

1 Wednesday, 6 November 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Thank you.

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

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

14 Madam Court Usher, please bring the witness in.

15 [The witness takes the stand]

16 PRESIDING JUDGE SMITH: I note for the record that Duty Counsel,
17 Mr. Hodaj, is present in the courtroom.

18 Good morning, Witness.

19 THE WITNESS: [Interpretation] Good morning.

20 PRESIDING JUDGE SMITH: Good morning, counsel.

21 MR. HODAJ: Good morning.

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

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

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

6 If you feel the need to take a break, please let us know and an
7 accommodation will be made.

8 I remind you that you are still under an obligation to tell the
9 truth as stated by you in your solemn declaration.

10 I also remind you that the assurances provided to you on Monday
11 by the Panel are still applicable and that refusal to give testimony
12 may be sanctioned with the imposition of a fine.

13 WITNESS: SHUKRI BUJA [Resumed]

14 [The witness answered through interpreter]

15 PRESIDING JUDGE SMITH: We are ready to proceed. The
16 Prosecution is still asking the questions. Please give them your
17 attention.

18 Mr. Pace.

19 MR. PACE: Thank you, Your Honour.

20 Examination by Mr. Pace: [Continued]

21 Q. And good morning, Witness.

22 Before we broke off yesterday, we were looking at a document
23 where there was a mention of a soldier being requested to report to
24 the brigade because he was not displaying behaviour becoming of a
25 soldier. You told us that you were not familiar with that specific

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1 case, but it could have been that his behaviour was not becoming of a
2 soldier and they would have suggested that he should report to the
3 brigade because of his behaviour.

4 Could you tell the Judges what could happen once a soldier
5 reported to the brigade because of issues with his behaviour?

6 A. Usually, the brigade dealt with this. They either restricted
7 his activity or actions or seized his weapon.

8 Q. And when you say they "restricted his activity or actions," what
9 does that mean exactly?

10 A. Usually, the brigade and the zone command would seize the weapon
11 from the undisciplined soldier, and that soldier would then be sent
12 to work in the kitchen.

13 Q. And what kind of undiscipline, let's say, could lead to such
14 measures being taken?

15 A. That would have been the case in the event of a report which is
16 inaccurate or shots fired in places where there was no fighting going
17 on or other violations of internal disciplinary rules.

18 Q. And where were those internal disciplinary rules present or
19 captured, let's say?

20 A. I had a regulation which we implemented. I had received this
21 from the office of the representative of the KLA, Mr. Adem Demaci.

22 Q. And when you received that, did you give it or a copy of it to
23 anyone else within the zone or the brigade?

24 A. Yes. This was a public document for the brigade command or the
25 legal office at the brigade command. This was a regulation, from

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1 what I can remember, which had been taken and then adapted -- taken
2 from the Albanian army and then adapted to the internal rules of our
3 army.

4 Q. Do you recall when you first received these regulations that
5 you're talking about?

6 A. I don't recall the exact time, but this must have been most
7 probably sometime in January.

8 Q. And to be clear, that would be of 1999?

9 A. Either at the end of 1998, December, or beginning 1999, but I
10 don't know exactly.

11 Q. And you mentioned a little earlier that the brigade and the zone
12 command could, for example, seize the weapon. Focusing on the
13 brigade, who within the brigade could take such measures? Who was
14 authorised to do that?

15 A. The brigade commander.

16 Q. And then at the zone level, who within the zone level had the
17 authorisation to decide, for example, that a soldier's weapon should
18 be taken away from him?

19 A. The head of the legal office dealt with the regulation aspects,
20 and the decision was then taken by the zone commander.

21 Q. And who was the head of the legal office within the Nerodime
22 zone?

23 A. If I'm not mistaken, I remember now, it was Sami Hajrullahu.

24 Q. In or around the area of the Nerodime operational zone
25 headquarters, was there any location or place where soldiers could be

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1 detained or held?

2 A. There was a location in the courtyard of the brigade command.
3 This was not a detention site. It was just a room where they stayed,
4 and they had the right to go out in the courtyard or work in the
5 kitchen. And this was regulated by the rules.

6 Q. And what kind of behaviour would have led a soldier to have been
7 sent to this room, as you described it?

8 A. If the soldier endangered other soldiers by firing shots at a
9 building or committed other disciplinary violations, measures were
10 taken; or at least these actions were reviewed by the legal office,
11 and then their opinion or decision was brought to the commander for
12 signature.

13 Q. Do you recall any specific instances where this happened, to
14 your knowledge, where a soldier was sent to this room in the zone
15 area?

16 A. There were cases, but I do not recall any specific case.

17 Q. And do you recall how long the soldier could be sent to this
18 room for? How many days or what period of time?

19 A. I do not recall exactly. But if I'm not wrong, this was up to
20 20 days as per the rules.

21 Q. Do you recall having previously stated that it could be for 25
22 days, for example?

23 A. I do not recall, but it might have been the case. I do not know
24 exactly the number of days, but it might be 25 days, but no more than
25 that.

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1 MR. PACE: I'd like to call up U009-1596-U009-1662 alongside
2 with the English translation, which is U009-1596-U009-1641-ET. And
3 we'll start with the first page of both, please.

4 Q. Witness, on the left you see a document in Albanian and on the
5 right is its English translation. Does the document on the left of
6 your screen in Albanian look familiar to you?

7 A. I do not recall this form.

8 MR. PACE: And if we could please turn in both to page ending
9 1607.

10 Q. And, Witness, this is another page from the same document that I
11 just showed you the cover page for, and I'm going to read to you from
12 paragraph 20 and then I have some questions. Paragraph 20:

13 "The disciplinary measures which can be imposed in the KLA

14 "For soldiers and NCO's on obligatory active service:

15 "Reprimand.

16 "Warning.

17 "Confined to barracks.

18 "Extra duties.

19 "Leave allowance cut by up to 50%.

20 "Disciplinary confinement up to 25 days.

21 "Discharge from duty and reduced to the ranks (sergeant and
22 corporal)."

23 I'll stop there.

24 Witness, does this look familiar to you?

25 A. If this was the regulation, the legal official should have been

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1 familiar with this. I was not able to know all the documents or
2 regulations. What strikes me in this regulation is point g.,
3 discharge from duty and the reduced to the ranks sergeant. This
4 article could not have been implemented because we did not have ranks
5 at the time. There were no sergeant or corporals. So this could be
6 a regulation received from Albania.

7 Q. Now, we saw or you heard at point c. of what I just read that
8 one of the options for disciplinary measures was "confined to
9 barracks," and does that correspond with what you were telling us
10 earlier, that they would be limited to a particular room, for
11 example?

12 A. Yes, it corresponds. It's a disciplinary confinement. It
13 matches these measures.

14 Q. Yes. Indeed, we see at f.:

15 "Disciplinary confinement up to 25 days."

16 You initially said up to 20, but I think you agreed it could be
17 25; is that correct?

18 A. Yes. Again, I do not know the exact duration of the
19 disciplinary confinement. However, these were days, not months.

20 Q. And at point d. that I read out, we have:

21 "Extra duties."

22 I think earlier you mentioned something about the soldier being
23 made to work in the kitchen. Would that constitute an extra duty in
24 terms of a disciplinary measure to your recollection?

25 A. Yes. From the moment the brigade commander would seize the

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1 weapon, that soldier would still be a KLA soldier, a uniformed one,
2 without a weapon, and who instead of being sent to the front lines,
3 he would be sent to the kitchen to carry out tasks related to the
4 kitchen.

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

6 Q. Witness, did you ever send any civilians or soldiers who had
7 been arrested or stopped to Klecke?

8 A. I do not have any direct knowledge of any persons having been
9 arrested. However, there were words and there was talk amongst the
10 population about such things.

11 Q. And in relation to persons that were said to have been arrested,
12 did you yourself ever send any such person to Klecke in 1998 or 1999?

13 A. No, never arrested persons. However, in 1998 we had points
14 where people were stopped. These people were identified, inquiries
15 were conducted as to the reasons why they were entering Kosovo
16 Liberation Army-held territory, after which they were either released
17 or redirected. The purpose was to prevent any identification of our
18 army positions and deployment.

19 Q. You said they would be released or redirected. Where would they
20 be redirected to?

21 A. There were cases when even my brother was stopped, who was a
22 member of the chairmanship of the LDK. He requested to go to Negroc.
23 The soldiers were not convinced about his reasons, which were that he
24 was to meet with the spokesperson of the KLA, Jakup Krasniqi. The
25 soldiers were not convinced because they did not believe that the

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1 spokesperson of the KLA would be in Negroc. Therefore, they escorted
2 him up to Negroc, at which point we understood that this location,
3 Negroc that is, is the birthplace of Jakup Krasniqi.

4 Q. Now, do you recall yourself ever either directing someone who
5 had been stopped to go to Klecke or instructing that such a person be
6 sent to Klecke?

7 A. The soldiers received their instructions from the unit
8 commanders. If I gave an instruction, that would have been for the
9 soldiers to be cautious to prevent people from disseminating
10 intelligence or information, and make sure where these people wanted
11 to go and their intentions. In cases when there were suspicions as
12 to the reasons for travel, the soldiers would escort that person.

13 Q. And do you recall having issued any instructions that people
14 should be sent to Klecke?

15 A. Could you please repeat the question?

16 Q. Do you recall giving instructions that any person should be sent
17 to Klecke?

18 A. I do not recall. But if any person asked to go to Klecke and I
19 was there, then, obviously, I would have instructed the soldiers to
20 escort that individual to Klecke.

21 MR. PACE: Your Honour, with your authorisation, I'd like to put
22 a prior statement pursuant to Rule 143(2)(b) and (c).

23 PRESIDING JUDGE SMITH: Yes, go ahead.

24 MR. PACE: I'd like to call up IT-03-66 P160-TR-ET and we'll
25 look at page 84, lines 19 to 24, which in the Albanian it's the same

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1 ERN but -AT, and there it'll be from page 85, lines 20 to 25.

2 Q. Now, Witness, this is from your 2003 ICTY statement. On this
3 point, I'm actually going to refer to three things you've said, two
4 of them in the statement and then one in your 2005 testimony, and
5 only then will I ask you a question. Here we see, as usual you can
6 follow on the screen in Albanian or listen to the interpretation, the
7 following answer you provided:

8 "And if -- and when arrests took place and when I'm asked, 'What
9 to do?', well, I just would instruct the person who'd approach and
10 ask me this question, just -- 'bring this case to Klecka' or 'send
11 him to Klecka' because, as I said, I wasn't the person who -- with
12 well-defined responsibilities."

13 MR. PACE: Next I'd like to go to IT-03-66 P160a-TR-ET, and
14 there we'll look at page 2, lines 6 to 18. And in Albanian that's
15 the same ERN but -AT, and there we'll look at page 2, lines 8 to 22.

16 Q. So, Witness, what's being called up now is another part from the
17 same ICTY 2003 statement. As I said, I'll read this as well before
18 turning to your 2005 testimony. And here the exchange goes as
19 follows:

20 "Q. And you mentioned a moment ago that when an enquiry was
21 made, you actually directed that person to go to Klecka.

22 "A. Yes.

23 "Q. Was that a collection point in Klecka during this ...
24 period, during June and July 1998, for people who had been arrested?

25 "A. I don't know where they were to be taken but I directed

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1 people there because I know that people of higher authority were
2 there.

3 "Q. Because essentially Klecka was your superior sort of
4 formation?

5 "A. Yeah, as a matter of fact I would get instructions from
6 commander 'Celiku'."

7 And, finally, before I ask you another question, Witness, I am
8 going to take you to your 9 March 2005 testimony.

9 MR. PACE: And that is at IT-03-66 T4002-T4087
10 Unredacted Corr Interp, page 52, line 24, to page 53, line 12. In
11 Albanian, that is IT-03-66 9 March 2005-TR-AT Part 2 Unredacted, page
12 22, line 21, to page 23, line 13.

13 Q. So, Witness, as I've been saying, what I'm going to read next is
14 now from your 2005 testimony. And after I read this excerpt, I will
15 ask you some questions.

16 MR. PACE: Yes. So in English I'm starting from line 24 on this
17 page, so we will soon need to go to the next page.

18 Q. I will read now, Witness:

19 "Q. Well, you've anticipated by -- you've given an answer to a
20 question that I haven't asked yet, but if we could go back to the
21 question that I did ask which is: You sent people who were arrested
22 to Klecka in this time period, June/July 1998, and -- the reason
23 being you thought people most responsible for these matters, that is
24 arrests, were in Klecka. Isn't that right?

25 "A. The interpretation of the word 'arrest' here is wrong. I

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1 cannot say that I've arrested people. I stopped people. And when I
2 was suspicious of them, I of course tried to clarify what was in
3 question why that person was in that territory, and of course when I
4 was not able to decide I sent them to Klecka in a sense that there
5 there were people who could know them. There were also people from
6 General Staff who could orient these people and say what to do with
7 them, where to send them, whether they should be allowed to enter war
8 territories or not."

9 Now, Witness, having reviewed these three excerpts, could you
10 tell us whether what you said here is correct in your 2003 statement
11 and your 2005 testimony?

12 A. The accurate information is the interpretation I made of my
13 testimony in 2005. The word "arrest" was used by the investigator.
14 I explained that this had nothing to do with arrest, because I did
15 not arrest people. I stopped people, identified them. If we had
16 suspicions as to the reasons of that person, that he was
17 bad-intentioned to the KLA, we would send that person back. If that
18 person insisted to go to a specific place, then we oriented him to
19 Klecke because there was a larger -- this was a larger area with more
20 people, and that person could have known somebody there, an officer
21 or a soldier of the KLA who would then have decided what to allow
22 this person to do or not.

23 We considered this area as a free territory, from Klecke to
24 Malisheve, that is, and from there to Dukagjin. So we attempted to
25 prevent allowing people to go through this territory, people who were

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1 ill-intentioned as to the sensitive information about the KLA. This
2 was the interpretation, explanation I provided during the trial in
3 2005.

4 Q. And as you can see on your screen, and as you heard in 2005, in
5 relation to Klecke, you also said:

6 "There were also people from General Staff who could orient
7 these people and say what to do with them, where to send them,
8 whether they should be allowed to enter war territories or not."

9 Is that correct?

10 A. Yes. This was my impression at the time, that there were people
11 in the General Staff as well as other soldiers who would know better
12 than me as to what to do, whether they should carry on or be
13 returned.

14 Q. In your response earlier you mentioned that:

15 "If we had suspicions as to the reason of that person, that he
16 was bad-intentioned to the KLA ..."

17 What would lead you to believe a person had bad intentions to
18 the KLA?

19 A. Well, if nobody knew that person, and this person claimed to go
20 to a place where we suspected there would have been an objective of
21 identifying forces of the KLA, then we would be suspicious, because
22 there were a lot of civilians who had no IDs on them because Serbian
23 forces had either burned them or taken away from them. So we
24 couldn't identify who that person was despite what they would have
25 said. So there were many problems at the time in identifying

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1 individuals. And, of course, our actions were in line with the
2 situation. So we tried to be careful at the time. And in the free
3 territory, what we called the free territory, there were a lot of
4 people who resided there and could recognise people as well as the
5 military structures. And, therefore, their further movement to
6 Malisheve or towards Dukagjin meant that we were a lot more careful.
7 Q. And do you recall any doctors having been stopped or prevented
8 from travelling through a certain part of the Nerodime zone in the
9 summer of 1998?

10 A. No, I cannot remember that.

11 MR. PACE: And with your leave, Your Honour, pursuant to
12 Rule 143(2) (b), (c), I would like to show a document to the witness.

13 PRESIDING JUDGE SMITH: Go ahead.

14 MR. PACE: And it's actually the same transcript that's on our
15 screen, Witness, which is 9 March 2005. And in this case, could we
16 go to page 33, line 22, until page 35, line 8. And in the Albanian,
17 it's going to be page 2, line 22, to page 3, line 12.

18 Q. So, Witness, once again, this is from the same testimony in 2005
19 that we happened to be looking at. I'm going to read some answers
20 and questions, and then I'll ask you a question or two. And this is
21 part of the answer:

22 "There have been other cases with doctors in July who we
23 prevented -- we delayed from going to treat soldiers wounded in the
24 fighting in Rahovec and in other places.

25 "Q. And why did you delay those doctors, for what reason?

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1 "A. If those doctors told us that they were doctors, we would
2 have of course have tried to find that out or to find out whether
3 they harboured another intention in trying to go to that place. So
4 keeping them there, stopping them from one or two hours in Blinaje
5 once, the General Staff criticised us for doing that because we had
6 delayed them. But if we didn't know people, who they were, we
7 stopped them, did not allow them to go into the war territory. So it
8 was only when they insisted very much then we could think twice."

9 Is what you answered here in your 2005 testimony correct?

10 A. Yes, it is correct, because we could have caused damages in
11 terms of verifying these individuals without IDs. So we were
12 suspicious up until there was somebody who recognised them as a
13 doctor, and we were told that, yes, he is a doctor and must go to the
14 military hospital immediately - and at the time I didn't know where
15 that was - for, say, surgery, because we had wounded soldiers.

16 Q. And here you testified that:

17 "... the General Staff criticised us for doing that because we
18 had delayed them."

19 Who from the General Staff criticised you and/or others for
20 stopping these doctors?

21 A. Well, at the time Fatmir Limaj I thought was also a member of
22 the General Staff, so perhaps a criticism from him and I assumed it
23 that was from the General Staff. And Fatmir Limaj also referred to
24 the fact that the General Staff has said that the doctor has been
25 delayed. So it was mostly an impression rather than knowledge on my

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1 part, because, as I said yesterday, I didn't know the members of the
2 General Staff in June. At the end of June, beginning of July, I got
3 to know who the spokesperson of the KLA was. And at around the end
4 of July, we started to get to know, more or less, who the members of
5 the General Staff were.

6 Q. And just for clarity in the response that I read out from your
7 testimony, you mentioned that this incident with the doctors was in
8 July. Is that July 1998?

9 A. Yes, in 1998.

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

11 And, Your Honour, with your leave, I would need to move briefly
12 into private session for the protection of certain individuals. At
13 this point, I don't anticipate being in private session for longer
14 than two or three minutes.

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

17 Witness, it is necessary for us to go into private session
18 because there are some witnesses whose names are protected and we
19 must continue to protect them, but we will -- this will only be for a
20 short time.

21 THE WITNESS: [Interpretation] Thank you.

22 [Private session]

23 THE COURT OFFICER: Your Honours, we're now in private session.

24 PRESIDING JUDGE SMITH: Thank you.

25 Go ahead, Mr. Pace.

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1 MR. PACE: Thank you.

2 Q. Witness, do you know [REDACTED]

3 A. No, I do not know him.

4 Q. Do you know [REDACTED]

5 A. Once again, please?

6 Q. [REDACTED]

7 A. No, no, I don't.

8 Q. How about [REDACTED]

9 A. No.

10 Q. We have information that you were involved until the deprivation
11 of liberty of [REDACTED]; is
12 that correct?

13 A. No, I do not believe that because I did not -- I have not dealt
14 with that matter.

15 Q. Have you heard of that matter?

16 A. In relation to the persons you mentioned? No.

17 Q. Do you know [REDACTED]

18 A. No.

19 Q. We have information that you were involved in the deprivation of
20 liberty of [REDACTED]; is that
21 correct?

22 A. I cannot remember this. And as I said, I did not deal with any
23 deprivation of liberty of people.

24 MR. PACE: Your Honour, we can move back into open session.

25 PRESIDING JUDGE SMITH: Back into open session, please,

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1 Madam Court Officer.

2 [Open session]

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

4 PRESIDING JUDGE SMITH: Thank you.

5 Go ahead.

6 MR. PACE:

7 Q. Witness, do you recall in 1998 or 1999 coming across a group of
8 persons who claimed they were coming from prison in Llapushnik?

9 A. I cannot recall that.

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

12 PRESIDING JUDGE SMITH: Go ahead.

13 MR. PACE: I'd like to call up IT-03-66 P160a-TR-ET, and I'll
14 read from page 19, line 18, to page 21, line 4. And in Albanian that
15 is the same ERN but -AT, and the pages in Albanian will be from page
16 20, line 21, to page 22, line 5.

17 Q. Once again, Witness, what I'm going to read to you now are some
18 questions and answers from your 2003 statement. After I do so, I
19 will then refer to your testimony in 2005, and then I have some
20 questions for you. I will now read, as I said, to be clear, from the
21 2003 statement.

22 "Question" --

23 MR. PACE: I'm sorry, I'm just looking at -- in the English we
24 should be at page 19, line 18. Yes. Okay.

25 Q. "Q. On 25th and 26th of July there was a big offensive on

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1 Llapushnik and Serb forces actually took over this place. And the
2 whole place was empty and some prisoners were released on this day.

3 "Is it not correct that you ran into a large group of released
4 prisoners in Krojmir who were brought there on a tractor?

5 "A. Yes, I've seen them.

6 "Q. Can you describe this?

7 "A. Yes, as far as I can remember, because it was these moments
8 when the civilian population was moving, fleeing. So it was a total
9 chaos, a mess. Frankly speaking, when I -- when I came across this
10 tractor, I thought they were civilians. I thought they were civilian
11 population and I wondered why they were all males on this tractor.
12 So I stopped the tractor. And I asked, 'Where are you coming from?'
13 And they said, 'We come from Llapushnik.' They explicitly said, 'We
14 are coming from the prison of Llapushnik'. And I was taken a little
15 bit aback at this time, so I didn't know how to react to this. I
16 told them to wait. So I told them to wait and I made it clear to
17 them that I was going to get, to gather information on what to do
18 further with them. I tried to get and speak on the phone.

19 "Fortunately, there were people from Klecke there at the time.

20 "Q. In Krojmir or -- ?

21 "A. Yeah, in Krojmir. People from Llapushnik, people being in
22 Klecka but coming from Llapushnik. And there was -- there were
23 rumours that these detainees were released. I don't know how long it
24 did last for me to gather information about this. But what I know is
25 that I returned to them and said to them, 'You're free to go' and I

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1 just made a point. 'As you understand, it's an offensive going on
2 and if you take the Lipjan direction you'll practically run into the
3 Serb hands.'"

4 Now, Witness, as I said, I'm going to take you next to an
5 excerpt from your 2005 testimony.

6 MR. PACE: And that will be from IT-03-66 T4002-T4087
7 Unredacted Corr Interp, page 72, line 2, until page 73, line 1. In
8 Albanian, it's IT-03-66 9 March 2005-TR-AT Part 3 Unredacted, page 3,
9 line 16, to page 4, line 19.

10 Q. So, Witness, as I said, this is now from your 2005 testimony in
11 the Limaj case:

12 "A. The tractor that I stopped on the 23rd or 24th of July, I
13 stopped it because there were men on board, there was civilians, and
14 they intended to go in the direction of the villages in the plain and
15 that's why I stopped that tractor. And of course I wasn't in
16 position to decide what to do with this tractors.

17 "Q. And you tried to get in touch with Klecka. Isn't that
18 right?

19 "A. Yes, I tried to establish contacts with Klecka in order to
20 see what to do, what the -- with the civilian tractors.

21 "Q. And later you had a conversation with Fatmir Limaj about
22 this tractor from Lapusnik. Isn't that right?

23 "A. I had conversation with many people regarding these issues
24 because I thought that I was I wasn't doing the right thing when I
25 allowed the tractors to --

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1 "Q. Sir, if you could focus on Fatmir Limaj. You had a
2 conversation with Fatmir Limaj. Isn't that right?

3 "A. Yes, I had not only one conversation but many conversations
4 with him.

5 "Q. And you told -- you told him about the tractor and he told
6 you that you had done the right thing. Isn't that right?

7 "A. I discussed the issue of the tractors that I allowed to
8 proceed in that direction and I always had this conviction that I did
9 not do the right thing. And for this issue, I discussed it not only
10 with Fatmir Limaj but with many others, especially with
11 Jakup Krasniqi because I suspected that I might have allowed them to
12 proceed in the direction of the occupying forces."

13 Now, Witness, is what I read from your 2003 statement and 2005
14 testimony on this issue with the people on the tractors correct?

15 A. Yes. It's clear that it's correct because, yes, I did have this
16 idea of when we allowed the tractor to go ahead, because there was a
17 concern before that date, before that year, there were other civilian
18 massacres, and the risk that allowing civilians, and in particular
19 adult males, to go towards Serbian forces was high. So my worry was
20 that they would have been put at risk by my allowing them to go
21 towards the plain.

22 Q. And is it correct that one or more of the people on the tractor
23 told you, "We are coming from the prison of Lapusnik," as you stated?

24 A. I do not remember that. Because in 2005, when I spoke of this
25 matter, I said that I didn't have the statement to correct it or

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1 clarify it, because I was using other people's words and I do not
2 know exactly what their situation is like. But I know that it wasn't
3 just a single tractor but others, but this was more special because
4 there were adult males in it. There were also other tractors which
5 were allowed to go to the plain which we tried to stop because of the
6 high risk and danger posed.

7 So this is what I've also stated in 2005.

8 Q. And to be clear, Witness, in 2003 you said they explicitly said,
9 and then you quoted, "We are coming from the prison of Lapusnik." Do
10 you recall having said that in 2003?

11 A. I do not recall that right now, but I can see the testimony I
12 gave in 2005 in which I said that there were many tractors, and that,
13 indeed, is the truth.

14 Q. And is it also the truth, as you testified in 2005, that you
15 discussed this issue with the people on the tractor with Fatmir Limaj
16 and many others, especially Jakup Krasniqi?

17 A. Yes, that is correct. I spoke to a lot of people because I was
18 worried by this. I was always worried by this action of mine. And I
19 discussed this with Fatmir Limaj and asked -- and I was asked
20 directly whether I spoke to Fatmir Limaj, and I spoke to many others,
21 including Jakup Krasniqi when Jakup Krasniqi came out as the
22 spokesperson of the KLA, as to whether I had acted in the right
23 manner or not.

24 Q. And to be clear, because I don't think we specified the year, we
25 talk about July, is this July 1998 when this incident took place?

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1 A. Yes, it is 1998.

2 MR. PACE: We can take the documents down.

3 And, Your Honour, once again I would need to move briefly into
4 private session for the protection of certain individuals. I don't
5 anticipate I would need more than three to five minutes this time.

6 PRESIDING JUDGE SMITH: Into private session, please,
7 Madam Court Officer.

8 [Private session]

9 THE COURT OFFICER: Your Honours, we are now in private session.

10 PRESIDING JUDGE SMITH: Thank you.

11 Go ahead, Mr. Pace.

12 MR. PACE: Thank you.

13 Q. Witness, do you know [REDACTED]?

14 A. I do not know about the surname [REDACTED]. But [REDACTED]
15 yes, I do know him.

16 Q. And how do you know him?

17 A. Well, [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED]

20 Q. And to your knowledge, did [REDACTED] experience any issues or
21 problems with the KLA members in 1998 or 1999?

22 A. In 1998, I remember him having a problem, but not in 1999. I do
23 not recall that.

24 Q. And what was this problem that you recall in 1998?

25 A. If I'm not wrong, he entered the territory controlled by the

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1 Kosovo Liberation Army, and from my recollection -- or, rather, what
2 I was told, he didn't stop at the checkpoint of the KLA. And a few
3 metres away, he was stopped. Again, if I'm not wrong, that is,
4 because it's such a long time since then. So he was stopped by
5 soldiers of the KLA for a certain amount of time.

6 Q. Who told you that he was stopped at a KLA checkpoint?

7 A. I cannot remember exactly who it was, but if I'm not wrong, it
8 was the person in charge of the unit in [REDACTED]. And now he's a
9 martyr. We called him [REDACTED] back then.

10 Q. And do you know what happened to [REDACTED] after he was stopped at
11 the checkpoint?

12 A. Well, according to the information that was going around back
13 then, he was stopped in order to verify his identity, who he was, and
14 why he was out and about in war territory. And if I remember
15 correctly, [REDACTED] knowing that we had to identify people, came
16 to me [REDACTED]. And, again, if I remember correctly, I went over
17 and I told them that I know this individual, and he has nothing to do
18 with an action which can implicate him to Serbian occupiers.

19 Q. Where did you go and say that?

20 A. Well, it's been a long time since, but roughly it was somewhere
21 in [REDACTED]. Whether it was [REDACTED] or some other territory, I
22 do not know exactly.

23 Q. Could you describe this place, the building or buildings, to the
24 best of your recollection?

25 A. Well, it's 25, 26 years ago. It's difficult to recall all that

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1 because at the time, [REDACTED] if I'm not wrong, I only went
2 once or twice. So I called the area [REDACTED] but I do not really
3 know whether it was, indeed, [REDACTED]. So it's such a long time
4 and it's difficult for me to recollect that.

5 Q. And putting aside the location, as in which village or villages
6 this was in, the actual place you went to, was it a house, two
7 houses, some other form of building? What do you recall about what
8 it looked like?

9 A. Actually, when I went to that part, it was also night-time
10 because it was directly in the line of fire. And if I'm not wrong,
11 as everywhere else, it was a village home.

12 Q. And could you clarify why you felt it was appropriate for you to
13 go and intervene, let's say, on behalf of this person?

14 A. Generally, if we knew people, then if it was a person who had
15 nothing to do with the Serb occupiers, it was -- I felt it was an
16 obligation, a human obligation but also a personal one, to do so.
17 And in this case in particular, it was because I knew [REDACTED]
18 [REDACTED] So it made sense for me to comment and say
19 that this individual is -- does not collaborate and he's a
20 homeland-loving person, and he has nothing to do with any idea of
21 disseminating information out of the territory.

22 Q. You mentioned that you believe this person does not collaborate.
23 Had you heard in relation to [REDACTED] any allegation that he was
24 collaborating with anyone?

25 A. No, I had not heard that.

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1 Q. And did they listen to you when you went to this area which
2 could be [REDACTED] and you made this intervention? Did [REDACTED] do
3 what you asked him to do?

4 A. Not just [REDACTED], actually, but in this case it was [REDACTED],
5 indeed. We cooperated with each other in that if we knew somebody
6 who was stopped, and it was always a request that we should then say
7 if we identified somebody or if somebody had made an infringement.
8 And, of course, he agreed because we had mutual trust in each other.

9 Q. And what happened to [REDACTED] after that agreement, as you just
10 described it?

11 A. [REDACTED] was let go. And I also meet him out and about in Kosovo.
12 Again, [REDACTED] And there are no
13 problems between ourselves, and neither were there any problems back
14 then. But [REDACTED] was let go.

15 Q. Do you recall how much time had passed since the moment [REDACTED] had
16 been stopped at the checkpoint and when he was, as you put it, let
17 go?

18 A. I do not know about this because I cannot remember this now.
19 But I know that I went over there, and then he was released when I
20 went to the [REDACTED] territory.

21 Q. Do you recall how soon after [REDACTED] spoke to you did you
22 go to this place to speak to [REDACTED] and others?

23 A. It could have been three to four hours, because I had to wait
24 for night to fall. Because my journey to the part of [REDACTED]
25 territory was in the line of fire, and I had to wait for night-time

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1 to fall so that I could go into the territory. So it could have been
2 two to three or three to four hours. I do not know exactly.

3 Q. And you mentioned that you spoke about this issue with [REDACTED]
4 and others. Do you remember the names of any others you spoke to
5 about this issue with [REDACTED]?

6 A. Actually, I spoke to [REDACTED] But there could have been others
7 present there, soldiers, because other soldiers stayed in that home.

8 MR. PACE: We can move back into open session, Your Honour.

9 PRESIDING JUDGE SMITH: Back to open session, please.

10 MR. PACE: And are we taking a break?

11 PRESIDING JUDGE SMITH: Are you ready at this time or do you
12 have another question?

13 MR. PACE: No, we can break here, Your Honour.

14 PRESIDING JUDGE SMITH: All right.

15 Witness, we'll give you a ten-minute break now.

16 [Open session]

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

18 PRESIDING JUDGE SMITH: All right. We'll break until ten
19 minutes after the hour. Thank you.

20 [The witness stands down]

21 PRESIDING JUDGE SMITH: We're adjourned until 10.10.

22 --- Break taken at 10.00 a.m.

23 --- On resuming at 10.10 a.m.

24 PRESIDING JUDGE SMITH: Please bring the witness in.

25 Mr. Pace, what's your time estimate now?

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1 MR. PACE: I will finish within this session, so by 11.00,
2 Your Honour.

3 PRESIDING JUDGE SMITH: Thank you.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: Mr. Pace, you may continue your
6 examination.

7 MR. PACE: Thank you.

8 Q. Witness, do you recall meeting one or more KVM representatives
9 around February 1999?

10 A. No, I don't.

11 Q. Do you recall meeting any internationals at all around February
12 1999?

13 A. I don't recall.

14 Q. Do you recall ever discussing prisoners or detainees held by the
15 KLA with anyone outside of the KLA?

16 A. No, I don't.

17 MR. PACE: I'd like to call up P00861, please. And we'll go to
18 the page ending 60777.

19 Q. And, Witness, as you can see on your screen, this is a document.
20 We only have it in English. It's a report from the OSCE. And we see
21 that it's referring to February 1999, as indicated here.

22 MR. PACE: And I'm going to ask to now turn to page ending
23 60779.

24 Q. I'm going to read from the second paragraph on this page. You
25 may listen to the interpretation in Albanian, and then I have a

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1 question or two:

2 "Our KLA LNO with CC Urosevac Commander and KVM Human Rights
3 Field Director visited KLA Zone Commander Shukri Buja having our
4 weekly meeting. The two issues discussed were the overall security
5 situation referred to OSCE personnel and visiting prisoners of war
6 held by KLA. Shukri Buja stated he believed OSCE personnel could be
7 used by Serb authorities as hostages or detained if foreign military
8 forces entered Kosovo. Shukri further stated KLA would provide OSCE
9 personnel in his AOR with protection if the situation warranted.
10 Shukri Buja [further] stated he didn't see any need for outside
11 personnel to check KLA's prisoners. He stated holding only Albanians
12 and their families were free to come and see the prisoners any time
13 they wished. The KVM team attempted to convince him that other
14 commanders were allowing visits to prisoners and this would allow KVM
15 to request the Serbian authorities to open their jails so that we
16 might check detained Albanians. Shukri Buja still refused and the
17 meeting was closed. We took up this issue of prisoners after the
18 meeting with KLA Civilian officials and they stated they would work
19 on the issue."

20 Do you recall this incident or this conversation with
21 internationals?

22 A. I don't recall. However, it is possible that I said this.

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

24 Q. Did the area of responsibility of Brigade 162 cover Bob?

25 A. Yes, this was in the territory of Kacanik. Bob is part of the

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1 municipality of Kacanik.

2 Q. And do you recall what building or buildings or structures the
3 KLA used in Bob?

4 A. No, I don't, because I was not in Bob during the war.

5 Q. Do you have any knowledge of a KLA kitchen or canteen being
6 located in or near Bob?

7 A. I don't recall. However, the army did have kitchens. Now,
8 whether they had one in Bob or not, I wouldn't know.

9 Q. Did the area of responsibility of Brigade 162 cover Bicec?

10 A. Could you please repeat the question?

11 Q. Did Bicec fall under the area of responsibility of Brigade 162?

12 A. Yes. As I mentioned, the villages within the municipality of
13 Kacanik were in the area of responsibility of Brigade 162. A part of
14 this was under KLA control, and a bigger, larger part was under Serb
15 forces control.

16 Q. And was Bicec, to your recollection, part of the ones that were
17 under KLA control?

18 A. I do not know exactly because during 1999 our forces made
19 continuous movements back and forth. So I wouldn't know.

20 Q. Do you recall whether around March 1999 Bicec was under KLA
21 control?

22 A. At the time when I penetrated in the territory under Brigade 162
23 control, I remember those villages, not by name. But as I mentioned
24 yesterday, I do know I spent a night in the location called the
25 Rambouillet house, Kula. It was in the mountains, and I stayed over

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1 there for one night.

2 Q. Was Kukaj part of Brigade 162 area of responsibility?

3 A. Yes, it was.

4 Q. How about Varosh?

5 A. Varosh is a village in the municipality of Ferizaj, if I'm not
6 wrong.

7 Q. And did that fall under Brigade 162 or some other unit?

8 A. No, Varosh was most probably under the responsibility of
9 Brigade 161, which covered the area of Ferizaj. And during the war,
10 we did not have access to Varosh, which was very close, adjacent to
11 Ferizaj, and these -- both locations were out of our control until
12 the end of the war.

13 Q. And just to clarify, did you say that Varosh fell under
14 Brigade 161?

15 A. Yes, under the area of responsibility of Brigade 161.

16 Q. And I think you mentioned yesterday about a particular KLA unit
17 based in Ferizaj. Could you remind us what unit or units of the KLA
18 were based in Ferizaj in 1999?

19 A. There were no units based in Ferizaj. However, towards the end
20 of the war, meaning in June 1999, when the Serb forces started their
21 retreat, the special unit operated there.

22 MR. PACE: And I'd like to call up 036622-036837, and there
23 we'll look at page 036805. And Albanian version is 077039-077258,
24 and there we'll look at page 077225. And we will zoom in on the
25 photo and caption on the bottom left corner of both pages, please.

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1 Q. So, Witness, while we'll get to the page, as you can see, this
2 is going to be a page from the book by Hajrush Kurtaj that you are a
3 co-editor of.

4 MR. PACE: And we're going to zoom in on the image on the bottom
5 left corner in both. Thank you.

6 Q. So, Witness, the image on your screen, as you can see, there is
7 a caption beneath it, and that caption reads:

8 "The Headquarters of 162nd Brigade 'Agim Bajrami' at a work
9 meeting."

10 Are you familiar with this location pictured in this image?

11 A. No, I'm not.

12 MR. PACE: We can take this down. I apologise. It's from the
13 same -- actually to call up the same item. It's from a different
14 page, please. So, again -- yes. And this time in English, we're
15 going to go to page 036740; and in Albanian, we're going to go to
16 page 077160. And we can zoom in on the two images at the bottom half
17 of the page, please, in both.

18 Q. So, Witness, this is another page of the same book by Hajrush
19 Kurtaj that we were just looking at. And we see that these two
20 images on your screen now, both of them are in Serbian, but the
21 caption on the left is in Albanian, the caption on the right is in
22 English. And that caption reads:

23 "The list of local Serbian police in Kacanik recorded on
24 12/29/1998."

25 Do you recognise this document?

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1 A. No, I haven't seen it before.

2 MR. PACE: And we'll next turn to a more clearer image of this
3 document. And for that purpose, let's please call up P01018
4 alongside P01018-ET.

5 Q. So, Witness, as I mentioned, this seems to be a better quality
6 version of the document, an image of which we saw in Hajrush Kurtaj's
7 book. And we see it has the number 41/98 and the date 29 December
8 1998, and the title reads: "List of persons who registered for local
9 security of Kacanik municipality."

10 And, Witness, have you ever heard of the local security of
11 Kacanik municipality?

12 A. I have heard but mostly after the war.

13 Q. And what did you hear about them after the war?

14 A. I heard that people were recruited by the Serbian forces in
15 Kacanik and the surrounding area.

16 Q. And to be clear, that's not something you heard during the war;
17 right?

18 A. There were words during the war. But after the war this became
19 clearer. And as I see here, this is a document produced by the Serb
20 armed forces containing names, surnames; however, I cannot say more
21 about the content of this statement because I don't know.

22 MR. PACE: And now I'd like to go back to the book we were
23 looking at, which again is 036622-036837 in English, and there we'll
24 look at pages 036703 until the next page. And in Albanian, it's
25 077039-077258, and then we'll look at page 077123.

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1 Q. And I'll be reading from the bottom part of the page in English.
2 Witness, again, to orient you, this is another page --

3 MR. PACE: Just, sorry, I see that the Albanian, the ERN is
4 wrong. It's not the correct the document. It's 077039-077258. And
5 the page in Albanian is 077123, PDF page 88, if that helps.

6 Q. So, Witness, as I was saying, this is another page from the same
7 Hajrush Kurtaj book you're a co-editor of, and I'm going to read in
8 English from the bottom of this page, and then I have some questions
9 for you. And to give you some context, what I'm going to read, the
10 author is referring to the Kotleline massacre of 24 March 1999, and he
11 states as follows:

12 "It is worth mentioning here that several local Albanian
13 policemen were part of this massacre and all others in the Commune of
14 Kacanik, also included in the ... list nr. 41 of 98 in Kacanik, [of]
15 12/29/1998. They were led by the violent chieftain of the Kacanik
16 commune Ognjenoviq Radosllav. The official Serbian list includes,"
17 and then the author lists several names. I will mention some of
18 them: Agim Idrizi (Llanisht), Rrahim Elezi (Gjurgjedell), Nezir
19 Topojani (Soponica), Rizah Kiki (Gajre), Sejfullah Mulaku (Ivaja),
20 Izak Luta (Ivaja), Bashkim Loku (Kotlina).

21 After listing these people, as we can see, the author states the
22 following:

23 "Whether consciously or subconsciously, these misguided souls
24 served the enemy and harmed the Albanian people."

25 Now, Witness, as I mentioned, these people and these words are

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1 contained in a book that you are the co-editor of. Did you have any
2 comments or remarks for the author about this particular excerpt
3 where these people are named and those accusations are made?

4 A. I do not know for certain, but Hajrush Kurtaj most probably
5 referred to these Serb documents, which authenticity I don't know,
6 and I think the author can explain himself the comments made here.

7 Q. Yes. And my question to you is, as a co-editor of this book,
8 once you did read the book, did you tell the author anything at all
9 about this part where these people are mentioned in this context?

10 A. First of all, I mentioned yesterday that I have not read the
11 book but that I read some material that he needed for his master's
12 degree. And I don't recall these materials as part of those used for
13 the master's degree. The author of the book asked me for a favour to
14 put my name as editor of those in order to make a powerful promotion
15 for some public figures in Kosovo.

16 As a matter of fact, he had told me that the book would be quite
17 different from what he presented in his research work to obtain his
18 master's degree.

19 Q. And, Witness, we have information that the people I mentioned to
20 you, the names I read out alongside their villages, are among people
21 who were detained in locations, including Bob, Ivaje, or both, around
22 March 1999. Do you know anything about those incidents?

23 A. No, I do not have that information.

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

25 Q. Witness, do you know Ejup Runjeva?

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1 A. Runjeva is a village in the municipality of Kacanik.

2 Q. Do you know someone called Ejup Runjeva also known as Commander
3 Era or Era?

4 A. Yes, I knew Ejup Runjeva who was an officer in Brigade 162.

5 Q. And to your recollection, was he an officer in Brigade 162
6 throughout 1999?

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

8 Q. Do you know Fadil Caka or Caka?

9 A. The name is familiar but I'm not certain.

10 Q. How about Nuhi Provoliu?

11 A. No, I don't recall this one.

12 Q. Have you ever heard that name in any context?

13 A. No, I'm not able to remember that.

14 Q. Bujar Tafili?

15 A. No, neither Bujar Tafili.

16 Q. Rrustem Dema?

17 A. Rrustem Dema, the name is familiar, yes.

18 Q. To your recollection, was he a KLA member?

19 A. I do not know exactly, but Rrustem Dema, if it is the same
20 Rrustem Dema who was a KLA soldier, yes.

21 Q. And which unit or battalion, brigade was that Rrustem Dema a
22 part of to your knowledge?

23 A. No, I do not know this.

24 Q. Do you know Zeqir Axhami?

25 A. No.

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1 Q. Enver Axhami?

2 A. I cannot recall that. I don't think I know him.

3 Q. Ilir Zharku?

4 A. Once again, please?

5 Q. Ilir Zharku?

6 A. The surname Zharku, yes. But Ilir, first name, I do not
7 remember that.

8 Q. And Muhamet Zeneli?

9 A. No, I do not remember.

10 Q. Witness, in or after March 1999, did you hear or learn anything
11 about anyone being detained by KLA members in Bob, Ivaje, or both,
12 around February or March 1999?

13 A. No. At the time, there was no report, not official or
14 non-official, about something like that.

15 Q. And how about any time after February or March 1999, did you
16 hear anything about that from any source?

17 A. No, I've not heard about this.

18 Q. Do you know anything about the trial of Ejup Runjeva, who you
19 said you knew, Rrustem Dema, who you may also know, alongside Enver
20 Axhami, Bujar Tafili, and Nuhi Provoliu, in Kosovo after the war
21 concerning allegations of crimes and locations, including Bob and
22 Ivaje, in February and March 2003?

23 A. Yes, I have heard about a trial, and it was my conviction that
24 they were innocent because there was never information or reports
25 that zone commanders committed those actions. But the names that you

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1 stated, I remember only Ejup Runjeva out of those.

2 Q. And, Witness, is it your evidence that, other than the one
3 person we discussed in private session specifically, you have no
4 knowledge of any deprivation of liberty, mistreatment, or other
5 crimes committed by any KLA members in 1998 or 1999?

6 A. Sir, first of all, for quite a long time I was outside of
7 Kosovo. For quite amount of time I was in prison, then I went to
8 Switzerland. And from the age of 22 to the age of 31, I could not
9 know people in Kosovo and neither could I undertake any actions about
10 people I did not know.

11 In addition, whilst in command of the Nerodime operational zone
12 in the KLA, if I'd had any information, then, of course, I would have
13 reprimanded that these actions would not take place. But, in fact, I
14 had no information, and I do not believe that KLA soldiers - in
15 particular, officers of the Nerodime operational zone - would have
16 undertaken any such actions.

17 Therefore, during Ejup Runjeva's court case, I doubted the
18 decision -- the authenticity of those decisions.

19 Q. Witness, have you heard about any KLA member within any part of
20 the Nerodime operational zone being investigated by the KLA in any
21 way in relation to the way they treated a civilian?

22 A. No, because we didn't have the mechanisms to that extent,
23 because our conviction - mine, along with my actions - was that
24 civilians would be treated in the best possible way. You also need
25 to bear in mind that, at the time, we were conducting fierce fighting

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1 in -- also in terms of gaining the sympathy of our own people, to
2 gain the sympathy of the international actors. And each action of
3 ours, according to my conviction of the then time, and according to
4 officers and actions *vis-à-vis* civilians, in particular if the
5 perception would be given as something as a criminal action or
6 terrorist action would harm the KLA.

7 So this was a lot of work that we did to take care in this
8 regard. And that is why the investigations that could have happened
9 with regard to a soldier, it could have happened after the war, but
10 this was my conviction all the time.

11 Q. And you said it could have happened after the war, the
12 investigation. To your knowledge, after the war, did the KLA or any
13 members who were in the KLA investigate any instances of mistreatment
14 of civilians during the war?

15 A. I don't think they investigated because there wasn't a mechanism
16 to investigate.

17 Q. And I've asked you about investigation. I'm going to now ask
18 you about punishment. Have you ever heard about any KLA member
19 within any part of the Nerodime operational zone being punished by
20 the KLA in any way for the way the KLA member treated a civilian?

21 A. Perhaps a disciplinary measure or infringement might have been
22 addressed. But in relation to any other infringements, we did not
23 have any such mandate in the operational zone, war zone.

24 Q. So to make sure I'm understanding, you had a mandate to address
25 a disciplinary measure of a soldier but no mandate to address any

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1 crimes or actions -- incorrect actions, let's put it that way,
2 against civilians?

3 A. Well, actually, we didn't have any mechanisms, so there was no
4 court in the area, no investigator, no such types of actions of
5 justice-related bodies. We had a regulation which was stated
6 earlier. And if there were any disciplinary infringements, we could
7 take certain actions to a particular level as to the possibility
8 provided by the regulation to take measures as zone command.

9 Q. Would a crime or any sort of offence against a civilian, to your
10 knowledge, fall within that framework of a disciplinary infringement?

11 A. If an action was unbecoming towards a civilian *vis-à-vis* a
12 disciplinary measure, then this action could have been taken by the
13 brigade commander and the legal office of the zone, but it is -- I'm
14 referring to disciplinary actions which were not becoming of KLA
15 soldiers.

16 Q. And are you aware of any action taken by a brigade commander or
17 anyone else against a KLA member punishing them for what they did in
18 relation to a civilian?

19 A. I cannot remember.

20 MR. PACE: Your Honour, we have no further questions for this
21 witness. And at this time, I have a tender to make pursuant to
22 Rule 143(2)(c).

23 PRESIDING JUDGE SMITH: Is it a lengthy tender?

24 MR. PACE: Your Honour, what I propose to do, I can state it in
25 brief. I don't propose to read ERNs. We have an e-mail almost ready

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1 to go which we could then do at the break. So if there is going to
2 be litigation, perhaps we can have that before the break.

3 PRESIDING JUDGE SMITH: I'm going to suggest that you file that
4 today, as you said, your list. Defence can file objections in
5 writing by close of business Tuesday. And then we will make -- and
6 then reply by Prosecution is possible, if you wish, by Wednesday,
7 close of business.

8 MR. PACE: Your Honour, we would recommend not to proceed that
9 way because, in our submissions, it's important before the start of
10 cross-examination for the Defence to know what has and has not been
11 admitted. And that is also consistent with this Panel's prior
12 rulings where prior statements pursuant to Rule 143(2)(c) have been
13 admitted at the end of the Prosecution's direct examination and
14 before cross-examination by the Defence.

15 And by way of one example, I'll refer to the 11 September 2023
16 transcript in this case at pages 7706 and 7714, where the Panel
17 admitted under Rule 143(2) the prior statements of a witness before
18 the commencement of cross-examination.

19 As I said, the importance of this is because the Defence needs
20 to know before they cross-examine the full scope of the evidence that
21 they need to cross-examine on to avoid having to re-call the witness
22 after any decision is issued. And that's also consistent with, other
23 than the practice of this Court, the procedure we've adopted thus far
24 and the rules themselves.

25 PRESIDING JUDGE SMITH: But we are ready for cross-examination

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1 now, and you have not -- you're intending to file your e-mail later.

2 MR. PACE: Your Honour, if you want me to I can read them now.

3 I can tell you right now what we intend to tender. The only issue I
4 mention in the e-mail is because there are so many ERNs, but that
5 will make the scope clear.

6 So I will say that what we intend to submit pursuant to
7 Rule 143(2) (c) is the entirety of the witness's 2003 ICTY statement,
8 the entirety of the witness's 2005 ICTY testimony. And then from the
9 other statements, only the excerpts put to him during direct
10 examination. And those other prior statements, so the ones that
11 we're only tendering excerpts of, are his 2001 ICTY statement and
12 2002 ICTY statement and the 2011 hearing in Arben Krasniqi et al.

13 I have the ERNs. I could read them now. I was proposing to
14 send them --

15 PRESIDING JUDGE SMITH: No.

16 MR. PACE: -- via e-mail because they're long.

17 PRESIDING JUDGE SMITH: That's what we're trying to avoid is
18 spending the rest of the day going over this material.

19 MR. PACE: Yes. But, Your Honour, if I may, in terms of -- we
20 don't need the ERNs for those purposes. Everybody knows which the
21 2003, 2005 statement are, and everyone was here when I put the
22 excerpts on the prior statements that we're not seeking to tender in
23 whole to the witness.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 Do you intend to file an objection to this tender?

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1 MR. MISETIC: Absolutely.

2 MR. DIXON: Likewise, Your Honours.

3 PRESIDING JUDGE SMITH: [Microphone not activated] ... suggestion
4 as to how you want to proceed with your objections? In brief.

5 MR. MISETIC: I'm always brief, Judge.

6 I want to get on with cross-examination. But on the other hand,
7 we've now heard a tender which is complicated, and I need to make
8 submissions on it. But like I said, my interest is I want to get
9 started with cross-examination right now.

10 My proposal would be to go ahead as the Panel proposed. I don't
11 know if my colleagues agree with me or not. But it's going to be
12 quite complicated in terms of the objections that we're going to lay
13 out, and now we've heard something new from the Prosecution which is
14 going to raise an additional objection that I don't want to make in
15 the presence of the witness.

16 PRESIDING JUDGE SMITH: We can take your list, Mr. Pace, and put
17 an MFI for each one of them so that it's identifiable and it then can
18 be used in cross-examination without any issue. We're not trying to
19 cut you off on anything, but we're just trying to proceed through
20 this in a reasonable way.

21 MR. PACE: I understand, Your Honour. But if we're going to
22 proceed that way, we would like some form of guarantee that then the
23 Defence is not going to, at a later stage, seek to re-call the
24 witness because of anything contained in your decision. Because the
25 main benefit of this, and why we understand Your Honours have ruled

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1 before cross-examination in the past, is that once that ruling is
2 issued, everybody knows where they stand. The Defence will not have
3 to cross-examine, for example, about topics that are not in evidence
4 should you reject our tender in whole or in part.

5 I don't know what counsel for Mr. Thaci was saying in terms of
6 something new they haven't heard. I do note that the main part of
7 our tender, the two items we are seeking to tender in full, are
8 precisely those that we tendered pursuant to Rule 154. The Defence
9 has had its response in relation to that, and the Panel has ruled
10 that those statements were admissible under Rule 154 with the
11 exception of a few pages in them.

12 So in terms of knowing the scope and the objections there, even
13 though we're now tendering them under a different rule, there should
14 not be any difference. The criteria of relevance, probative value,
15 authenticity for those, at least, two statements have been made. And
16 as I said, in relation to the other statements, we're only seeking to
17 tender the excerpts that I put during direct examination this week.

18 MR. MISETIC: Mr. President, may I ask -- now I need to explain
19 our position, and I would ask to do it outside --

20 PRESIDING JUDGE SMITH: Sure.

21 MR. MISETIC: -- the presence of the witness.

22 PRESIDING JUDGE SMITH: Of course you can.

23 Witness, please step out of the courtroom now in the company of
24 the Court Usher. We will just be a few minutes, then we'll call you
25 back into the courtroom. Go ahead.

1 [The witness stands down]

2 PRESIDING JUDGE SMITH: Go ahead.

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

4 It's not -- it doesn't help us -- and I understand the point
5 Mr. Pace is trying to make. But it doesn't help us in this
6 particular circumstance given that the 2003 and 2005 statements in
7 material respects are mutually contradictory. And to say that, well,
8 he needs to know and this needs to be admitted so that we know and
9 we're on notice of what we have to face, of course, ignores
10 completely the fact that now they're admitting two statements with
11 materially different and contradictory portions to it that they
12 haven't said which portions or which parts of which statement they're
13 choosing to say is the truth, right?

14 So the point he's trying to make is actually pointless unless
15 they're going to come forward and say, "We choose this part of the
16 2003, this part of the 2005," et cetera.

17 Now, our objections are all the ones we've made previously on
18 the use of 143. The new part that we've heard this morning is until
19 now the Panel has ruled that the word "statement" in 143 means the
20 entire statement. Now they're using both, which is they're saying
21 the entire statements come in and they can cherry-pick out of
22 statements. So that now other statements, they're only going to use
23 excerpts of those statements, even though the Panel has ruled that
24 the word "statement" now means the entire statement.

25 I happen to agree, as you know from my repeated objections on

1 this point, that the word "statement" should only mean those portions
2 that were put to the witness. But you've established the law in the
3 case now that it means something different.

4 The reference to the Rule 154 decision is another reason why
5 this circumstance is entirely unique, right? You've already noted
6 that there are contradictions in what the witness has said, right?
7 And you ordered redactions of those.

8 Now, if it wasn't admissible under 154, now they're using 143 to
9 admit all of it in, even those portions that you had ordered
10 redacted.

11 So my position - our position - would be that in light of the
12 Rule 154 decision, they were supposed to elicit live those portions
13 that were contradictory. They did that. They can then impeach on
14 what he said in court, but they have to pick one version, right?
15 They can't just go: We're dumping both in and you, the Defence, can
16 learn at the end which portions we decided we were going to rely on.

17 Now, the last thing I have to say is that it's a violation of
18 the fair trial rights and the right to fair notice not to know now
19 which portions of those they choose.

20 And, finally - again - it has to be noted that the 2005
21 statement was found by both the ICTY OTP and the Limaj trial chamber
22 itself that they were not credible. So our position is that it would
23 violate Articles 10(c) and 30 of the Code of Professional Conduct to
24 offer portions of that 2005 statement for the truth absent some
25 strong justification for why the findings of the trial chamber in the

1 Limaj case should be set aside or ignored by you because they have
2 now a new justification to say that those portions are actually the
3 truth.

4 And it needs to be cleared out now. Thank you.

5 MR. DIXON: Your Honours, and if I could just add, that's why I
6 was very anxious to see what's in the e-mail, because we say it would
7 be incumbent on the Prosecution to set out what are the
8 inconsistencies, what do they challenge about the witness's
9 testimony, where is he lying do they say, and then what are the parts
10 that they rely on.

11 I mean, they have to show the inconsistency in order to say,
12 well, this must come in in order to either deal with credibility
13 and/or the truth of the contents. So they have -- they have to make
14 their application. They can't just do it in one sentence. I want to
15 see what's in the e-mail so that we can respond.

16 All we're asking that they put their case, they say what their
17 case is. The Defence is often asked to do that. The Prosecution
18 must do that. They are the Prosecution. They bring the case. Thank
19 you, Your Honours.

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

21 MR. PACE: Thank you, Your Honour.

22 I'll start with the point made about the contradictory
23 statements. I'll cite two decisions by this Panel. F02580 from
24 17 September, paragraph 14:

25 "... [the] claimed inaccuracy do not bar its admission into

1 evidence ..."

2 That was in the context of 1432. And, again, in the decision on
3 154, in this case, F02117, in relation to this very witness,
4 paragraph 15:

5 "... a party is not prohibited from tendering varying accounts
6 from a witness if it makes clear that it will not seek to rely on one
7 or more of those accounts for the truth of its contents but for
8 credibility. This will ensure that the Panel has all the information
9 before it to assess the witness's credibility and the evidence's
10 reliability."

11 In terms of admission of a statement in whole versus a statement
12 in part, I refer you to your decision, which is actually the same one
13 I just cited earlier, F02130, paragraph 20, where we have:

14 "If the prior inconsistent statement meets the criteria of Rules
15 138 and 143(2)(c), it is a matter of discretion for the Panel to
16 decide whether to admit the prior statement in its entirety, in part,
17 or to direct the Party calling the witness to only read discrete
18 parts into the trial record, and for what purpose(s)."

19 From our side, Your Honour, we have no objection if the Defence
20 prefers that, or, even more importantly, if you prefer that, to --
21 all the prior statements I mentioned being tendered in full.
22 Absolutely no objection to that.

23 Similarly, counsel for Mr. Thaci mentioned that the 154 decision
24 excluded certain parts from admission under that rule. We refer --
25 you refer to them as the pages. And although we see no need to go

1 forward with such exclusion in these new circumstances, we would not
2 be opposed to those pages being excluded from the admission under
3 143. And the reason simply is, as counsel mentioned, we elicited
4 information *viva voce*, as had been instructed by the Panel to do when
5 we're contemplating 154 procedure, and also that those matters are
6 not, let's say, crucial or critical to the evidence.

7 In terms of the allegations of violations of fair trial rights
8 not to know what the SPO is choosing and the assertion that the SPO
9 has some kind of obligation to state now where the witness is
10 allegedly lying and to show inconsistencies, we have heard nothing
11 about any legal basis for those requests. We are seeking to tender
12 these items for -- not for a limited purpose. They would be both for
13 the truth of their contents and to assess the witness's credibility.

14 To put the Prosecution in a position to now pick and choose from
15 the extensive evidence we heard and documents what we say is truthful
16 and what is not is premature. This is not the time to do that. We
17 cannot even do that now. There is other evidence to be heard. And
18 that is why the cross-examination needs to go on in full based on
19 what we know is already admitted into evidence.

20 In terms of the counsel for Mr. Thaci's assertions about the
21 statement not being reliable -- not being deemed reliable by the OTP
22 as another entity and the trial chamber as another entity, that in no
23 way overrules the Panel's 154 decision about that very statement.
24 You have already found it is probative, authentic, and reliable,
25 excluding only the pages in that decision. So that presents no

1 reason to revisit your own decision.

2 Those are my submissions for now, but I'm happy to address any
3 issue I have not touched upon.

4 MR. MISETIC: Mr. President, may I respond briefly?

5 PRESIDING JUDGE SMITH: Briefly, because we're going to take a
6 break.

7 MR. MISETIC: Yes.

8 MR. PACE: And sorry -- sorry to interrupt, but just in case it
9 matters, the e-mail that I mentioned listing the ERNs has now been
10 sent. For now, that e-mail for the documents we said we tender in
11 part lists also the pages that we have shown thus far.

12 PRESIDING JUDGE SMITH: Thank you.

13 Go ahead.

14 MR. MISETIC: First of all, the counsel cited the earlier ruling
15 where it says:

16 "If the prior inconsistent statement meets the criteria of Rules
17 138 and 143(2)(c), it is a matter of discretion for the Panel to
18 decide whether to admit" --

19 Sorry, I've lost the -- it's as long as it's not offered, right,
20 for the truth of its contents but instead for credibility, right?

21 "... a party is not prohibited from tendering varying accounts
22 from a witness if it makes clear that it will not seek to rely on one
23 or more of those accounts for the truth of its content but for
24 credibility."

25 We right now don't know which they're intending to rely on.

1 Now, in terms of them saying it's too burdensome for them to go
2 through all the statements, that's precisely why, in our submission,
3 it's supposed to go: You put it to the witness, you use the one
4 you're trying to impeach them with, and then we're on notice of what
5 they're relying on. This is the inherent problem now of dumping
6 entire statements in. So that's first point.

7 The second point in terms of them being under no obligation at
8 this point to make clear what they're relying on. I again cited the
9 Code of Professional Conduct. You can't submit something you know to
10 be false. And it's not an issue of whether you're bound by the trial
11 chamber's finding in the Limaj case. It's a question of are they on
12 notice, can you make the case that they know that the evidence is
13 false, in light of a trial chamber finding to that effect and an OTP
14 submission to that effect, such that, under the Code of Professional
15 Conduct, they can't offer it for the truth of its contents. And at
16 this point, they have not said anything that would suggest that the
17 trial chamber in the Limaj case got it wrong and that it should be
18 considered to be truthful evidence.

19 Thank you.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 This is precisely why I proposed a different alternative to
22 admitting these. But we are going to take a break now at 11.00. I'm
23 sure the translators are exhausted putting all this down. And we
24 will come back with some sort of an answer in a half hour.

25 [Microphone not activated].

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

2 --- On resuming at 11.39 a.m.

3 PRESIDING JUDGE SMITH: We'll take care of this matter outside
4 of the presence of the witness, just for his protection and the
5 protection of the record.

6 Judge Mettraux had a question.

7 JUDGE METTRAUX: I had a question for you, Mr. Misetic.

8 MR. MISETIC: What took you so long, Judge?

9 JUDGE METTRAUX: My patience, Mr. Misetic.

10 I just want to be clear about one aspect of your submissions. I
11 understood you, and perhaps wrongly, to either criticise or object to
12 the fact that the SPO is offering only certain parts of some
13 statements rather than the whole. And if that understanding was
14 correct, my question to you would be whether your suggestion to
15 address this matter, should, of course, we decide to admit, whether
16 your suggestion would be to admit the entire statement or whether you
17 would be content and favour the course suggested by the SPO, which is
18 to admit only those parts that were put to the witness.

19 So if you could clarify that for us, I'd be grateful.

20 MR. MISETIC: Thank you for that, Judge. Let me be clear. That
21 understanding is incorrect.

22 So our position is the same as it was the first time this issue
23 came up: Statements that are put to the witness can be admitted for
24 the truth of their contents. And by "statement," I mean the portions
25 of the statement that were put to a witness can be admitted for the

1 truth of its contents. So we would say that the SPO's move to admit
2 only portions of the earlier statements is consistent with our
3 position. And we would say the same thing should be applied for the
4 2003 and 2005 statements, that those portions of those statements
5 that were put to the witness can be admitted for the truth of their
6 contents except - except - where there's been a finding that those
7 portions are false. And then the question arises: Can the SPO admit
8 something as the truth which an earlier court has found to be a lie?
9 And we would say that that can't be done. Thank you.

10 JUDGE METTRAUX: I've now been enlightened. Thank you.

11 MR. DIXON: Your Honour, and we support that position entirely.

12 JUDGE METTRAUX: Thank you, Mr. Dixon.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 We are going to go forward in exactly the manner I first
15 suggested. The list has been sent by SPO to the parties and
16 participants. All items will receive an MFI. The list today will be
17 as good as it can be, but by tomorrow a detailed list of the MFI
18 numbers will be attached. There's just so many that it's hard to get
19 it all finished in time for your cross-examination.

20 Any objection should be filed by written submission by 5.00 p.m.
21 Tuesday, this next Tuesday; reply, if any, by the SPO by close of
22 business on Thursday. The Panel will decide on admissibility as soon
23 as possible. Cross-examination will continue at this time.

24 You can handle it as you wish, but if I were suggesting, I would
25 suggest that the best method would be to consider that any of them

1 can be admitted. That's not indicating a preference, I'm just giving
2 unsolicited advice.

3 And to answer one question that came up. When you're finished
4 with your questions, and we have ruled on the admissibility, if you
5 wish to re-call a witness, there would be no reason why that would be
6 resisted by the Court.

7 So hopefully that can be as fair as possible under the
8 circumstances.

9 Just a little bit of reasoning.

10 First of all, the conditions for admission is laid out in our
11 rules. A statement can be admitted, in our estimation, for both
12 purposes of credibility and for the truth.

13 The Defence does not allege and there is no indication that it
14 would be prejudiced in its ability to cross-examine the witness
15 without such an indication.

16 At the same time, the Panel agrees with the Defence that a party
17 should be clear about what its case is and what part of a witness's
18 testimony it relies upon to make that case. Such an assessment,
19 however, is not one that could or should be made at the time of
20 tender unless it is willing to make it clear that at the time of the
21 tender a party should be permitted, in principle, to make such an
22 assessment in light of the evidence as a whole.

23 Furthermore, and finally, the assessment of the credibility of a
24 witness and his truthfulness is one to be made by the Panel, so that
25 a party's assessment of these matters are not binding on the Panel

1 but only serves as a guide to the Panel's assessment.

2 The Panel could, for instance, regard as truthful an account
3 which the SPO regards as truthful or the other way around.
4 Therefore, and on that basis, the Panel considers that the SPO is not
5 required at this stage to provide notice to the Panel or to the
6 Defence of which part or parts of a witness statement is being
7 offered for the truth of its content or for the credibility purposes
8 or both.

9 The Panel notes, however, that the Panel expects the SPO to make
10 this matter very clear when it will be asked to present its case at
11 the end of these proceedings and to expect the Panel to pick and
12 choose.

13 I believe it is time for the cross-examination. We'll call the
14 witness in.

15 I'm sorry, I didn't ask. Is it the regular order for
16 cross-examination?

17 MR. MISETIC: Yes, Mr. President.

18 PRESIDING JUDGE SMITH: Okay. Thank you.

19 MR. ROBERTS: Your Honour, I apologise, I just want to do this
20 before the witness comes in. Just to be exactly clear what the
21 Prosecution is tendering, because obviously -- and whether they're
22 providing any further argument or we're just responding to the e-mail
23 that will be sent.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 The intention is that you respond to the e-mail. That's the way

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1 they've chose to tender this.

2 MR. ROBERTS: Without any argument, obviously, attached --

3 PRESIDING JUDGE SMITH: Yes. And then they have a chance to
4 reply to your objection.

5 MR. ROBERTS: Okay. Within the limits of a normal reply.

6 PRESIDING JUDGE SMITH: Within the limits by -- by Thursday, I
7 think I said, close of business.

8 MR. ROBERTS: Okay. Much obliged. Thank you.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: Witness, we begin now with the
11 cross-examination. We begin with the Thaci Defence. Mr. Misetic is
12 on his feet. You can see where the questions are coming from.
13 Please give him your attention.

14 Mr. Misetic, you have the floor.

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

16 Cross-examination by Mr. Misetic:

17 Q. Good morning, Mr. Buja. As you heard from the President, my
18 name is Luka Misetic.

19 A. Good morning.

20 Q. I am counsel for Hashim Thaci, and I have some questions for
21 you.

22 My first question, sir, is just some background questions,
23 actually. Your family supported the LDK party prior to 1998; is that
24 correct?

25 A. That's correct.

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1 Q. And you were in prison by the Serbian authorities, and you were
2 released in which year, 1994; is that correct?

3 A. Correct.

4 Q. And after your release you supported the LDK; is that correct?

5 A. That's correct.

6 Q. You served briefly as the leader of the youth branch of the LDK
7 in Lipjan?

8 A. Yes. Chairman of the branch of the LDK youth forum in Lipjan.

9 Q. Okay. And your brother was a member of the LDK presidency; is
10 that correct?

11 A. Correct.

12 Q. And can you identify for the record which brother that was?

13 A. My older brother, Rame Buja.

14 Q. Thank you. Now, sir, let me ask you a few questions about an
15 organisation known as the LPK.

16 Now, the LPK, unlike the LDK, was a clandestine movement;
17 correct?

18 A. Correct.

19 Q. And it had as its goal "the liberation of all Albanian-populated
20 territories"; is that correct?

21 A. Correct.

22 Q. And earlier it was called the LPRK; is that correct?

23 A. Correct. My activity before my imprisonment was with the LPRK,
24 which is the Popular Movement for the Liberation of Kosovo.

25 Q. And were you at any point simultaneously a member of the LPRK

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1 and the LDK?

2 A. Yes, because the LDK activity was public whereas the LPK
3 activity was clandestine.

4 Q. Now, given -- sorry, were you ever elected as a member of the
5 LPRK presidency?

6 A. I was elected member of the general council of the LPK.

7 Q. And can you tell us when that was?

8 A. I might not be precise with the date or month, but this was
9 after my arrival in Switzerland.

10 Q. And I'd like to look at the goals that were being pursued by the
11 LPK and the LDK.

12 MR. MISETIC: Now, if we could please, Madam Court Officer, have
13 on the screen DHT04471 to DHT04480 in both the English and Albanian,
14 beginning at page 3 in the English and in the Albanian, please.

15 Q. As a member of the general council of the LPK, were you familiar
16 with the statute of the LPK?

17 A. Yes, at the time I was.

18 Q. First, I'd like to show you the statute of the LPK in 1991 so we
19 have an understanding of the programme and goals of the organisation.
20 And if you look at, in English, the paragraph in the right-hand
21 column at the bottom: "Following WWII ..." and you see that paragraph
22 there? It says:

23 "Following WWII, the Albanian territories in Yugoslavia were
24 divided into three republics (Serbia, Macedonia, ... Montenegro) and
25 the province of Kosovo (semiautonomous, as part of Serbia)."

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1 MR. MISETIC: And then if we turn the page, please. There's a
2 paragraph that begins: "LPK -- LPK intends ..." Yes, on the
3 right-hand side in English.

4 Q. Actually, if we start at the top, number 1, it says:

5 "The [LPRK] is a democratic national liberation organisation,
6 and its objective" --

7 MR. MISETIC: If we stay on the right-hand side, please.

8 Q. "... its objective is:"

9 First:

10 "The resolution of the national cause of the Albanian people
11 enslaved under Serbia, Macedonia, and Montenegro invoking the
12 principle of the right to self-determination, including the right to
13 separation;"

14 And the second is:

15 "Building of a new, free, and democratic Albanian society in
16 line with the will of the people."

17 And then the next paragraph says:

18 "LPRK intends to achieve this objective through the unification
19 of all the Albanian enslaved people and all its organised forces ..."

20 Do you see that? Were you familiar with these goals of the
21 LPRK?

22 A. Yes.

23 MR. MISETIC: And if we turn to page 5 in the English and page 6
24 in the Albanian. Oh, sorry, this is actually a different document.

25 Let me, if I may, Mr. President, tender the 1991 LPRK statute.

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1 PRESIDING JUDGE SMITH: Any objection?

2 MR. PACE: No.

3 PRESIDING JUDGE SMITH: DHT04471 to DHT04480, in English and
4 Albanian, is admitted.

5 THE COURT OFFICER: Thank you, Your Honour. That document and
6 its English translation will receive Exhibit 1D00202. Classification
7 is public.

8 MR. MISETIĆ: Thank you.

9 And, Madam Court Officer, if we could now pull up DHT04456 to
10 DHT04470 in both the English and the Albanian. And if we could go to
11 page 5 in the English and page 6 in the Albanian, please.

12 Q. The paragraph that begins: "The Albanian people should
13 focus ...". The paragraph in the statute reads:

14 "The Albanian people should focus on the liberation of Kosovo
15 and the creation of an independent state that will enclose all
16 Albanian-majority territories under occupation."

17 Is that your understanding of the LPK statute?

18 A. Yes.

19 MR. MISETIĆ: And if we could go to English page 6, Albanian
20 page 7, please.

21 Q. And, again, it lists the same goals that we saw in the earlier
22 version of the statute; correct? It's the creation of an
23 independent -- the liberation of the Albanian nation under Serbia,
24 Macedonia, and Montenegro; correct?

25 A. Correct.

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1 Q. The second point is:

2 "Building a new, free, and democratic society in line with the
3 will of the people."

4 Correct?

5 A. Correct.

6 MR. MISETIĆ: If we could go to page 9 in the English and page
7 10 in the Albanian.

8 Q. It begins:

9 "LPK is a democratic national liberation organisation of the
10 occupied part of the Albanian nation under Serbia, Macedonia, and
11 Montenegro.

12 "LPK aims to create a broad-based popular front, regardless of
13 religious, provincial, or ideological affiliations, with the forces
14 prepared for the country's liberation."

15 MR. MISETIĆ: And if we turn the page.

16 Q. It says:

17 "Following the liberation, LPK will be engaged in building a
18 free and democratic Albanian society, in line with the will of the
19 people."

20 Is that your understanding of the goals and objectives of the
21 LPK as stated in the statute?

22 A. This was the idea and this was the programme and the statute of
23 the LPRK.

24 Q. Now, there's nothing in the statute about advancing Marxism or
25 Leninism; correct?

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1 A. I could not hear the question. Could you repeat it, please?

2 Q. I said there's nothing in the statute about advancing Marxism or
3 Leninism; correct?

4 A. No, this was a popular movement. This was not about its
5 political left or right orientation.

6 Q. Thank you.

7 MR. MISETIĆ: Mr. President, I tender the 1993 version of the
8 LPK statute into evidence.

9 PRESIDING JUDGE SMITH: Objection?

10 MR. PACE: No.

11 PRESIDING JUDGE SMITH: DHT04456 to DHT04470, in English and
12 Albanian, is admitted.

13 THE COURT OFFICER: Thank you, Your Honour. Just to clarify
14 that the ERN for Albanian version is DHT04455 to DHT04470.

15 This document and its English translation will receive
16 Exhibit 1D00203. Classification is public.

17 PRESIDING JUDGE SMITH: Thank you.

18 THE COURT OFFICER: Thank you.

19 MR. MISETIĆ: Thank you very much.

20 Q. Now, Witness, these goals -- and I specifically took you to
21 portions talking about the unification of Albanian lands in Serbia,
22 Macedonia, and Montenegro. Those goals eventually were put into
23 action with the creation of various zones; correct?

24 A. That's correct.

25 Q. Kosovo was Zone 1?

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1 A. Yes.

2 Q. Macedonia was Zone 2?

3 A. Correct.

4 Q. Am I correct that Montenegro was Zone 3?

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

6 Q. Was there a fourth zone?

7 A. To my knowledge, there was one. Bujanoc, Presheve, Medvegje.

8 Q. And then was there a fifth zone?

9 A. I don't recall that.

10 Q. Now, the reason that initially when the KLA was operating you
11 were called subzone is because all of Kosovo was considered one zone
12 in the goal of creating a unification of all Albanian-majority lands;
13 correct?

14 A. Yes. Initially, the KLA had its programme to liberate occupied
15 territory of Albania, and these territories were in Macedonia,
16 Montenegro, eastern Kosovo, Presevo, Bujanoc, and the -- in Kosovo.

17 Q. Yes. And those goals did not change until there was
18 international pressure sometime in the fall of 1998 to abandon the
19 goals of taking territory in Macedonia and Montenegro and in the
20 Presevo valley; correct?

21 A. This is at least the information I received, because I was not
22 part of the delegations in the meetings with internationals.

23 Q. Yes. But you've testified previously on this point; correct?
24 You told -- for example, you gave a statement in the Milosevic case.

25 MR. MISETIC: For the benefit of the parties, this is

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1 SITF00223935 to 00223961 at page 6.

2 Q. You said:

3 "The political aim was abandoned because of the negative
4 reaction in the international arena. At the end of October 1998
5 every subzone became a zone and we had orders that everyone should
6 operate within their zone."

7 So you were aware that there had been international pressure
8 which was resulting in the conversion of the subzones into zones;
9 correct?

10 A. Yes, it is a fact. As I mentioned before, I was informed about
11 this pressure in the meetings with internationals.

12 Q. Now, these goals were somewhat different from the LDK's goals;
13 correct? The LDK did not have as part of its programme the
14 unification of all Albanian lands in Kosovo, Presevo valley,
15 Macedonia, and Montenegro; correct?

16 A. Correct. This was part of the LDK programme.

17 Q. What was part of the LDK programme?

18 A. The programme of the LDK included the administrative borders of
19 Kosovo to create a state which we referred to in the KLA as Zone 1.

20 Q. Understood. Okay. The other distinction between the LDK and
21 the LPK was that the LPK would not rule out the possibility of armed
22 conflict to realise its goals; correct?

23 A. That's correct.

24 Q. Now, the LPK and the KLA were two separate organisations. Would
25 you agree?

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1 A. To my knowledge, yes.

2 Q. And you said you were familiar, you've testified multiple times,
3 with Jakup Krasniqi's public appearances in June 1998, and I'd like
4 to show you one statement of Mr. Krasniqi in June 1998.

5 MR. MISETIĆ: And, Madam Court Officer, if we could please have
6 P01255-ET, page 1, in both the English and Albanian, please. The
7 second paragraph on the screen, please.

8 Q. Now, Mr. Krasniqi said in June:

9 "As far as ideologies are concerned, the Kosovo Liberation Army
10 recognises only pan Albanianism ... as an ideology."

11 Now, first, can you tell me what your understanding of the term
12 "pan Albanianism" is?

13 A. Well, the ideology, according to this statement, is that all
14 Albanians, despite their distinction of location or ideology, we
15 should be together to heal our country. So this was the ideology,
16 that we liberty our country despite our convictions.

17 Q. When you say "our country," do you understand it to be talking
18 about only about Kosovo or are we talking about the unification of
19 all Albanian lands?

20 A. Up until then, the idea was the liberation of all
21 Albanian-inhabited lands.

22 Q. Okay. It continues:

23 "The Kosovo Popular Movement [LPK] is the political force that
24 deserves uncontested credit for founding the Kosovo Liberation Army,
25 and it is the initial, determined and reliable foundation of the

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1 Kosovo Liberation Army. Nevertheless, it has not objected to the KLA
2 remaining outside of any party umbrella. The General Staff of the
3 Kosovo Liberation Army is of the opinion that political pluralism is
4 a luxury at this stage of the war."

5 And it goes on.

6 Were you of the understanding that the KLA was operating outside
7 of the umbrella of the LPK as of at least June 1998?

8 A. Allow me to inform you how things worked in the area I was
9 active in in 1998, 1999. In the context of the zone command, I had
10 all political colours involved. So the chief of staff was Hysen
11 Shahini, and he came from forces that were exercising in Albania,
12 FARK as it was called, and he was appointed as chief of staff. And
13 there was also the UNIKOMB party, the head of personnel Naim Imeri
14 came from that party. Operational head of operations, a person who
15 after the war ran as a member of -- as chair of the LDK. Also from
16 the legality, or people who were for the kingdom.

17 So all of these political colours and the idea behind them was
18 the liberation of my country.

19 Q. Okay. Do you recall any orders that were sent to your zone from
20 the LPK?

21 A. From the LPK there were no orders.

22 Q. Now, turning to your time with the LPK in Switzerland in 1997.
23 You have previously identified some key members of the LPK in
24 Switzerland in 1997, and let me just go through them and see if this
25 is accurate.

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1 Fazli Veliu?

2 A. He was the chair of Kosovo's Popular Movement.

3 Q. Bardhyl Mahmuti?

4 A. He was part of the presidency of the movement.

5 Q. Emrush Xhemajli?

6 A. If I'm not wrong, he was the secretary of the movement.

7 Q. Adem Grabovci?

8 A. He was chair of the subbranch of the LPK in Switzerland.

9 Q. Okay. You've testified previously that you believed
10 Hashim Thaci to be a member but not a high-ranking official of the
11 party; is that correct?

12 PRESIDING JUDGE SMITH: You might want to indicate which party.

13 MR. MISETIĆ:

14 Q. The LPK party, I mean.

15 A. Yes, that's right.

16 Q. And you testified in the Limaj trial -- oh, sorry, the witness
17 statement in the Limaj case that at that time in 1997, Hashim Thaci
18 was more or less an unknown person; correct?

19 A. Yes. At the time, he was not known in the structures of the
20 Popular Movement of Kosovo.

21 Q. Okay. Let me turn now to a different topic, and this concerns
22 your entry into Kosovo.

23 Now, you've stated in your 2003 statement that you had been a
24 vocal proponent of returning to Kosovo and moving the LPK
25 organisation there; is that correct?

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1 A. Yes. I insisted that actions should be taken inside of Kosovo,
2 and I raised this matter frequently given the body I was party of,
3 and that was the general council of the LPK.

4 Q. Okay. So you had made a decision that you wanted to return to
5 Kosovo; is that correct?

6 A. Yes. Actually, I was ready to return to Kosovo at any time.

7 Q. And the Jashari massacre expedited your plans to return to
8 Kosovo; is that correct?

9 A. Yes, that's correct.

10 Q. Now, in your testimony in the Limaj trial, you stated:

11 "The decision to go to Kosova was made by me, and as for the
12 organised journey it was organised by others, by members of the LPK."

13 Is that correct?

14 A. Yes, that's correct.

15 Q. And once you decided to go, you then informed other members of
16 the LPK Switzerland, including Adem Grabovci, Agim Bajrami,
17 Hashim Thaci, and your brother Agush Buja; is that correct?

18 A. Yes, that's correct.

19 Q. And you testified in the Limaj trial:

20 "... when I decided to return to Kosova I was informed that
21 others were returning to Kosova and I of course informed my close
22 friend and cooperator Agim Bajrami, I informed him we were heading to
23 Kosova."

24 Correct?

25 A. Yes. Because in a conversation with Agim Bajrami earlier, given

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1 my idea to return and to continue the political activity in Kosovo,
2 as had been my proposal to the general council of the LPK,
3 Agim Bajrami had said, as my close friend, that if I were to decide
4 to return to Kosovo, I had to inform him or else he would be cross
5 with me.

6 Q. Okay. And then after you informed him, you learned that other
7 people were also going to Kosovo; correct?

8 A. Yes.

9 Q. Now, you were not familiar at that time with the general
10 headquarters of the KLA; correct?

11 A. No. Actually, there was only propaganda about that, but I did
12 not have any information about it.

13 Q. Is it correct that you did not know who the members of the
14 general headquarters were?

15 A. No, I did not know at the time.

16 Q. And did you know where the general headquarters was located?

17 A. Actually, no, I did not know that.

18 Q. So as you entered Kosovo in March 1998, or as you were in
19 Albania and entering Kosovo in 1998, is it correct that you did not
20 know who the members of the General Staff or the Main Staff were?

21 A. No, we didn't know. And I have said this also in yesterday's
22 testimony, that the members of the General Staff were not known to us
23 at the time.

24 Q. And you travelled down to Albania with Hashim Thaci, amongst
25 others; correct?

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1 A. Yes, that's correct.

2 Q. You did not know him to be a member of the General Staff or Main
3 Staff at that time; correct?

4 A. No. At the time, the LPK had a liaison sector.

5 Q. Yes. But my question was: You did not know him to be a member
6 of the General Staff or the Main Staff at that time; correct?

7 A. I did not know at the time whether he was a member of the staff.

8 Q. Okay. And you also said in the Limaj trial:

9 "Q. And did you similarly consider Hashim Thaqi at that time in
10 March of 1998 to be a member of the KLA?"

11 And your answer was:

12 "We couldn't consider him as a member of the KLA, but we could
13 consider him as a member of the LPK who was also engaged in
14 supporting the KLA politically and financially."

15 Is that accurate?

16 A. Yes. At the time, Kosovo's popular movement aimed to support
17 politically -- support it politically and materially.

18 Q. Okay. Now, this group that came from Switzerland, you said it
19 was about 15 people that came from Switzerland having decided to go
20 to Kosovo at that time, March 1998; correct?

21 A. From Switzerland around 15 people. But then from Albania
22 entering Kosovo, there were more of us than that.

23 Q. Yes. You've testified previously that then other people had
24 come from Germany, Sweden, and other countries, and you all met in
25 Albania; is that correct?

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1 A. Yes, that's correct.

2 Q. And so the group that was entering Kosovo together, you said,
3 amounted to about 30 people. Does that sound right?

4 A. Yes, that's correct.

5 Q. Some of those people were Ismet Jashari; correct?

6 A. Correct.

7 Q. Fehmi Lladrovci?

8 A. Yes.

9 Q. Xheme Lladrovci?

10 A. Xheve Lladrovci, yes.

11 Q. Okay. Sami Lushtaku?

12 A. Yes.

13 Q. And someone who you would later come to know as Fatmir Limaj; is
14 that correct?

15 A. Yes, that's correct.

16 Q. And once you had all arrived in Albania, you all started
17 discussing about who would go where; is that correct?

18 A. Yes. Initially we were in Tirana and then by the border.

19 Q. Yes. And let me just read to you what you testified in 2003 to
20 the SPO. The question:

21 "Did you get any orders about the tasks that you were going to
22 get when you'd enter Kosovo?"

23 And your answer was:

24 "Right, as we were together, as the group formed at the border,
25 so Hashim Thaci, Fehmi Lladrovci and I and the others discussed about

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1 how to enter Kosovo, where to get there, whom to meet and what job we
2 were supposed to do about these things and -- and I -- I realised
3 that I ... thought [I would] be the person who was probably assigned
4 to deal with the press and the propaganda issues, public relations."

5 And then question:

6 "Who was the one assigning persons to different tasks?"

7 And your answer was:

8 "So there was no such thing as a clear division of tasks by
9 someone. So we would have an exchange of ideas with each other and
10 then decide this is the avant-garde group who will lead for example
11 the whole group into Kosovo ..."

12 Does that sound about right, about how these conversations
13 unfolded on the border?

14 A. Yes, that's really how we decided on things. We discussed what
15 we were going to do and how, and this is how we decided.

16 Q. So as I understand what you said here, you were a group of
17 people discussing with each other about which of you should go where
18 once you entered Kosovo; correct?

19 A. Yes, that's correct.

20 Q. And there was no one particular person in charge; is that
21 correct?

22 A. No. The group of 30 entering Kosovo, we were counted as
23 soldiers, volunteers. We were all equal. And we got to know each
24 other and knew each other, so that's what it was like.

25 Q. So you at this time, given that answer, we can say that you did

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1 not consider Hashim Thaci to be some form of commander; correct?

2 A. No, because he was not a commander. Hashim Thaci was not.

3 Q. Now, you were asked also in 2003:

4 "... did you get any orders about the tasks you were going to
5 get when you'd enter Kosovo?"

6 No, sorry, let me strike that question.

7 You said something similar at the Limaj trial, just for the
8 record. You said:

9 "... at that time we didn't get any orders from anyone."

10 Is that correct?

11 A. Yes.

12 MR. PACE: Your Honour, if I may at this stage, pursuant to
13 paragraph 120 of the Order on Conduct of Proceedings, when presenting
14 a witness with something that the witness has previously stated
15 during testimony or in a prior written statement, the parties and
16 participants should avoid paraphrasing what the witness said and
17 shall quote directly from the transcript or prior statement giving
18 the relevant page and line numbers. I'm yet to hear one reference to
19 the page and line number. And this applies equally to both parties.

20 So I ask that you remind counsel to do that moving forward,
21 please.

22 MR. MISETIC: Mr. President, I'm trying to save time because
23 these citations to this record in particular are excruciatingly long
24 so -- but if there's a dispute that he said it, I'm happy to then
25 give it to them if they want, but this is all ...

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1 PRESIDING JUDGE SMITH: Let's just proceed. I found nothing
2 objectionable with the way you were asking the questions.

3 MR. MISETIĆ: Thank you.

4 MR. PACE: Your Honour, can I clarify that then we're altering
5 the procedure in the Conduct of Proceedings?

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. MISETIĆ: Thank you.

8 Q. Now, let me turn to something that you said in 2003, you've said
9 in 2005, and you've said repeatedly here over the course of the last
10 a few days. It's correct, is it not, that you considered
11 Fatmir Limaj to be your first commander?

12 A. I have considered him to be such from a moral point of view, and
13 I said that yesterday, as my first commander, because he accompanied
14 us, some of us, up until Malisheve. So from Drenica to Malisheve.
15 And in this regard, I considered him to be my first commander but not
16 that he had a particular duty, Mr. Limaj, that is, to be a commander.

17 Q. Okay. Now, when you got to Drenica -- so let me just take it
18 step by step. You entered Kosovo as a group, and you eventually all
19 got to Drenica; correct?

20 A. Yes.

21 Q. And you all then were assigned an area of Kosovo to go to;
22 correct?

23 A. Yes. I asked, rather, to go to that part of Kosovo which I
24 knew, the municipality I was born in, Lipjan, Shtime.

25 Q. And why did you ask to go to the place you were born?

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1 A. During the conversation in Drenica, the conversations we had
2 with friends, people we knew well, also in the presence of
3 Agim Bajrami, Ismet Jashari, Hashim Thaci, as well as friends whom at
4 the time I didn't know, but Fehmi Lladrovci, whom I knew, was there.
5 So in this conversation with them, I realised that there wasn't a
6 particular sort of organisation in that part of the territory where I
7 knew the people, where I was born, knew people, and also people who
8 had formerly been in prison but also people who were active in other
9 political parties, because I had been involved in this for a lengthy
10 time.

11 Q. Okay. Mr. Limaj went to Malisheve; correct?

12 A. In the territory of Malisheve.

13 Q. And that was his home territory as well, was it not?

14 A. A village in Malisheve, if I'm not wrong, Baje of Malisheve.

15 Q. Okay. What about Fehmi Lladrovci? Where did he go?

16 A. Fehmi Lladrovci stayed in Drenica because he came from the
17 villages of Drenica.

18 Q. Okay. And do you know where Hashim Thaci went?

19 A. Hashim Thaci, too, I think stayed in Drenica because he also
20 came from the territory of Drenica.

21 Q. Is it correct, basically, that everyone in your group went to
22 the places that they were from?

23 A. According to my knowledge, the majority went to the territories
24 they knew and they were born in. I know that an officer at the time
25 we called Cetem [phoen], he went to Llap. And another wanted -- he

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1 was from Gjilan, and we called him Gjilan later on, so he wanted to
2 go all the way to Gjilan because he was born there. So each tried to
3 go to territories we were familiar with and territories we were born
4 in.

5 Q. So there wasn't some great strategy involved here about who
6 would go where; correct? It was simply everyone's going to their
7 home base because that's where they know best; is that about right?

8 A. Yes, that's right, because that was how I went to my home
9 territory, as well as Agim Bajrami in Kacanik municipality, the
10 territory he knew.

11 Q. You all didn't need an order to be told to go to your homes and
12 organise the KLA in your home areas; correct?

13 A. If I'm not wrong, I mentioned this yesterday. If they had told
14 us as an order, we just knew each other as equals, so we would have
15 thought it was a bit of a joke. So we decided ourselves because we
16 were volunteers. We entered Kosovo on our own volition, and we also
17 decided how to best organise ourselves in those territories we knew
18 best along with the people living there.

19 Q. Okay. So on this question --

20 MR. MISETIC: And for the benefit of the Prosecutor, I'll call
21 up the statement. IT-03-66 P160-TR-ET, page 30, beginning at line
22 16; and in the Albanian version beginning at page 29. Now, if we
23 can -- starting at line 16, actually, in English.

24 Q. There's a question there that is:

25 "Okay. I want to clarify a little bit. Did you -- were this

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1 group that then was led by Fatmir Limaj, were you assigned to a
2 certain area ... to go there and start establishing whatever was
3 needed? Is this correct?"

4 And then if we go down a little bit to line 25, you say:

5 "Right, it was sort of an independent judgment ..."

6 If we can turn the page, please.

7 "... I think, in terms of -- because nobody could order you, 'go
8 there and do this', since the situation was the way it was. But
9 you'd rather think that let's, for example, Mullapolc is the best
10 [which], which house is safer, because of security ... and then you
11 relate this fact to the other person."

12 Do you see that?

13 A. Yes.

14 Q. Is this consistent what you've just been saying, that nobody
15 could order you at this time to go anywhere?

16 A. We could inform each other, but orders were not in question at
17 the time. We just informed each other where we were going.

18 MR. MISETIC: And if we could please go to page 32, beginning at
19 line 9 in the English, and page 31 beginning at line 1 in the
20 Albanian.

21 Q. Yes, the question is:

22 "So these assignments that you just mentioned, were they given
23 by the -- by Hashim Thaci in Drenica? Is that correct?"

24 And your answer is:

25 "Yeah, there was no clear orientations or orders in this sense

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1 but we were told to go in this area that I described because there
2 was no -- the organisation was inexistent in that area. So that's
3 why we ... thought, we were considered to go there and start up
4 things."

5 Do you see that?

6 A. Yes.

7 Q. So was your testimony -- is it correct that your testimony in
8 2003 was that there were no clear orientations or orders from
9 Hashim Thaci in Drenica?

10 A. Yes, this is how I explained it would seem. And, indeed, it is
11 true that there were no orders.

12 Q. Okay.

13 MR. MISETIC: Now, if we stay on this page, I believe this is
14 page 30 -- no, if we go back to page 30 in the English, and page 28
15 in the Albanian.

16 Q. Now, let me just also say one other point, ask you about.

17 In addition, I asked you earlier about you had said 2003, 2005,
18 and here in court, that you thought of Fatmir Limaj as your first
19 commander. You also thought at this time, and you've said this
20 previously, and again here under oath, that you believed him at the
21 time to have been a member of the General Staff; correct?

22 A. Yes, I assumed he was a member of the General Staff.

23 Q. Okay.

24 MR. MISETIC: Now, if we could look at beginning at line 3 in
25 English and line 18 in Albanian.

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1 Q. It says:

2 "Did Hashim Thaci tell you that Fatmir Limaj is the one who is
3 going to be the commander of this unit going to the area?"

4 Your answer is:

5 "Well, no, but we knew that Fatmir Limaj -- we knew that
6 Fatmir Limaj was more competent person in terms of that he knew the
7 terrain better than the others.

8 "Fatmir Limaj was assigned to coordinate the things with the
9 General Headquarters and my task was to coordinate things with
10 Fatmir."

11 Do you see that?

12 A. Yes.

13 Q. And then it continues:

14 "Right. It was a sort of if -- if the moment would come of
15 starting setting up [points] or other forms of military
16 organisations, I would relate to Fatmir and then Fatmir to the
17 General Headquarters and then back to -- this way."

18 Correct?

19 A. No. And I asked for changes to be made here before my testimony
20 in trial, to make corrections. As a matter of fact, the task of
21 Fatmir, which I did not mention, was to escort me up until Drenica,
22 because my impression was that the most competent people would be in
23 Drenica.

24 Q. Okay. I'm just asking you right now, you agree, however, that
25 this is what you said in 2003 and then you corrected that in 2005, as

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1 you said; correct?

2 A. So it seems, yes.

3 Q. Okay. Now, what you said in 2005 was exactly what you said
4 except you said that you used Fatmir Limaj to take you to Drenica
5 where you could contact Hashim Thaci to get in touch with the
6 General Staff; correct?

7 A. That's correct.

8 Q. Now, I need you to help me out understanding the change in your
9 testimony in 2005. You thought at the time that Fatmir Limaj himself
10 was a member of the General Staff, which you've just confirmed for me
11 again, and you said you considered him to be your first commander.
12 You've also confirmed again that you didn't consider Hashim Thaci to
13 be a member of the General Staff, and you didn't know who any of the
14 other members of the General Staff were.

15 So my question to you is: If you needed to contact the
16 General Staff, why wouldn't you just go to Fatmir Limaj whom you
17 considered to be a member of the General Staff?

18 A. I just made an assumption at the time. I made the same
19 assumption regarding Hashim Thaci. However, I believed that the
20 territory which had been liberated to some extent was in Drenica and
21 the members of the General Staff would be there. Hence, the thought
22 to go with Fatmir and through Fatmir to Drenica to contact
23 Hashim Thaci who would then put me in contact with the Central Staff
24 or the Main Staff as we referred to at the time.

25 So idea was to get in contact with the General Staff.

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1 Q. Okay. Let's take this step by step. Fatmir Limaj and you are
2 relatively close to each other on the ground, correct, at that time?

3 A. I moved a lot in the territory. I was for a time in Kacanik
4 with Agim Bajrami, then in Mullopolc. Mullopolc was closer to Klecke
5 than Kacanik or the surrounding villages with Klecke.

6 Q. Yes. But as I understand your 2005 testimony and what you're
7 saying now, you were close enough to Fatmir Limaj that you went to
8 him first so that he could escort you to Drenica; is that right?

9 A. Yes, that's right.

10 Q. So that means that you're able to get to Fatmir Limaj first;
11 correct?

12 A. Correct. I was able to contact Fatmir Limaj. It was easier for
13 me to contact him.

14 Q. Yes. And you believed Fatmir Limaj to be a member of the
15 General Staff; correct?

16 A. I assumed that Fatmir Limaj was a member of the General Staff.

17 Q. You assumed he's a member of the General Staff. My question
18 again to you is: Given that assumption, why wouldn't you just tell
19 him whatever you needed to convey to the General Staff?

20 A. I did not know Fatmir Limaj before. I only knew him at the time
21 when we entered Kosovo. At the time, an extremely important factor
22 was trust, who would you trust, so I went to a person whom I trusted
23 to put me in contact with the General Staff. This was a period of
24 time where the KLA was in a difficult situation, so I wished to
25 contact people whom I had known before, Hashim Thaci,

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1 Fehmi Lladrovci, and other individuals whom I had known through my
2 political activity and whom I trusted.

3 Q. So is it correct, then, now you're saying you didn't trust
4 Fatmir Limaj?

5 A. It is not about trust but the trust -- we had full trust at the
6 time. We acted based on that. If we knew a person very well, we
7 felt free to act and operate with that person. Fatmir was operating
8 in Klecke. I asked from Fatmir to direct me to Drenica, where I
9 would be able to meet the General Staff.

10 Q. So you did trust Fatmir Limaj or you didn't trust Fatmir Limaj?

11 A. I trusted him to the extent I needed to trust him at the time.
12 I did not believe or trust that he could interact with me as a member
13 of the General Staff.

14 Q. But you did trust him enough to escort you to Drenica?

15 A. Yes, this was the trust.

16 Q. And there, as you've said, you didn't know that Hashim Thaci was
17 a member of the General Staff so you -- as I understand your
18 testimony now, you didn't convey information to Fatmir Limaj, whom
19 you believed to be a member of the General Staff, because you didn't
20 trust him quite enough, to take you to Drenica to meet with
21 Hashim Thaci, who you didn't think was a member of the General Staff,
22 so that you could convey information to Hashim Thaci to convey that
23 information further to people whom you didn't know either; correct?

24 A. The last contact we had with a group, we entered -- we believed
25 that the members of the General Staff are somewhere. But at the

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1 time, we didn't think that any of us was a member of the
2 General Staff. We viewed ourselves as soldiers. My assumptions were
3 only mine. What I believed is that through Hashim Thaci or
4 Fehmi Lladrovci, who was an inexperienced military person, I would be
5 able to receive and -- to contact or receive instructions from the
6 General Staff.

7 Q. Now, in 2003 you said that you were appointed to coordinate
8 operations in Kacanik, Ferizaj, Shtime, and Lipjan by Fatmir Limaj;
9 correct?

10 A. This was called a coordination. There was no appointment to
11 coordinate the tasks I carried out at the time, including weapons
12 transportation with Agim Bajrami, then Commander Ferri, from
13 Mullopolc to Klecke. I coordinated my actions through Agim and
14 Ferri, coordinated these actions with the guerrilla units.

15 Q. Yes. And then those units you would coordinate with
16 Fatmir Limaj; correct?

17 A. We -- all unit commanders coordinated our actions. Agim Bajrami
18 with Commander Ferri, Commander Ferri with me or Ilmi Ilazi, and then
19 I would do that with Fatmir Limaj. So this was the coordination
20 amongst specific units of the KLA.

21 Q. And your role as being a coordinator covering Kacanik, Ferizaj,
22 Shtime, that was the period of May and June 1998; correct?

23 A. This went further to June. I'm not sure if it included May, but
24 most probably May and June. Yes.

25 Q. And in April and May, is it correct that in Krojmir you were in

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1 charge along with Ramiz Qeriqi?

2 A. I was not in charge because there was no such position, but we
3 were both having a dual form of command.

4 Q. Okay. Let me take you to a different portion of your 2003
5 statement.

6 MR. MISETIC: Madam Court Officer, if we could please have on
7 screen IT-03-66 P160-TR-ET, page 53, beginning at line 18 in the
8 English; and page 54, beginning at line 23 in the Albanian, please.

9 Q. So this is the question. It says:

10 "But also in May, June and July, all those months, 'Celiku' was
11 in Klecka?

12 "Yes, yes, he was there."

13 Now, just to be clear, Celiku here is Fatmir Limaj; correct?

14 A. Correct. This is how I knew him, with the pseudonym.

15 Q. Yes. And then it goes on:

16 "Okay. I'm still trying to clarify a little bit [about] the
17 role of 'Kumanova' now."

18 Who was Kumanova, Witness?

19 A. A co-fighter we entered with. Together, he commanded the units
20 at the beginning of the formation of the KLA units, a guerrilla unit.

21 Q. Do you know his name?

22 A. Ismet Jashari. We called him Kumanova.

23 Q. Now, continuing with the transcript, it says:

24 "Okay. I'm still trying to clarify a little bit [about] the
25 role of 'Kumanova' now.

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1 "Him being, you're saying the highest-ranking in Klecka, did
2 that mean that he was giving orders to these other points or was he
3 just the leader of the soldiers in Klecka?"

4 And you say:

5 "I can't say because my contacts, my meetings were with
6 'Celiku'. But 'Kumanova' would be -- would happen to be present
7 there as /well/ during my meetings with 'Celiku'. So it was work
8 based more on consultation rather than orders. So, let's say I
9 was -- I was consulted or I was consulting or I was discussing about
10 the weapon supply.

11 "The weapons supply, yeah. That's correct.

12 "So it was sort of deliberations: it's better not to do this or
13 do that. If 'Celiku' was not able to give a definite answer to
14 questions that would arise, then he would turn to the General -- the
15 Main Headquarters to get clear instructions."

16 Do you see that?

17 A. Yes.

18 Q. So what you said in 2003 was that on the issue of weapons
19 supplies you would consult with Fatmir Limaj about the problem, and
20 if he couldn't resolve the problem, he would turn directly to the
21 Main Staff or the General Staff; correct?

22 A. Yes. However, I need to explain that we had constant
23 consultations. We lacked weaponry. And in May, there was fighting
24 in Llapushnik gorge. We lacked weapons and ammunition. And
25 following discussions, I left to Glllocice in order to obtain

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1 weapons and supply them to the gorge of Llapushnik. I discussed this
2 with Fatmir Limaj in thinking that he would consult then with the
3 General Staff, because, as I said, I assumed that he was a member of
4 the General Staff at the time.

5 Q. Okay. Now, if we could turn to your testimony in the Limaj
6 trial.

7 MR. MISETIC: And this is IT-03-66 T3761 to T3827
8 Unredacted Corr Interp, pages -- beginning at page 5; and then in
9 Albanian IT-03-66 4 March 2005-TR-AT Part 1 Unredacted, beginning at
10 page 6.

11 Q. Now, Witness, you've just confirmed that this issue of arms
12 supply, you would try to resolve it yourself. If you couldn't, you'd
13 coordinate with Fatmir Limaj who would then go to the Main Staff.

14 But in the Limaj trial, you said -- you gave an extensive answer
15 about the shortage of armaments at the time.

16 MR. MISETIC: And if we could scroll down in the English,
17 please.

18 Q. And this is about coordination with Fatmir Limaj. You say:

19 "It was April - I don't remember the date - through the courier,
20 my courier, my brother, Avni Buja, I tried to contact Fatmir Limaj so
21 that I could go to Klecka to contact the General Staff through
22 Hashim Thaqi in Drenica to tell them about the organisation efforts I
23 was making and the shortage of arms, which had become a must. And we
24 were unable to find weapons."

25 Do you see that? And I'm just saying to you, in 2003, and just

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1 now, you didn't say that you just -- you contacted Fatmir so you
2 could get to Hashim Thaci in Drenica about the question of arms, but
3 you say that in 2005; correct? Yes?

4 A. Was this a question?

5 Q. My point is the only time you've said that Hashim Thaci -- you
6 would contact Hashim Thaci about the arms supply issue was in your
7 2005 testimony in the Limaj trial; correct?

8 A. As a matter of fact, I did not meet with Hashim Thaci during
9 that period of time. If I'm not wrong, I might have had telephone
10 contacts with him but not in person in April and May. Also, in
11 April, I had difficulties meeting with Fatmir Limaj because we had
12 difficulties to communicate in the territory or to secure escorts.

13 Q. Witness, Mr. Buja, let me ask you: Have you ever been informed
14 about what the trial chamber in the Limaj case concluded about your
15 testimony in that case?

16 A. No.

17 Q. Then I'm going to show you and ask you to comment.

18 MR. MISETIC: If we could please pull up DHT00177 to DHT00492 in
19 the English, and DHT04481 to DHT0483 in the Albanian, please.

20 MR. PACE: Your Honour, as that is being called up, since
21 counsel as has stated the purpose of doing so, we object as to
22 relevance. This is not a proper exercise for cross-examination. If
23 he wants to adopt or make arguments about credibility, asking the
24 witness to comment on what another panel has said about him is a
25 futile exercise.

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1 PRESIDING JUDGE SMITH: Overruled. It's a preliminary question.

2 Go ahead.

3 MR. MISETIÇ: Thank you, Mr. President.

4 If we could please go to paragraph 547, which is DHT00387, PDF
5 page 211 in the English; and DHT04696, PDF page 216 in the Albanian,
6 please.

7 Q. Now, in the middle -- sorry, I'll wait for the Albanian. Yes.

8 In the middle of paragraph 547, Mr. Buja, the Chamber states:

9 "The Chamber is not in a position to conclude whether the
10 evidence of Shukri Buja is mistaken, false or confused. It is also
11 possible that Shukri Buja's evidence on this point was affected by
12 his obvious loyalty to the KLA in general and to Fatmir Limaj in
13 particular."

14 MR. PACE: Objection, Your Honour. Can the witness in fairness
15 at least be told what this point is that is being addressed here? It
16 wasn't made clear.

17 MR. MISETIÇ: Mr. President, if I could actually ask a question,
18 he might --

19 PRESIDING JUDGE SMITH: Yes.

20 MR. MISETIÇ: -- learn --

21 PRESIDING JUDGE SMITH: Go ahead.

22 MR. MISETIÇ: -- what the point is.

23 PRESIDING JUDGE SMITH: Overruled.

24 MR. MISETIÇ: Yes.

25 Q. Witness, it's correct, is it not, that when you testified in the

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1 Limaj trial you felt a sense of loyalty to Fatmir Limaj?

2 A. I feel a sense of loyalty towards all those who fought the
3 liberation war, because I was one of them. And it's normal to feel
4 this way. I am trying to explain how the events unfolded in their
5 entirety as I remember them.

6 Q. I'll get back to that point in a second.

7 MR. MISETIĆ: But if we could please have on the screen a
8 different portion of this, which is paragraph 580, which is
9 DHT00402 -- sorry, this is PDF page 226 in English and PDF page 231
10 in Albanian. And if we could -- we should turn the page in English
11 and Albanian to get to paragraph 580, please.

12 Q. Now, Witness, in the middle of that paragraph, the trial chamber
13 there states:

14 "From its viewing of the videotape of the earlier statement, and
15 from the evidence of Shukri Buja, the Chamber is satisfied that the
16 earlier statement was made freely. Further, the Chamber is not
17 impressed with the cogency of the reasons given by Shukri Buja for
18 the changes evident in his testimony. Rather, the Chamber considers
19 from its careful observations of the witness as he gave his evidence,
20 that the evident sense of bondship he displayed physically and
21 revealed in his evidence, for the KLA in general, and for
22 Fatmir Limaj in particular, may well explain the changes from his
23 earlier interview so as to place the relevant time for the KLA
24 structure he earlier described outside the period relevant to the
25 Indictment."

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1 Now, Witness, the chamber here states that it observed some
2 physical displays of bondship that you had with Fatmir Limaj at
3 trial. Do you recall what you had done at trial to display that kind
4 of bondship with Fatmir Limaj?

5 A. I cannot explain how they perceived this bondship. However, I
6 always viewed Fatmir Limaj as a co-fighter. I entered in Kosovo with
7 him, I fought with him, I conducted activities after the war with
8 him, and it's normal that I had feelings that one has for a
9 co-fighter, a friend, and a person you have worked with.

10 Q. Thank you.

11 MR. MISETIC: Mr. President, I'm going to tender this page for
12 reasons that I will explain outside the presence of the witness as
13 we're approaching lunch anyway.

14 PRESIDING JUDGE SMITH: All right.

15 MR. PACE: If we can be heard, Your Honour, we would object to
16 tendering the page. First of all, this is a public document --

17 PRESIDING JUDGE SMITH: First of all, we're going to excuse the
18 witness.

19 Witness, you're excused. It's time for lunch. We will have a
20 recess for an hour and a half. You will be back here at 2.30.
21 Please keep your conversation to yourself about your testimony in
22 court.

23 [The witness stands down]

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 First we'll see what Mr. Misetić has to say.

1 MR. MISETIC: Yes, thank you.

2 Mr. President, you are being tendered the entirety of the 2005
3 statement. The trial chamber there was the one that observed that
4 witness in court. This paragraph, for us, is relevant because it has
5 a factual element to it that otherwise is not available to the Panel
6 which is the trial chamber's observations of the witness and his
7 displays of loyalty to Fatmir Limaj, which is relevant to our
8 defence.

9 And I just want paragraph 580 in so that it's in the record that
10 that's what the trial chamber observed while in the courtroom, and
11 it's not a submission for purposes of some binding legal conclusions
12 on the Panel but just for the factual observation. Thank you.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 Mr. Pace.

15 MR. PACE: Yes, Your Honour. We object, as we have objected
16 before, to the admission of judgments from other panels for the
17 reason that this is the Panel that needs to decide on credibility,
18 and what another panel has said is not binding on you. Once again,
19 this is also a public document, and this particular excerpt being put
20 about a display of bondship is no more clearer when it was read out
21 than it is now. The witness himself has said he doesn't know what
22 that's about.

23 PRESIDING JUDGE SMITH: All right. We'll mark it for MFI right
24 now and then make a decision. Thank you.

25 THE COURT OFFICER: Thank you, Your Honour. Albanian page of

1 this document with the ERN DHT04712 and the corresponding English
2 page, DHT00403, will be assigned MFI 1D00204. Classification is
3 public. Thank you.

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

5 --- Luncheon recess taken at 1.03 p.m.

6 --- On resuming at 2.32 p.m.

7 PRESIDING JUDGE SMITH: Please bring the witness in.

8 MR. DIXON: Your Honours, I had asked just for five brief
9 minutes to make a request --

10 PRESIDING JUDGE SMITH: Yes, sure.

11 MR. DIXON: -- in relation to the ruling that was made in the
12 session earlier this morning.

13 I've had an opportunity over the lunch break to look at the
14 e-mail that was sent by the SPO, and it really is only one line
15 saying that this is the list of the materials we want tendered.

16 And what we wanted to ask is whether we could, as would be usual
17 in this situation, get the Prosecution's reasons for why they say the
18 rule applies to these materials, identify which parts and why the
19 rule is applicable, so that we have that before we respond.

20 Otherwise, I'm worried it's going to be done improperly and loaded
21 from the back forwards, where once we set out our objections, then
22 the Prosecution gets the final say with a reply, and they might set
23 out all of their reasons then which we don't have a chance to then
24 respond to.

25 So to do it in an orderly fashion, rather, to ask them to set

1 out their reasons first, we respond, and if there's any need for a
2 reply it's done in the usual course.

3 PRESIDING JUDGE SMITH: [Microphone not activated] ... offer the
4 document, you object.

5 MR. DIXON: Yes.

6 PRESIDING JUDGE SMITH: You don't know anything other than what
7 they said, and then they respond. I don't see what the difference
8 is.

9 MR. DIXON: Your Honours, usually they in their 154 application
10 set out the basis --

11 PRESIDING JUDGE SMITH: I'm not talking about 154. I'm talking
12 about live witness.

13 MR. DIXON: They usually in court would set out -- Your Honours,
14 they would set out what their reasons are, particularly for this kind
15 of case where we are talking about a Rule 143 which has particular
16 requirements that have to be met. How do they say they are met so we
17 can respond.

18 PRESIDING JUDGE SMITH: Thank you. We'll take it under
19 consideration.

20 MR. DIXON: Thank you for that, Your Honours.

21 PRESIDING JUDGE SMITH: Please bring the witness in.

22 [The witness takes the stand]

23 PRESIDING JUDGE SMITH: Mr. Buja, we continue with the questions
24 from the Thaci Defence.

25 Go ahead, Mr. Misetic.

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

2 Q. Good afternoon, Mr. Buja.

3 A. Good afternoon.

4 Q. I want to just draw your attention to a couple of things.

5 First, you were asked questions by the Prosecutor about a book

6 written by Hajrush Kurtaj in which a footnote -- and it was shown to

7 you, a footnote attributes a passage to an interview that you had

8 given to the author in, it says, 2007. Does 2007 sound about right

9 as to when you would have spoken to the author?

10 A. I did have contact, but I do not recall the interview. But, of

11 course, I did give information.

12 Q. Okay. But do you recall -- it says 2007. So the statements

13 made by you -- that are attributed to you in that book would have

14 been made a few years after you had given your evidence in the Limaj

15 trial? Does that sound about right?

16 A. Well, of course it is after the Limaj trial, but I do not know

17 as to the time.

18 Q. Okay.

19 MR. MISETIC: Let me show you a document you were shown

20 yesterday, which is Exhibit P01813, please.

21 Q. Do you recall being shown this document by the Prosecutor

22 yesterday?

23 A. Yes, I think so. I think, yes.

24 MR. MISETIC: And if we can turn the page, please.

25 Q. And you recall that you said you think the handwritten

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1 corrections were made by you?

2 A. I said it yesterday as well that this cannot be right because 6
3 June is not the date that I was appointed as subzone commander.

4 Q. Yes, you did say that yesterday. But you also said that you
5 think that the handwritten notes in this document were made by you.
6 Do you recall saying that?

7 A. Yes. Yes, I think so. I think so. And I said that yesterday,
8 that I think it seems that this is my handwriting.

9 Q. Now, the date of authorship here is not apparent on the
10 document, and I'm wondering do you know or can you tell us if you
11 think the notes that you made on this document were made after your
12 testimony in the Limaj trial?

13 A. I cannot remember exactly.

14 Q. Okay. Thank you.

15 MR. MISETIC: We can take the document down.

16 Q. Let me show you a different document you were shown by the
17 Prosecutor yesterday.

18 MR. MISETIC: And this is P01508, please.

19 Q. You recall being shown this yesterday; correct?

20 A. Yes.

21 MR. MISETIC: Can we zoom in in the Albanian underneath the
22 picture of Mr. Buja so that we can see the purported authors of the
23 interview.

24 Q. Witness, do you know any people by those names?

25 A. Could you please repeat the question?

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1 Q. Do you see the names there of the purported authors?

2 A. Yes, I see a name, Clirim Osmani and Shpresim Ahmeti.

3 Q. Yes. Do you know those individuals?

4 A. No, I know neither of them.

5 Q. Do you know if any such people exist in Kosovo or outside of
6 Kosovo?

7 A. I really do not know them.

8 Q. Okay. But, I mean, you say you don't know them. I'm trying to
9 establish whether you have any reason to believe that any people
10 using those names exist.

11 A. I do not. I don't believe so.

12 Q. Okay. And you say you do not believe so. Why do you not
13 believe so?

14 A. Because, first of all, the article itself in the newspaper,
15 purportedly I have a pseudonym to conceal my identity, and then
16 there's my photograph, which doesn't make any sense. Because if I
17 were to conceal my identity in an interview, there was no need to
18 show my photograph, because the photograph would then show the
19 identity of that particular person. So this makes no sense for the
20 article.

21 And these two individuals, the authors, I do not know them and I
22 have never managed to know anyone by these names or any pseudonyms,
23 should they have them.

24 Q. Okay. Thank you. So -- well, let me ask one follow-up
25 question. You established that you worked as an editor at *Zeri i*

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1 Kosoves in 1997. Do I understand you correctly, then, that these
2 would not have been pseudonyms that you were familiar with?

3 A. Many wrote using the pseudonyms, but the articles would be
4 received by the editorial board. They would just look into them and
5 then publish them. And, yes, I did work at *Zeri i Kosoves*.

6 Q. Yes. But do you know whether those two names were used as
7 pseudonyms by *Zeri i Kosoves*?

8 A. It is possible.

9 Q. Okay. Now --

10 MR. MISETIĆ: We can take the document down.

11 Q. Witness, I just want to ask a few questions on the following
12 topic. When you went to Mullopolc, you started talking to local
13 people in an attempt to set up a guerilla unit; correct?

14 A. I talked to certain people, because with the residents it would
15 be dangerous. But I discussed this with people whom I thought I
16 could organise in the guerrilla unit.

17 Q. Yes. And one of those people was a person named Huset Sahiti;
18 correct?

19 A. Yes.

20 Q. And Huset Sahiti worked for the Ministry of Defence; is that
21 correct?

22 A. Huset Sahiti was arrested, and he was part of the organisation
23 of the Ministry of Defence in the Bukoshi government as it was
24 referred to at the time.

25 Q. So in setting up this KLA unit, is it correct then that you were

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1 working with Huset Sahiti who was working with the Ministry of
2 Defence of the Bukoshi government?

3 A. Yes.

4 Q. Yesterday, and again today, you testified that Hysen Shahini was
5 appointed chief of staff of the Nerodime zone in November or December
6 1998. And you said that prior to that, Mr. Shahini had been part of
7 the forces organised by Bujar Bukoshi's government, which would be
8 FARK; correct?

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

10 Q. Are you aware of an agreement that had been reached in early
11 November between the KLA and FARK to join forces?

12 A. I have heard of it, but I was not part of that agreement. I
13 have simply heard about it.

14 Q. Do you know if -- did you know at the time that Mr. Shahini was
15 going to be your chief of staff as a result of some agreement that
16 had been reached?

17 A. No. Hysen Shahini came to my area as a soldier of the Kosovo
18 Liberation Army, in uniform, with weapons, armed. And after a brief
19 time, after I received information that he was an officer in the
20 former JNA, I acted so as to appoint him chief of staff.

21 Q. Okay. Let me ask you a few questions that you were asked about
22 in the Limaj trial by the defence, and this is about the various
23 stages of the KLA's development. Would it be fair to say that in
24 March 1998 the KLA could best be described as a hit-and-run guerrilla
25 organisation?

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1 A. In March 1998, upon arrival to Drenica, and we saw this in
2 Drenica itself, that there were only a few soldiers there, so our
3 action of moving to that part of the territory where I was born in
4 and where I knew people was to establish this guerrilla unit through
5 which we would then spread the war across Kosovo. Because back then,
6 the idea was that war just in Drenica and fighting just there would
7 actually endanger us. But in order to spread the war as small
8 guerrilla units, we acted in this manner.

9 Q. Okay. And could we describe that accurately as a strategy to
10 develop a horizontal spread of guerilla units across Kosovo?

11 A. Yes, it could be called that type of strategy, because our
12 thinking was to fight through the small guerrilla units across the
13 territory of Kosovo.

14 Q. And then in April and May, you started to arrange small
15 volunteer groups or points, as you called them; correct?

16 A. In April, May, the whole of the war dimension changed, and we -
17 I, in particular, and the majority of people I knew - were not
18 prepared for that kind of situation because we had a huge flow of
19 people trying to join the KLA. And in particular, after the closing
20 of Llapushnik gorge, we started seeing other units which were
21 civilians who had arrived, had gotten uniforms and were organising
22 themselves in guerrilla units.

23 So the organisation of guerrilla units started which we hadn't
24 foreseen, and in particular me, myself, because I believed that with
25 the guerrilla units, it would take us at least six months to

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1 establish them. So this situation we found ourselves in had not been
2 foreseen by us. And I, along with others whom I knew, we did not
3 know how to act.

4 Q. And then this continued to evolve. So would it be fair to say
5 in May and June these small volunteer groups, as they're spreading
6 across Kosovo, started to cooperate with each other?

7 A. Yes, because we tried to cooperate with each other, because
8 there was a risk that we would be acting separately of each other,
9 independently. Although, we didn't manage to coordinate every single
10 unit with each other.

11 Q. Is it correct that this cooperation would have been voluntary
12 cooperation between the units? The units could choose not to
13 cooperate if they didn't want to?

14 A. Well, in reality, at the time, if they would have had shooting
15 in Carraleve gorge, and the unit was in Llapushnik gorge instead when
16 there wasn't fighting, then we realised that people would come from
17 Llapushnik to our aid. That is, to Carraleve gorge or vice versa.
18 So the action was there.

19 If one heard shooting, despite how distant it was, then the
20 voluntary guerrilla units would go to the aid of other units.

21 Q. Okay. And then the Serb offensive started. And is it correct
22 that as a result of the Serb offensive, the plans or strategy changed
23 into trying to form a more conventional army?

24 A. In reality, in particular in May, June, those were quite
25 difficult months, because I, nor others I cooperated with, had any

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1 idea as to, given the situation, what the KLA or its units would look
2 like. So we didn't have the right professional background,
3 preparation, neither the right materials to supply those who were
4 coming to join the KLA as soldiers. And we were waiting in case
5 there would be any instructions. And, in fact, there were no
6 instructions because we didn't know who were in the General Staff and
7 who the General Staff was.

8 So this situation continued up until mid-June when the
9 spokesperson of the Kosovo Liberation Army came out and his name was
10 made public, Jakup Krasniqi.

11 Q. Okay. But in terms of when the strategy changed from being
12 guerrilla units horizontally spread to a more conventional army
13 structure, was that before or after the Serb offensive in July?

14 A. It was imposed upon us, the form of organisation, because we
15 thought that we could continue a guerrilla war through guerrilla
16 units by attacking and then withdrawing. But in May and June, with
17 the fact that there were so many guerrilla units and the start of the
18 offensive, we started to establish the front line. And, therefore,
19 the way we were to organise was imposed upon us perhaps in a way that
20 you are calling in a more conventional manner.

21 Q. Okay. And when did that happen? When did the structure start
22 to change? For example, when did brigades begin to be formed,
23 battalions, things like that?

24 A. This really depends on the zone or the subzone, and it changes
25 from zone to zone, subzone to subzone. And we started copying from

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1 each other, as in learning from each other. And the organisation of
2 the units, without calling it a brigade, but in terms of the
3 platoons, this was in Jezerc at the end of August, September, when
4 Daut, Officer Daut Ilazi, if I'm not wrong, arrived, and he started
5 this type of organisation as per the former JNA. Whereas in terms of
6 the operational zone I was commander of, the structuring started at
7 some stage at the end of October.

8 Q. Okay. And you or your subzone or zone started structuring at
9 the end of October because a cease-fire had been reached in the
10 middle of October; correct? It gave you time to organise.

11 A. Yes. After the fierce fighting in Jezerc and the breaking of
12 formations of the KLA, some of the officers of the Nerodime
13 operational subzone moved to Albania, some were actually wounded, so
14 I used my going to Albania to -- in contact with the chief of staff,
15 another officer, Kadri Kastrati, to examine the situation on how we
16 could best organise ourselves and what form the structure would take.

17 And with my return in October, we started the organisation of
18 the structures of the zone and the brigades, and we used the
19 cease-fire based on the Milosevic-Holbrooke Agreement for that
20 purpose too.

21 Q. Okay.

22 MR. MISETIC: Now, let me pull up a document, SITF00223935 to
23 00223961, at page 3 in the English and page 3 in the Albanian.

24 Q. You see, Witness, this is your ICTY 2001 statement in the
25 Milosevic case. And I'm interested in the passage that begins: "We

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1 had no radio communication ..."

2 MR. MISETIC: At the last paragraph, yes.

3 THE WITNESS: [Interpretation] Apologies. Can I just ...

4 MR. MISETIC:

5 Q. Yes.

6 A. May I?

7 PRESIDING JUDGE SMITH: Witness.

8 He's wanting -- Mr. Misetic, the witness wants to say something.

9 Go ahead.

10 THE WITNESS: [Interpretation] It was either interpreted by
11 mistake. Did you say 2011 or 2001? Because I have not given any
12 statements or testimony in 2011.

13 MR. MISETIC:

14 Q. I said 2001, so I don't know what --

15 A. 2001? Yes.

16 Q. Yes. If you see the paragraph there on your screen, and you're
17 now talking about the early part of the war after you had entered,
18 you said:

19 "We had no radio communication at this stage so at times even
20 direct command was difficult. When a unit got separated it was
21 impossible to communicate to them and they in effect were acting
22 independently."

23 Is it correct that you had no radio communications, let's say,
24 in April, May of 1998?

25 A. We did not have radio communications. We did not have

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1 communication means.

2 Q. When did you begin to get means of communication? And I mean
3 radio means.

4 A. This happened after October.

5 Q. Okay. So for the period of time from April until October, how
6 would you communicate with units?

7 A. Primarily by direct contact. So when there was fighting, they
8 would come. And then if we would actually be separated in territory,
9 then we would actually communicate via couriers. This is what we
10 called them, the military couriers at the time.

11 Q. And how would you communicate with the entity you thought of as
12 the General Staff?

13 A. In actual fact, my courier was there for a certain amount of
14 time at the beginning when we started the organisation and to contact
15 with the Klecke unit and the Kacanik unit with Agim Bajrami.

16 Q. So to communicate with the General Staff you would send a
17 courier to Klecke? Did I understand that correctly?

18 A. No. This was communication amongst the units, between
19 themselves. I communicated with Agim Bajrami who was in Kacanik with
20 a guerrilla unit, and he wasn't prepare -- and it wasn't prepared yet
21 for fighting. And I also communicated with the Klecke unit at the
22 outset of our organisation. So in Klecke, they started earlier than
23 in Mullopolc. But in Kacanik, it started even earlier than in
24 Klecke.

25 Q. Okay. So how would you -- let's say other than by courier, did

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1 you have any other means -- and other than face-to-face contact, did
2 you have any other means of communication with the General Staff?

3 A. In fact, even if we did have means of communication, which we
4 didn't, we didn't even know where the HQ of the General Staff was and
5 who the General Staff were at the time.

6 Q. Now, from April 1998 until June or July 1998, when the first
7 offensive took place, there was no clearly designated territory or
8 structure in place. Would you agree with that?

9 A. Could you please repeat the question?

10 Q. So in April -- from April to June or July 1998, when the first
11 offensive took place in that area, in your area, there was no clearly
12 designated territory, meaning subzone territory, or KLA structure in
13 place. Do you agree?

14 A. Yes, because there were no subzones until July.

15 Q. And as of June 1998, you still did not know Hashim Thaci to be a
16 member of the General Staff; correct?

17 A. I did not know that he was a member of the General Staff.

18 Q. Is it correct that the Serb offensive in July caused severe
19 difficulties in the attempts to create a more cohesive organisation?

20 A. Correct. It is clearly visible that it caused serious
21 difficulties.

22 Q. Now, you've testified that you were appointed subzone commander
23 on 6 July 1998. Is it correct that, nevertheless, you did not have a
24 clearly defined task or duty after this appointment?

25 A. Correct.

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1 Q. And you've testified, and this is IT-03-66 P160-TR-ET, page 62,
2 lines 3 to 11 in English:

3 "Some would say [I was a] coordinator for this thing. Later on
4 I was told I was appointed as a subzone commander. So this subzone
5 would be under Nerodime Zone ... it was a chaos because of the lack
6 of the means of communication. So nobody knows where I was."

7 Does that describe the situation after your appointment as
8 subzone commander?

9 A. Yes, correct.

10 Q. And you were -- after your appointment as subzone commander, you
11 still were not given a defined territory or precise tasks of what you
12 were supposed to do with the subzone; is that correct?

13 A. That's correct.

14 Q. And you used as an example, and this is in 2003, IT-03-66
15 P160-TR-ET, page 69, lines 6 to 22:

16 "It was known that Shtime and Ferizaj were supposed to be under
17 the zone. But it was not clear that Lipjan would be under this
18 zone."

19 Is that correct?

20 A. That's correct.

21 Q. Now, throughout this time period, so starting in April and
22 continuing on, is it correct to say that you never received an order
23 from Hashim Thaci?

24 A. That's correct. I did not receive orders.

25 Q. Is it correct that you did not know him to be involved in the

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1 military operational wing of the KLA?

2 A. Correct. I did not know at the time.

3 Q. You mentioned a trip, a visit to your zone in July by some
4 members of the General Staff.

5 MR. MISETIC: And this is IT-03-66 T4002 to T4087

6 Unredacted Corr Interp, pages 4010 to 4087, page 19, line 1, to page
7 20, line 1.

8 Q. You said there was a visit by Azem Sylja, Sokol Bashota, and
9 Hashim Thaci; correct?

10 A. Which period of time, please?

11 Q. Sometime in July 1998.

12 A. I do not recall it exactly but it might be July 1998.

13 Q. But when asked as to who would have transmitted orders or
14 instructions to you, you said:

15 "At that time I knew the members of the General Staff who were
16 dealing with the organisation of this form of warfare. I knew
17 Azem Sylja, who much later I knew as general commander. I knew
18 Sokol Bashota also as a member of the General Staff, who also was
19 engaged in the organisation. And normally I received instructions
20 from them."

21 Is that correct?

22 A. Yes. Everybody referred to Azem Sylja as the general commander,
23 and I considered him to be the general commander at the time as well.
24 I received the instructions coming from him as instructions coming
25 from the general commander, irrespective of whether he was, in fact,

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1 general commander or not.

2 Q. Okay. And you did not identify Hashim Thaci in the Limaj trial
3 as someone from whom you would have received orders or instructions;
4 correct?

5 A. That's correct.

6 Q. Now, you went to Albania in August 1998 and did not return until
7 October 1998; correct?

8 A. Correct.

9 Q. And so you would not have knowledge of what was transpiring in
10 the Nerodime zone between August and October 1998; is that correct?

11 A. That's correct.

12 Q. When you returned, as you've already discussed, the KLA was
13 getting more organised and a form of structure was starting to take
14 shape; is that correct?

15 A. That's correct.

16 Q. Now, over the course of November and December and January, this
17 structure continued to be improved; is that correct?

18 A. Correct. It started to improve considerably.

19 MR. MISETIĆ: I'd like to show you a newspaper article.

20 DHT04804 to DHT04806 in English and Albanian, please.

21 Q. And, Witness, this is an article published in the British
22 newspaper *The Independent* on 6 February 1999 on the eve of the
23 Rambouillet conference. Do you understand?

24 A. Yes.

25 MR. MISETIĆ: If we could turn to page 3 in both documents,

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1 please.

2 Q. Now, at the top of page 3, the article says:

3 "The Albanian team includes Ibrahim Rugova, political leader of
4 the ethnic Albanians, as well as Azem Syla, said to be a top
5 commander of the KLA, and Jakup Krasniqi, a KLA spokesman and former
6 supporter of Mr. Rugova's non-violent path to independence, who
7 switched his support to the movement's military wing."

8 Now, do you accept that it was public knowledge internationally
9 by no later than 6 February 1999 that Azem Syla was a top commander
10 of the KLA?

11 A. This is how we knew Azem Syla, as the general commander of the
12 Kosovo Liberation Army.

13 Q. So you knew by 6 February that Azem Syla was the general
14 commander of the KLA; correct?

15 A. Correct. It was -- Azem Syla was said to be the general
16 commander of the KLA.

17 MR. MISETIC: Mr. President, I tender this document into
18 evidence.

19 PRESIDING JUDGE SMITH: Any objection?

20 MR. PACE: No.

21 PRESIDING JUDGE SMITH: I'm not sure I got the number right,
22 Mr. Misetic. DHT04804 to DHT04806?

23 MR. MISETIC: That's correct.

24 PRESIDING JUDGE SMITH: Okay. It's admitted.

25 THE COURT OFFICER: Your Honour, the document and its Albanian

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1 translation will receive Exhibit 1D00205. Classification is public.

2 Thank you.

3 MR. MISETIC: Thank you.

4 Q. Now, Azem Sylja did not remain in the position of general
5 commander of the KLA until the end of the war; correct?

6 A. Correct. He was not in that position until the end of the war.

7 MR. MISETIC: Okay. If we could please have on the screen
8 Exhibit 1D00033-ET, and specifically page SPOE00226354.

9 Q. Witness, these are notes of a meeting of zone commanders on
10 13 February 1999 that I'm going to show you. And I'm just going to
11 show you first just to establish whether you were present.

12 MR. MISETIC: If we could first go to SPOE00226358, please.

13 Q. At the top of the page, there are words attributed to someone
14 named Shukri and, below that, to someone named Remi. Is it -- is my
15 assumption correct that you were present at this meeting of zone
16 commanders?

17 A. Correct, I was.

18 MR. MISETIC: Now if we go back to page SPOE00226354, please.

19 Q. And what's here appears to be words attributed to a
20 representative of Albania, and the person says:

21 "... rumours and interpretations that there will be a coup
22 against the KLA tonight are very concerning for all of us."

23 Now, what did you understand the representative of Albania to be
24 referring to when he suggested that a coup might be happening that
25 evening?

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1 A. At the time, the concern was that the delegation in Rambouillet
2 representing Kosovo would be damaged. A part of that delegation and
3 the leadership was from the KLA, so actions that would potentially
4 damage the delegation in Rambouillet.

5 Q. Okay.

6 MR. MISETIC: Let's look at page SPOE00226356 in English and
7 Albanian, please.

8 Q. Now, the agenda of the meeting is identified in three points.
9 And the first point is:

10 "Position on the request by the zone commanders for the
11 appointment of the new KLA Commander."

12 Is that consistent with your recollection that this meeting had
13 as part of its agenda to appoint a new KLA commander?

14 A. Yes, I recall that.

15 Q. Now, if we can go through the minutes of the meeting to see if I
16 can refresh your recollection of the events of that meeting.

17 MR. MISETIC: And if we can go to page 29 of the PDF, please.
18 The next page. Yeah. Yes.

19 Q. And it attributes words to Ramushi, which I believe is Ramush
20 Haradinaj; is that correct?

21 A. Correct.

22 Q. It says, and this appears to be a response to what the person
23 from Albania said:

24 "We are an army and we are not interested about the concerns of
25 foreign governments and the security, even of our motherland.

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1 "These are manipulations and games.

2 "Let even the UDB," UDBA, "know that we are stronger.

3 "Our delegation in Rambouillet must know that they have our
4 confidence.

5 "UDB has been pleased with the events as they are developing
6 until now.

7 "... for me [the] commander is Sylejman Selimi."

8 Do you recall Ramush Haradinaj saying that at this meeting?

9 A. Something along those lines. This is what he said. However, I
10 cannot certify the exact words he said. His discussion and his words
11 were in the sense of supporting Sylejman Selimi and the KLA.

12 Q. Yes.

13 MR. MISETIĆ: And then if we can turn the page, please.

14 Q. Then is your response:

15 "I do not know the form of these requests and I want to be
16 informed first before deciding what to do next."

17 Is it correct that Ramush Haradinaj was pushing for
18 Sylejman Selimi to be named the commander to replace Azem Syla, and
19 your position was that you were a little bit more cautious about
20 doing that?

21 A. That's correct. Because I had not attended previous meetings
22 between zone commanders. This was the time when the Recak massacre
23 occurred. I dealt with that matter. This was an *ad hoc* information
24 I received, became aware of, and I was asking questions as to why
25 such actions are intended or being taken and why is there such an

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1 urgent need to appoint new commanders. And then I also presented
2 other matters.

3 Q. Yes. And Remi then responds to you and says:

4 "I believe it is best that our requests are not misinformed.

5 The [General Staff] has not been rejected as a whole. Only some
6 persons have been rejected.

7 "I do not believe that no member of the KLA [General Staff] has
8 not used SHIK ... to exert pressure.

9 "For me ... today he is the elected commander."

10 Now, in addition to Azem Sylja, you are aware, are you not, that
11 at this meeting some of the zone commanders were expressing
12 dissatisfaction also with the deputy commanders Sokol Bashota and
13 Jakup Krasniqi; correct?

14 A. As a matter of fact, the issue discussed was the replacement of
15 the general commander. Information was needed and asked for to
16 confirm whether Azem Sylja was the general commander because,
17 according to the participants, the zones were not aware of this,
18 after which it was asked that Sylejman Selimi be appointed to general
19 commander. This was the topic of discussion there.

20 Q. Well, as I just showed you, it was internationally known that
21 Azem Sylja was a top commander of the KLA a week before this meeting;
22 right? And you confirmed that you knew and the other zone commanders
23 knew that Azem Sylja was the general commander.

24 So let me ask it again. Are you familiar with the fact that
25 Sokol Bashota in February resigned from his position as deputy

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1 commander?

2 A. I did not have this knowledge.

3 MR. MISETIĆ: If we could please have SITF00 -- actually, let's
4 keep this and I'll come back to that in a second. If we could turn
5 the page, please. And if we could turn it again, please. Yes.

6 Q. Now, again the words are attributed to Ramush. It says:

7 "Action is decisive in order that justice is done and injustices
8 eliminated.

9 "Our action is clear."

10 Then in parentheses:

11 "(Brutally interrupts everyone during discussions and interrupts
12 Shukri, do not talk in academic way.)

13 "We are not interested in sowing divisions in Rambouillet."

14 Do you remember how Ramush brutally interrupted you when you
15 were speaking in this meeting?

16 A. Yes. He interrupted my speech and left the building. He went
17 outside and, if I'm not mistaken, he fired shots with his weapon.

18 Q. Did he fire shots inside or outside the building?

19 A. Outside the building.

20 Q. Okay. All right.

21 MR. MISETIĆ: Now if we could please go to SITF00009426 to
22 00009430 at page 4, please.

23 Q. Let me ask you this, Witness: Were you aware in January and
24 February 1999 that Sokol Bashota was a deputy commander of the
25 General Staff?

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1 A. No, I was not aware of the deputy commander.

2 Q. What was your understanding of Sokol Bashota's role in the KLA?

3 A. I saw Sokol Bashota very rarely. I understood him to be a
4 member of the General Staff, but I did not know his tasks.

5 MR. MISETIC: If we could scroll up, please, to question 31.
6 31, yes.

7 Q. This is a statement of Sokol Bashota's where he says:

8 "I don't remember this, because as I said this happened sometime
9 after February, although I am not sure, and I was not part of the HQ
10 at this time. Hashim Thaci was part of the Political directorate and
11 he would represent the Directorate at HQ meetings. I and Azem Sylja
12 resigned in February 1999."

13 So you're unfamiliar with the fact generally that Sokol Bashota
14 resigned from the General Staff in 1999?

15 A. I did not know their tasks at this time or their resignations.
16 But it would appear that the appointment of Sylejman Selimi then
17 provoked their resignations.

18 Q. Okay. But this episode demonstrates that you as the zone
19 commanders felt you had the authority to appoint the overall
20 commander of the KLA; correct?

21 A. Yes. In February, it was proven that we had the possibility,
22 and we, indeed, replaced the general commander.

23 Q. Okay. Now, I just have a few more questions left.

24 MR. MISETIC: And we can take the document down, please.

25 Q. You were asked some questions about Operation Arrow, and you

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1 indicated that you thought Fatmir Limaj was appointed the overall
2 commander of Operation Arrow; is that correct?

3 A. That's correct. I was not a member of the General Staff. But
4 in the course of a meeting or during a visit I made to the building
5 where some members of the General Staff were, I heard that
6 Operation Arrow might be led by Fatmir Limaj.

7 Q. Okay. Was Agim Ceku present at this meeting?

8 A. I don't recall, but I do know that at that time Agim Ceku was in
9 my zone.

10 Q. Okay. Now, I'm just going to tell you --

11 MR. MISETIC: And this is from trial transcript page 17509,
12 lines 5 to 12.

13 Q. First of all, are you aware that Bislim Zyrapi has testified in
14 this Court, in this case?

15 A. Yes, I've heard him.

16 Q. Are you aware that Bislim Zyrapi has testified that he was in
17 overall command of Operation Arrow, and that Operational Direction 1
18 was commanded by Rrustem Berisha and Operational Direction 2 was
19 commanded by Nexhmedin Kastrati?

20 A. I do not know this because I was not a member of the
21 General Staff. Bislim Zyrapi, in his capacity as chief of staff,
22 obviously knew this better.

23 Q. Okay. Now, you were also asked some --

24 MR. MISETIC: Actually, Mr. President, this might be time for a
25 break.

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1 PRESIDING JUDGE SMITH: We'll give you the ten-minute break,
2 Witness. We'll be back in the courtroom in ten minutes.

3 You may leave the courtroom with the Court Usher.

4 [The witness stands down]

5 MR. MISETIC: Mr. President, I hope to be done within a half an
6 hour.

7 PRESIDING JUDGE SMITH: Okay.

8 MR. MISETIC: Thank you.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 --- Break taken at 3.29 p.m.

11 --- On resuming at 3.40 p.m.

12 PRESIDING JUDGE SMITH: Please bring the witness in.

13 [The witness takes the stand]

14 PRESIDING JUDGE SMITH: All right. Mr. Misetic, you may
15 continue your cross-examination.

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

17 Q. Hello again, Mr. Buja. I want to turn to a different topic.
18 Yesterday you were asked by the Prosecutor about Mr. Thaci's
19 whereabouts in your zone in April or May 1999. And in one answer,
20 you said he was there for a month and you thought that it went into
21 late May, early June. Do you recall that?

22 A. Yes. Yesterday I said that some members of the General Staff
23 spent about a month, but there were members of the General Staff who
24 stayed up until the end of the war or until 12 June.

25 Q. Now, are you familiar with the fact that Mr. Thaci would leave

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1 the zone to attend meetings with international officials?

2 A. Yes. At that time, he also had a satellite telephone and he
3 also communicated with it -- on it with internationals.

4 Q. Okay.

5 MR. MISETIĆ: If I could please have on the screen 019775 to
6 019776, please. And in Albanian, it's DHT04030-AT. Yes.

7 Q. So, Witness, you said you are familiar with the fact that he
8 would leave your zone to attend meetings with international
9 officials. This is a newspaper article reporting that, on 27 May,
10 Mr. Thaci was in Paris meeting with the French foreign minister. Is
11 that consistent with your understanding of Mr. Thaci's whereabouts,
12 that he would leave the zone to attend meetings with international
13 officials?

14 A. Yes. His leaving has happened to meet internationals.

15 MR. MISETIĆ: Yes. Mr. President, I tender this document into
16 evidence.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MR. PACE: No objection.

19 PRESIDING JUDGE SMITH: 019775 to 019776, plus the Albanian
20 version, is admitted.

21 THE COURT OFFICER: For the record, the ERN of the Albanian
22 translation is DHT04030 to DHT04030. This document will receive
23 Exhibit 1D00206. Classification is public.

24 PRESIDING JUDGE SMITH: Thank you.

25 MR. MISETIĆ: Thank you very much.

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1 Madam Court Officer, if I could please have on the screen 019779
2 to 019780, which is, in Albanian, DHT04031-AT.

3 Q. And, Witness, this is a BBC article of 30 May reporting that
4 Mr. Thaci was in London to meet with the British Foreign Secretary
5 Robin Cook. Same question as the last document: Is this consistent
6 with your knowledge that Mr. Thaci would leave the zone to attend
7 meetings with international officials? Sorry, on 31 May, correction.

8 A. Yes. He left the zone at the end of May because of the contacts
9 with internationals.

10 Q. Yes. And just to correct myself, the article is from the 31st
11 but the report says the meeting was on 30 May in London.

12 MR. MISETIC: And, Mr. President, I tender this document into
13 evidence.

14 PRESIDING JUDGE SMITH: Objection?

15 MR. PACE: No.

16 PRESIDING JUDGE SMITH: 019779 to 019780, plus the Albanian
17 translation, is admitted.

18 THE COURT OFFICER: Thank you, Your Honour. The ERN for the
19 Albanian translation is DHT04031 to DHT04031. This document will
20 receive Exhibit 1D00207. And classification is public. Thank you.

21 MR. MISETIC: Madam Court Officer, I apologise, I'm now told
22 that this document, the English version, is already in evidence as
23 P00522, and we just need to add the Albanian translation; is that
24 correct?

25 PRESIDING JUDGE SMITH: All right. That's approved. You can

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1 just add the Albanian translation to the pre-existing.

2 THE COURT OFFICER: Thank you, Your Honour. The Albanian
3 translation will be added to P00522. And the previously assigned
4 Exhibit number 1D00207 will be vacated for another document. Thank
5 you.

6 PRESIDING JUDGE SMITH: Thank you.

7 MR. MISETIĆ: Thank you very much.

8 Madam Court Officer, could we please have on the screen 019789
9 to 019790, please. Oh, I'm sorry. I should have given you the
10 Albanian version, DHT04032-AT.

11 Q. And, Mr. Buja, this is a report -- a newspaper article reporting
12 that Mr. Thaci was in Bonn on 1 June to meet with the German foreign
13 secretary Joschka Fischer. Again, is this consistent with your
14 knowledge that Mr. Thaci would leave the zone to meet with
15 international officials?

16 A. Yes. Yes, he would leave the zone.

17 MR. MISETIĆ: Mr. President, I tender this document into
18 evidence.

19 PRESIDING JUDGE SMITH: Objection?

20 MR. PACE: No objection.

21 PRESIDING JUDGE SMITH: 019789 to 019790, plus the Albanian, is
22 admitted.

23 THE COURT OFFICER: Your Honour, that document and its Albanian
24 translation with ERN DHT04032 to DHT04032 will be assigned
25 Exhibit 1D00207. Classification is public.

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1 MR. MISETIĆ: Thank you.

2 Madam Court Officer, could we please have on the screen 019809
3 to 019810, and the Albanian version is DHT04033-AT.

4 Q. And, Witness, this is a newspaper article from Reuters reporting
5 that Mr. Thaci, on 3 June, was in Cologne, Germany. Is this
6 consistent with your understanding that Mr. Thaci would leave the
7 zone to meet with international officials?

8 A. Yes, of course. Indeed. Indeed, that's correct.

9 Q. Thank you.

10 MR. MISETIĆ: Mr. President, I tender this document into
11 evidence.

12 PRESIDING JUDGE SMITH: Objection?

13 MR. PACE: No.

14 PRESIDING JUDGE SMITH: 019809 to 019810, plus the Albanian
15 translation, is admitted.

16 THE COURT OFFICER: Your Honour, the Albanian translation with
17 ERN DHT04033 and the English version will be assigned
18 Exhibit 1D00208. Classification is public.

19 MR. MISETIĆ: Thank you.

20 Q. Witness, I'd now like to turn your attention to the end of the
21 conflict. So, first, can you tell us what is your understanding of
22 when hostilities concluded between the KLA and Serbian forces and
23 NATO forces?

24 A. 10 June. That was when the agreement between NATO and Serbian
25 forces was signed for the withdrawal of Serbian forces. And some in

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1 my area of responsibility, in Kacanik and Cahan, we had the forces of
2 the Kosovo Liberation Army enter the area as of the 11th, and then
3 that continued, 12th, 13th, 15th June, until all of the KLA forces
4 were found there.

5 MR. MISETIC: Now, if we could please have on the screen
6 SPOE00000749 to SPOE00000790.

7 Q. And, Witness, just to orient you, this is a document titled --
8 actually, I think -- just one second, please. It says 12 June, but
9 let me turn your attention to page SPOE00000772, please.

10 MR. MISETIC: If we can go to paragraph 88, please. Yes. First
11 if we could go to page 7 of the PDF just to establish the date of the
12 document. It's a bit confusing. Yes. The date of the document is
13 12 July 1999, and it is the report of the Secretary-General of the
14 United Nations on the United Nations Interim Administration Mission
15 in Kosovo.

16 And now if we could go to SPOE00000772, please.

17 Q. And in this report, the Secretary-General writes, in the middle
18 of the page, and I'll read it to you so that you can get a
19 translation:

20 "Abductions have also occurred after the conflict ended."

21 Now, is it consistent with your -- what you just said that -- is
22 this statement of the Secretary-General that the conflict had ended
23 before 12 July 1999 consistent with your understanding of when the
24 conflict ended?

25 A. So as I said, the agreement was signed on 10 June between NATO

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1 forces and KFOR, but it was on the 11th and 12th that the Kosovo
2 Liberation Army units started to enter the areas. But for security
3 reasons, there were KFOR and UNMIK forces which also entered Kosovo.
4 And if I'm not wrong, they were accompanied -- and I met the very
5 first KFOR forces in Shtime on 12 June.

6 Q. Okay. Let me ask a different question. When did fighting
7 against Serb forces end?

8 A. The fighting ended in itself, I mean from a frontal point of
9 view, on 10 June. But on 12 June, that was when NATO forces entered
10 the country and the beginning of the cooperation with NATO forces.

11 MR. MISETIC: Okay. Mr. President, I tender this document into
12 evidence.

13 PRESIDING JUDGE SMITH: Just the page or the entire document?

14 MR. MISETIC: I mean, I'll leave it to the Panel. It's
15 sufficient to me just the page, but -- and the cover page to
16 establish the date. Page 7 and this page.

17 PRESIDING JUDGE SMITH: Any objection?

18 MR. PACE: No objection.

19 PRESIDING JUDGE SMITH: SPOE00000772 and page 7 of SPOE00000749
20 to 00000790, those two pages are admitted.

21 THE COURT OFFICER: Thank you, Your Honour. And for the record,
22 the ERN of the page 7 is SPOE00000755. Those pages will receive
23 Exhibit 1D00209. And the classification is confidential.

24 MR. MISETIC: Thank you.

25 PRESIDING JUDGE SMITH: All right. Thank you.

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1 THE COURT OFFICER: Thank you.

2 MR. MISETIC:

3 Q. Now, Witness, would you agree with me that by no later than 20
4 June 1999 Serb forces had withdrawn from Kosovo?

5 A. Yes, it's quite possible that it is 20 June.

6 Q. And am I correct that you, as the zone commander in Nerodime,
7 were part of the process of the demilitarisation of the KLA?

8 A. Yes, I was part of the demilitarisation process.

9 Q. And would you agree with me that beginning on or around 21 June
10 1999 and continuing all the way into September, the KLA was
11 demilitarising gradually until it completely demilitarised in
12 September?

13 A. Yes. Following a meeting that the zone commanders had with the
14 chief of staff and the commander of KFOR forces, Mr. Jackson, as well
15 as other KFOR officers, we were notified that we would continue with
16 the demilitarisation of the Kosovo Liberation Army up until
17 September.

18 Q. Yes. Now, at this time, so after 10 June 1999, were any towns
19 in Kosovo, to your knowledge, being besieged by attack by anyone?

20 A. No, there weren't any attacks. However, there were problems
21 once the civilian population re-entered Kosovo, but there weren't any
22 military attacks.

23 Q. Okay. Was any military party to the conflict blocking supply
24 routes after 10 June 1999?

25 A. I do not remember any blocking.

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1 Q. Were roads being closed after 10 June 1999 as a result of any
2 military hostilities taking place?

3 A. I do not know about this. I don't think there was any after the
4 10th.

5 Q. Are you familiar with any armed clashes that took place between
6 the KLA and Serbian forces after 10 June 1999?

7 A. We had a meeting with KFOR forces, Section 5, with the military
8 forces, the American ones. After 15 June, we held regular meetings
9 of the command with KFOR command.

10 Q. Yes, perhaps my question wasn't clear. Were there any armed
11 clashes, any fighting, between the KLA and Serbian forces after
12 10 June to your knowledge?

13 A. No, I do not recall any clashes of this sort.

14 Q. Were heavy weapons such as tanks or other heavy vehicles being
15 used in conflict after 10 June 1999 to your knowledge?

16 A. No, they were taken under control by KFOR.

17 Q. Are you familiar with the KLA or Serbian forces firing from
18 heavy weapons after 10 June 1999?

19 A. I do not recall any such thing.

20 Q. Are you aware of any civilian casualties from conflict after
21 10 June 1999?

22 A. I have no knowledge of that because it was no longer part of our
23 responsibilities because -- following 1244 Resolution and KFOR forces
24 entering Kosovo and them taking responsibility as well as UNMIK.

25 Q. Were there any civilians being forced to flee from combat zones

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1 after 10 June 1999?

2 A. Civilians, they did not have to flee. But if they wanted to
3 move, of course they could move around.

4 Q. Are you familiar with any UN Security Council resolutions
5 following 10 June 1999 expressing any concern about an ongoing armed
6 conflict in Kosovo after 10 June 1999?

7 A. No, I do not remember it.

8 Q. Okay. Turning to a different topic. Again to the question of
9 the demilitarisation. The demilitarisation caused tensions within
10 the KLA; is that correct?

11 A. Yes. There were soldiers who did not wish to -- for the KLA to
12 demilitarise itself.

13 Q. And were you a participant in meetings of zone commanders with
14 General Mike Jackson?

15 A. Yes.

16 Q. And is it correct that General Jackson was trying to convince
17 you as the zone commanders about the need to comply with obligations
18 to demilitarise?

19 A. Yes, that's correct.

20 Q. And is it correct that one of the means of convincing you as the
21 zone commanders to demilitarise was the promise that a Kosovo
22 Protection Corps would be established?

23 A. Yes, that was a promise. And later, there was an agreement on
24 it.

25 Q. Okay.

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1 MR. MISETIC: If we could have DHT04101 to DHT04106 on the
2 screen, please.

3 Q. And this is a *New York Times* article from 22 June 1999, and it
4 says:

5 "NATO to consider letting Kosovars set up a new army."

6 MR. MISETIC: And if we could turn to page 4 in the article,
7 please.

8 Q. And it says General Ceku -- it says General Ceku -- sorry. It
9 quotes a senior diplomat discussing General Ceku's comments. It
10 says:

11 "'General Ceku said we had to ease them out of their role,' ...
12 'We couldn't just throw them out in the cold.'"

13 Now, is that consistent with your understanding of the
14 importance of setting up the Kosovo Protection Corps as a means of
15 encouraging KLA zone commanders and others to demilitarise?

16 A. Yes, this how we discussed it in the meetings.

17 MR. MISETIC: Mr. President, I tender the document into
18 evidence.

19 PRESIDING JUDGE SMITH: Objection?

20 MR. PACE: No.

21 PRESIDING JUDGE SMITH: DHT04101 to DHT04106 is admitted.

22 THE COURT OFFICER: Thank you, Your Honour. The document will
23 receive Exhibit 1D00201. Classification is public.

24 MR. MISETIC: Thank you. Madam Court Officer, if we could
25 please have on the screen SPOE00000734 to SPOE00000736, please, at

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1 page SPOE00000734.

2 MR. PACE: Your Honour, for this document, it shouldn't be
3 broadcast to the public, and we would need to address it in private
4 session due to Rule 107 restrictions.

5 MR. MISETIC: I don't have a problem with that, Mr. President,
6 but I note the legend at the top of the page, but I'm not sure if it
7 still has some secret classification.

8 MR. PACE: Yes, Your Honour, I'm told it has -- it's a Rule 107
9 document, so it can be used with the witness but in private session.

10 PRESIDING JUDGE SMITH: Just to be cautious, we'll go into
11 private session for this --

12 MR. MISETIC: That's fine.

13 PRESIDING JUDGE SMITH: -- please.

14 [Private session]

15 THE COURT OFFICER: Your Honours, we are now in private session.

16 PRESIDING JUDGE SMITH: Go ahead.

17 MR. MISETIC: Thank you.

18 Q. Witness, this is a [REDACTED] document that discusses the stages of
19 demilitarisation. I don't have an Albanian translation, but I will
20 try to describe what it says to you. K is the day of signing of the
21 undertaking to demilitarise. And then it says what the obligations
22 were at K+7 days; meaning, seven days after signing, the KLA had to
23 do the following or could do the following:

24 [REDACTED]

25 [REDACTED]

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1 Now, my first question is are you familiar, given your
2 participation in the demilitarisation, of what the assembly areas
3 were?

4 A. This meant to gather soldiers at a specific location which they
5 were not supposed to leave or operate outside those points.

6 Q. Yes. And then point 2 says:

7 [REDACTED]
8 [REDACTED]

9 The third point is:

10 [REDACTED]
11 [REDACTED]

12 And then 4 is:

13 [REDACTED]
14 [REDACTED]

15 And it specifically says:

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Is that consistent with what your understanding was of what the
20 KLA had to do within seven days of the signing of the undertaking?

21 A. Yes, I recall this, because I also had three bodyguards and my
22 personal weapon. And also the other soldiers were not allowed to
23 leave the assembly points or to go around in uniform or armed. This
24 is a point that we did implement at the time.

25 MR. MISETIĆ: Mr. President, I tender this document into

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1 evidence.

2 PRESIDING JUDGE SMITH: Objection?

3 MR. PACE: No.

4 PRESIDING JUDGE SMITH: I've lost the document number. Would
5 you repeat the number?

6 MR. MISETIC: I'll try.

7 PRESIDING JUDGE SMITH: I've lost it.

8 MR. MISETIC: There is a lot of 0s here, Mr. President.

9 SPOE00000734 to SPOE00000736. Yes.

10 PRESIDING JUDGE SMITH: Is admitted.

11 THE COURT OFFICER: Your Honour, the document will receive
12 Exhibit 1D00211. Classification is confidential.

13 PRESIDING JUDGE SMITH: I believe there was a mistake on the
14 last exhibit before this one. You read out 201. I think you meant
15 210.

16 THE COURT OFFICER: Yes, Your Honour. The previous exhibit was
17 admitted as 1D00210, 210.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 THE COURT OFFICER: You're welcome.

20 MR. MISETIC: Thank you. I'm going to call up a document and
21 ask the Prosecution whether it needs to be -- it's 107 -- is it 107?
22 Okay. Then I already know it's 107. It's [REDACTED]. If
23 we look at page 2, please.

24 Q. This is a [REDACTED]

25 [REDACTED] So this is the document that discusses

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1 seven days after the signing of the undertaking how the KLA complied
2 with its obligations in that previous documents that showed K+7.

3 MR. MISETIĆ: So if we go to paragraph 9 on page 2.

4 Q. It says [REDACTED] and it's a meeting
5 with General Ceku and other KLA commanders, that:

6 [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED]

11 And then it goes to paragraph 10:

12 [REDACTED]
13 [REDACTED]

14 And if we go to page 3, paragraph 14, we see General Ceku's
15 response:

16 [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Now, my first question to you is do you recall if you attended
21 this meeting of the joint implementation committee? Were you one of
22 the zone commanders?

23 A. Yes.

24 Q. And is it correct that, [REDACTED], that you
25 had by that point generally complied with the obligation to put all

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1 KLA soldiers within specific assembly points?

2 A. Yes, we complied with our obligations.

3 MR. MISETIĆ: I would tender this document into evidence,
4 Mr. President.

5 PRESIDING JUDGE SMITH: Any objection?

6 MR. PACE: No.

7 PRESIDING JUDGE SMITH: [REDACTED] is admitted.

8 THE COURT OFFICER: Your Honour, that document will receive --

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 THE COURT OFFICER: The document will receive Exhibit 1D00212.
11 Classification is confidential.

12 PRESIDING JUDGE SMITH: Go ahead.

13 JUDGE BARTHE: I would like to ask a question, or I have a
14 question for the witness, if I may, very briefly.

15 Witness, it says here in the document that General Ceku stated

16 [REDACTED]

17 [REDACTED]

18 Can you give us any information about the five cases? What were
19 these five cases about?

20 THE WITNESS: [Interpretation] I do not recall any disciplinary
21 measure, but General Ceku must know which disciplinary measures are
22 we talking about here. However, we had a number of problems and
23 issues at the time because soldiers did not know where their family
24 members and relatives were, houses were destroyed, and it was
25 difficult for us to confine soldiers within the assembly areas and

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1 prevent them from leaving those areas and go to look for their
2 relative or their properties. So in this context, there might have
3 been the case that a soldier has violated or acted outside the rules.

4 JUDGE BARTHE: But you cannot recall more about the five cases;
5 is that right? You don't know whether people were abducted or
6 whether people were mistreated or whether people were -- or guns or
7 weapons were fired or what the problem was? You don't know that;
8 right?

9 THE WITNESS: [Interpretation] No, I don't know about that,
10 because at that time this was a prerogative of KFOR and UNMIK police,
11 which was trying to be operational at the time although understaffed.
12 In one of the meetings, this was discussed. We had meetings between
13 zone commanders and KFOR command but also between us zone commanders
14 and different sectors, weekly meetings with the commanders of the
15 American KFOR, which was responsible for the area where I was.

16 JUDGE BARTHE: Witness, what I don't understand is, and maybe
17 you can help me with that, it is said here that General Ceku
18 discussed a list [REDACTED]
19 [REDACTED] a list of incidents that had been presented, and
20 General Ceku had allegedly said that the UCK -- that the KLA was
21 largely unaware of the incidents, and he stated, according to this
22 document, that only five cases were UCK related.

23 I don't understand why you're saying that it's up to KFOR,
24 because General Ceku said himself that he was aware of five cases.
25 So I'm asking you whether you also were aware of these five cases or

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1 whether you don't know anything about that, about these five cases?

2 THE WITNESS: [Interpretation] I am not aware. I do not know
3 what these five cases are.

4 JUDGE BARTHE: Thank you. You just answered my question.
5 Excuse me for interrupting.

6 MR. MISETIC: No problem, Judge. Thank you.

7 If we could now turn to Exhibit [REDACTED]

8 Q. And, Witness, this is a [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED]

11 MR. MISETIC: And if we go to page 6 in the document, please,
12 paragraph 5b.

13 Q. It discusses the demilitarisation of the KLA. It says:

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Now, is it consistent with your understanding as well that at
2 K+30, meaning 30 days after the signing of the undertaking, KLA had
3 been largely compliant with the obligations under the undertaking?

4 A. Yes. This was also the report from the zone commanders and the
5 chief of staff of the Kosovo Liberation Army, Mr. Agim Ceku.

6 Q. And is it your understanding as well that uniformed KLA were
7 generally not in evidence outside of their approved assembly areas 30
8 days after the signing of the undertaking?

9 A. Yes. We had instructed our soldiers that if they wanted to
10 leave the assembly areas and travel to their homes or to their
11 relatives, they had to leave the weapons at the assembly area and
12 dress in civilian clothes, and then they could go to their families.

13 Q. So let me ask you this: Is it your understanding, as a zone
14 commander, that General Ceku had issued orders that everyone was to
15 comply with these obligations under the undertaking, the
16 demilitarisation undertaking?

17 A. We, as zone commanders, attended these meetings when such orders
18 were given. Ceku gave orders indicating that we should comply with
19 the KFOR orders for -- with respect to assembly areas. The assembly
20 areas were designated by zone commanders together with the KFOR
21 commander responsible for the area. I did so in the area which was
22 the area of responsibility of the American KFOR.

23 Q. Is it correct that you were receiving orders from
24 General Agim Ceku and not Hashim Thaci?

25 A. Agim Ceku was the chief of staff of the Kosovo Liberation Army,

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1 and Thaci at that moment in time did not hold a military position.

2 Q. So then I assume that your answer means that you were not being
3 given orders by Hashim Thaci?

4 A. Hashim Thaci moved into the civilian life at that time. He had
5 nothing to do with the army anymore. So it was the chief of staff
6 with the zone commanders in agreement with KFOR and UNMIK structures.
7 If I'm not wrong, Mr. Thaci worked with Mr. Kouchner to set up the
8 transitional administrative council. I don't know the date of its
9 establishment, but I do know that this occurred over this same period
10 of time.

11 MR. MISETIC: Mr. President, I tender the document on the
12 screen, [REDACTED].

13 PRESIDING JUDGE SMITH: It is admitted.

14 THE COURT OFFICER: Thank you, Your Honour. The document will
15 receive Exhibit 1D00213. Classification is confidential.

16 MR. MISETIC: Thank you.

17 Q. Now, Witness, in light of what we've just gone through and the
18 orders to comply and the fact that there was general compliance with
19 the obligation that KLA personnel were not to be outside of assembly
20 areas in uniform or with a weapon; correct?

21 A. Correct.

22 Q. Is it your understanding --

23 MR. MISETIC: Yes. We're done with the documents on the screen,
24 so we can perhaps go into public session for the next portion.

25 PRESIDING JUDGE SMITH: All right.

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1 [Microphone not activated].

2 Back into public session, please.

3 [Open session]

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

5 PRESIDING JUDGE SMITH: Go ahead.

6 MR. MISETIC: Thank you.

7 Q. So, Witness, does that mean, or do you agree with me, that, by
8 definition, anybody who was outside of an assembly point with a
9 weapon or in a KLA uniform was violating the orders that had been
10 given by Agim Ceku and the zone commanders?

11 A. Yes. That person would not have complied with the KFOR orders
12 or those of the zone commanders or the chief of staff of the KLA.

13 Q. Thank you. And, finally, Witness, General Jackson met with you
14 as the zone commanders multiple times to try to encourage you to
15 comply with the undertaking; correct?

16 A. Correct.

17 Q. And I'd like to show you one final example, and then I'll
18 conclude.

19 MR. MISETIC: SPOE00212586 to 00212692. And this is a book that
20 was written by General Jackson. And in particular at page
21 SPOE00212680.

22 Q. Now, do you recall in September that General Jackson convened
23 another meeting as the demilitarisation process was completing and
24 that General Clark showed up? Do you recall that event?

25 A. Yes.

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1 Q. And do you recall that General Jackson needed General Clark to
2 give you, the zone commanders, a speech about why it was important to
3 conclude the demilitarisation process?

4 A. Yes, I recall it.

5 Q. I'm just going to -- well, I'm going to start reading from the
6 passage in the book because we're close to the end.

7 MR. MISETIC: SPOE00 --

8 PRESIDING JUDGE SMITH: 212680.

9 MR. MISETIC: I guess it's still loading.

10 Q. So let me just read it to you, Witness. It says:

11 "I spoke" -- meaning General Jackson speaking here.

12 "I spoke to Wes Clark, who suggested that he should fly in to
13 add weight to the negotiation. That seemed sensible to me. I
14 finally got to bed at 06.30, and was up again at 10.00. Wes arrived
15 at 14.00 hours, and the KLA delegation was with us forty-five minutes
16 later. Wes was in his element, working the room confidently, telling
17 stories about his experiences in Vietnam which had the KLA zone
18 commanders hanging on his every word. [After] he made a rousing,
19 virulently anti-Serb speech that would have had our diplomats reeling
20 if they could have heard what he was saying. It became clear that
21 the differences between the two sides had narrowed. We resolved the
22 issue of the insignia, agreeing on an outline of the shape of Kosovo
23 itself. After the top of her head, our new Canadian political
24 adviser ... came up with a wording on one of the remaining issues,
25 access to weapons, which satisfied everybody. More names were

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1 bandied about. Would we be prepared to call the organisation the
2 Kosovo Guard? Silence.

3 "'It sounds too military,' Ceku responded, and then everyone
4 started [to laugh]."

5 Is that consistent with your recollection of General Clark
6 coming in and having to convince you, as the zone commanders, to
7 agree to the final step in the demilitarisation process?

8 A. Yes, it did occur. We had a huge amount of respect for
9 General Clark, who during the war led the NATO forces and the NATO
10 air campaign. And because of our respect for him as an American and
11 NATO general, General Jackson invited him in to convince us in
12 relation to the transformation of the Kosovo Liberation Army into the
13 Kosovo Protection Corps.

14 Q. Thank you, Witness.

15 MR. MISETIC: If I could tender this excerpt from the book into
16 evidence, please.

17 PRESIDING JUDGE SMITH: Any objection?

18 MR. PACE: No.

19 PRESIDING JUDGE SMITH: SPOE00212586 to SPOE00212692 -- you want
20 the entire document or just the page?

21 MR. MISETIC: Just the page is fine.

22 PRESIDING JUDGE SMITH: At page SPOE00212680 is admitted.

23 THE COURT OFFICER: Thank you, Your Honour. That one page will
24 receive Exhibit 1D00214. And current classification is confidential.

25 MR. MISETIC: I think it can be public.

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1 PRESIDING JUDGE SMITH: It can be reclassified as public.

2 THE COURT OFFICER: Thank you.

3 MR. MISETIC: Thank you.

4 Q. Witness, thank you very much for answering my questions.

5 MR. MISETIC: Mr. President, that concludes my
6 cross-examination.

7 PRESIDING JUDGE SMITH: Witness, you are finished with your
8 testimony for today. We will see you tomorrow morning at 9.00.
9 Thank you for being with us today, and we wish you a pleasant
10 evening.

11 Thank you, Mr. Hodaj, for your presence as well.

12 You may now leave the room with the Court Usher.

13 MR. HODAJ: Thank you.

14 THE WITNESS: [Interpretation] Thank you.

15 MR. MISETIC: Mr. President, I just have one housekeeping
16 matter. I'm told that 1D00209 currently has a confidential
17 classification, and it's a public document which can be made public.

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: As long as there's no objection, it can
20 be reclassified as public.

21 MR. PACE: Could you quickly remind me which one that is?

22 MR. MISETIC: It's a UN report.

23 MR. PACE: The Security Council or --

24 MR. MISETIC: Yes.

25 MR. PACE: Yes, no objection.

1 PRESIDING JUDGE SMITH: Okay. Thank you.

2 MR. MISETIC: Thank you.

3 PRESIDING JUDGE SMITH: We are adjourned until 9.00 tomorrow.

4 --- Whereupon the hearing adjourned at 4.34 p.m.

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