus far.

1 MR. PACE: And if we could zoom out a little bit -- or, rather,
2 scroll down a little bit so we can see the signature block, but I
3 also want to see the top. Yes. Thank you. And we can do the same
4 in English.

5 Q. Witness, do you recognise the document in Albanian on the left
6 side of your screen?

7 A. Yes, I think so.

8 MR. PACE: And could we please zoom in on the signature block.

9 Q. And, Witness, is that your signature?

10 A. Yes, it is. It is my signature.

11 Q. And if we can zoom back out, we can see that this refers to the
12 KLA Nerodime zone, 27 May 1999, and, as you confirmed, it has your
13 signature, and it refers to an order concerning the selection of
14 soldiers. Do you recall having issued such an order around this
15 time, 27 May 1999?

16 A. I cannot remember the order. But as I mentioned earlier, back
17 then we were involved in the structuring and the completion of the
18 structure which would be suitable for that time, the end of the war.
19 And we also had the -- this battalion, the Guards. And according to
20 this order, I see that the order is for 162 Brigade to select 30
21 soldiers to complete this battalion, so it seems like it is an
22 authentic document.

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

24 Q. And just before we looked at this document, in your answers you
25 mentioned that after the 13th or the 15th of June you moved from

1 Mullopolc and Petrovo to Ferizaj. And where in Ferizaj did you move
2 at that time in June 1999?

3 A. After June -- or, rather, 15 June 1999, I was based in a
4 neighbourhood of Ferizaj's, which was in Nerodime road.

5 Q. And what was the reason for the move from Mullopolc and Petrovo
6 to this neighbourhood of Ferizaj at this time?

7 A. Actually, our duties were to liberate Ferizaj from the military
8 and police Serbian forces, to also ensure that the water which came
9 from the Pleshina reservoir should not be poisoned, and also for us
10 to locate ourselves in the liberated city of Ferizaj.

11 Q. And who is it that communicated these duties to you at the time?

12 A. I actually ordered the units of the Nerodime operational zone,
13 Brigade 162 and 161, to begin the operation of entering the city to
14 take these cities under control, cities that had to be liberated, and
15 to give the civilians the opportunity - I mean the civilians, the
16 majority of which had left Kosovo and were in Macedonia - to come
17 back, so to receive the civilians. And we knew that they weren't
18 going to wait for the preparations of international organisations,
19 but they would simply rush home and the majority of which had been
20 burned down.

21 So we entered the cities with my order to take cities under
22 control so that we could receive the civilians who would re-enter
23 Kosovo.

24 Q. And at this time from around, as you said, 13th or 15th June
25 1999, were your units engaged in any combat with the Serbian forces?

1 A. Yes, there was combat, although Serbian forces started to
2 withdraw. So there was combat inside the city. So the special unit
3 was there. It was located there. And the intensity of the fighting
4 after 10 June fell considerably. But the territory we were at, still
5 there was no fighting until 15 June.

6 Q. And do I understand you said there was no fighting until
7 15 June?

8 A. So I said there was a low intensity of this fighting, but the
9 part of that territory, Mullopolc-Petrove, there was no fighting.

10 Q. And did that change after 15 June?

11 A. Yes, the situation changed of course. There wasn't fighting.
12 But we started to accompany the majority of the wounded, because we
13 had quite a few people who were injured and were at the military
14 hospital. So they were taken to the family medical centre in Ferizaj
15 which, by an order of mine, was transformed into a military hospital,
16 and they started to treat them. So this was also doctors that were
17 returning from Macedonia as well as other doctors who were in the
18 city. So we started to work, to make it work through the civil
19 directorate, so certain sectors of life which were important for the
20 civilians such as the water supply, to make it work, but also the
21 postal and telecommunications service, as well as to look after
22 buildings which were of importance in both Ferizaj and Kacanik.

23 MR. PACE: I'd like to call up P00526, please.

24 Q. Witness, we only have this document in English, but I will read
25 the text and you can listen to the interpretation. As you may be

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1 able to see, it is a BBC article dated 12 June 1999 and its text is
2 as follows:

3 "Text of report by Kosovo Liberation Army Kosovapress news
4 agency web site.

5 "Shtime ... 11th June: The 121st anniversary of the Albanian
6 Prizren League was commemorated by a cultural-artistic programme
7 organised by the cultural sector of the Kosova ... Liberation Army
8 ... in the Nerodima Operational Zone ...

9 "Before the programme, the officers, soldiers, and citizens of
10 this OZ of the UCK paid homage at the Mollapolc cemetery to the
11 soldiers killed over the last 17 months in this OZ, from the gorge of
12 Kacanik to the gorge of Carraleva ... who sacrificed their lives in
13 daily combat with the Serbian enemy for the freedom and independence
14 of Kosova.

15 "Shukri Buja, the commander of the UCK's Nerodima OZ said: 'We
16 will fight until the complete freedom of Kosova is achieved.'
17 Kadri Veseli, head of the UCK Intelligence Service, addressed the
18 programme and Agim Ceku, chief of the UCK General Staff, sent a
19 telegram of greetings.

20 "Source: Kosovapress news agency web site in Albanian 11 Jun
21 99."

22 And, Witness, do you recall the event described in this article?

23 A. I do not remember the article but the event I do.

24 Q. And do you remember that you spoke at the event as report ...

25 [Microphone not activated]?

1 A. Yes. It was a gathering on the 10th, not the 11th of June, at
2 the anniversary of the Albanian League of Prizren. There were only a
3 few civilians, only those that were left, but there were KLA soldiers
4 who performed, the musical group, and also officials in the area.
5 And along with us, there were some members of the General Staff.

6 Q. And you mentioned there were members of the General Staff. And
7 the article mentions Kadri Veseli and Agim Ceku being there. Do you
8 remember them being present on this occasion?

9 A. Kadri Veseli was present; whereas Agim Ceku, according to the
10 article, sent a telegram to greet the gathering.

11 Q. Yes, I apologise. I misspoke in relation to Agim Ceku. Here we
12 have Kadri Veseli addressed the programme. Do you recall
13 Kadri Veseli speaking before or after you on this occasion?

14 A. I cannot remember.

15 Q. But you recall him being present?

16 A. He was present and I think he would have addressed the people.
17 But whether he spoke before or after me, that I do not know.

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

19 Q. Witness, do you know a KLA commander that was known or referred
20 to as Dulla?

21 A. I don't know whether I don't understand or if it's the
22 pronunciation. Maybe I don't know him.

23 Q. Do you know anyone in the KLA that was known by something that
24 sounds something like Dulla?

25 A. I cannot remember anyone like that.

1 Q. Do you know someone named Avdullah Rama?

2 A. No, I cannot remember.

3 Q. Are you familiar with a location known as Guri i Bagdashit?

4 A. Yes, Guri Bagdashit was just above Recak, a position which was
5 part of the highlands which was identified as Guri i Bagdashit. This
6 is what the locals called it.

7 Q. And was that within the Nerodime operational zone's area of
8 responsibility?

9 A. Yes, Guri i Bagdashit above Recak, the whole of it, Petrove, was
10 part of the Nerodime operational zone.

11 Q. And which brigade would that have fallen under?

12 A. It would have been the 162nd -- sorry, the 161st, Ahmet Kaciku.

13 MR. PACE: I'd like to call up U001-1533-U001-1533. Alongside
14 it the English translation, which is the same ERN with -ET Revised.

15 Q. Now, Witness, on your screen on the left you can see a
16 handwritten document in Albanian. On the right is its English
17 translation. And having a look at the document in Albanian, do you
18 recognise this document?

19 A. No.

20 MR. PACE: And if we could zoom in on the signature on the
21 bottom right-hand corner in the Albanian, please.

22 Q. Do you happen to recognise the signature?

23 A. No, I do not recognise it.

24 MR. PACE: And we can zoom back out.

25 Q. And, Witness, we can see that this document refers to the KLA

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1 Nerodime operational zone, Brigade 161, Battalion 2, and to 29 April
2 1999, and there's also a reference to Petrove. And then it says the
3 following. I'm going to read the first part of it:

4 "Daily Report

5 "- From 4 o'clock in the morning, soldiers of the 2nd Battalion
6 were in PZ ...

7 "- After they briefly left Guri i Bagdashit ... at 4 o'clock
8 they are again in position.

9 "- Commander Dulla had ordered to go out at 12:00 hrs in order
10 to hold Guri i Bagdashit but the Company of Rance and Recak were
11 late. In the morning, a close-range fight took place at Kershinat
12 ... and after the use of 12.7 ... the *shkije* ... were forced to leave
13 and went behind Guri i Bagdashit.

14 "- Commander Dulla met with Commander Sokoli and Commander Dulla
15 informed him about the state of the Battalion."

16 Witness, do you recall if you would have been the Commander
17 Sokoli being referred to in this document?

18 A. Actually, I do not know because back then I didn't have a
19 pseudonym. I had a name and surname, Zone Commander Shukri Buja. So
20 this doesn't make sense.

21 Q. And just before the signature block we see the following text,
22 which I'll read out:

23 "- We request soldier /?Paquku/ to come and report to the
24 Brigade because he is not displaying behaviour becoming of a soldier
25 and PU was informed about his behaviour."

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1 Do you know a soldier called or known as Paquku?

2 A. Please, this is a document -- if it is a battalion document,
3 rather, and it was reported, then it wasn't reported to the zone
4 command, but it was submitted as a report to the brigade commander.
5 So I wouldn't have had it or seen it because the battalions reported
6 to the brigade commander.

7 Q. And were you aware of instances such as the one referred to here
8 where a soldier is asked to report to the brigade because he's not
9 displaying behaviour becoming of a soldier?

10 A. It could have been that his behaviour wouldn't have been
11 becoming as a soldier, and then they would have suggested that he
12 should report to the brigade and present himself because of his
13 behaviour. But I do not remember the case -- or this case I do not
14 recall.

15 PRESIDING JUDGE SMITH: Mr. Pace, we're at the time for the
16 break.

17 MR. PACE: Yes. We can take the document down, and I can stop
18 my questions here for today.

19 PRESIDING JUDGE SMITH: Thank you.

20 Witness, you're finished for the testimony for today. We'll
21 need to see you again tomorrow at 9.00 a.m. Remember not to speak to
22 anyone about your testimony outside of the courtroom.

23 And we wish you a good evening, and we'll see you tomorrow.

24 THE WITNESS: [Interpretation] Thank you.

25 [The witness stands down]

1 PRESIDING JUDGE SMITH: Yes, Mr. Pace.

2 MR. PACE: Just an update in terms of progress to the extent
3 that could be helpful. I should be able to finish within the first
4 session tomorrow, perhaps even closer to the first hour.

5 PRESIDING JUDGE SMITH: Thank you very much.

6 Anything else?

7 We're adjourned until 9.00 tomorrow.

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

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