

1 Thursday, 7 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 Honour. This is case
8 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,
9 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi. Thank you.

10 PRESIDING JUDGE SMITH: For the record, all the accused are
11 present in the court today.

12 Before the witness is brought in, Panel would like to address a
13 few housekeeping issues.

14 First, the Panel having considered the Veseli Defence request
15 would like to amend the briefing schedule for Rule 143 -- for the
16 Rule 143 tender for W01453.

17 The Panel orders the SPO to file its submissions on admission by
18 Monday, 11 November 2024. The Defence is ordered to respond by
19 Wednesday, 13 November 2024. And no reply will be entertained.

20 This concludes the first oral order.

21 Second, the Panel will issue its ruling in relation to 1D00204
22 MFI.

23 The Panel will not admit 1D00204 MFI into evidence. The
24 responsibility to assess the credibility of a witness and the
25 reliability of his evidence is exclusively that of this Panel, and

1 any assessment of demeanour that might be relevant to the evaluation
2 will be made by the Panel, not another court.

3 Also, the relevant parts of the Limaj judgment have been put to
4 the witness and he commented upon those in the course of his
5 cross-examination of W01453.

6 The Panel further reiterates that it is not bound by evidentiary
7 findings made by other trial chambers. The Panel, therefore, denies
8 the admission of 1D00204 into evidence.

9 And this concludes the second oral order.

10 Third, the Panel will issue an order in relation to filing
11 F02692 on 1 November 2024.

12 I'm sorry. On November 1, 2024, the Krasniqi Defence requested
13 reclassification of its filing F02316 as public.

14 On November 4, 2024, the SPO filed its response objecting to
15 such reclassification.

16 The Panel notes that on 5 November, 2024, the Krasniqi Defence
17 filed a public redacted version of F02316. Therefore, the Panel
18 dismisses as moot the Krasniqi Defence request for reclassification
19 in filing F02692.

20 This concludes the third oral order.

21 We will now continue hearing the evidence of Prosecution
22 Witness 4153 -- yes.

23 MR. MISETIC: Sorry, Mr. President, I have a housekeeping matter
24 to address.

25 PRESIDING JUDGE SMITH: Can I finish reading what I'm reading

1 here?

2 MR. MISETIC: Sure.

3 PRESIDING JUDGE SMITH: We will now continue hearing the
4 evidence of Prosecution Witness W01453.

5 All right. Now you [Microphone not activated].

6 MR. MISETIC: Thank you, Mr. President. At the conclusion of
7 the session yesterday, I was informed by Madam Court Officer that
8 with respect to the Exhibit that was admitted as 1D00214, which was a
9 page from General Jackson's book, the standard practice has been to
10 also include the cover page of the book. So I'm tendering the cover
11 page to be added to 1D00214, which is page SPOE00212586 from the full
12 ERN range of SPOE00212586 to 00212692. Thank you.

13 PRESIDING JUDGE SMITH: No objection?

14 MR. PACE: To the cover page, no.

15 PRESIDING JUDGE SMITH: SPOE00212586, being the cover page, is
16 admitted and added to 1D00214.

17 THE COURT OFFICER: Thank you, Your Honour. That page will be
18 added to 1D00214. Classification is public. Thank you.

19 PRESIDING JUDGE SMITH: All right.

20 Madam Usher, you may bring the witness in.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: First of all, I note for the record that
23 Duty Counsel, Mr. Hodaj, is present in the courtroom.

24 MR. HODAJ: Good morning, Mr. President.

25 PRESIDING JUDGE SMITH: Good morning, Witness.

1 Good morning, counsel.

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

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

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

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

13 I remind you that you are still under an obligation to tell the
14 truth as stated by you in your solemn declaration. I also remind you
15 that the assurances provided you on Monday by the Panel are still
16 applicable and that refusal to give testimony may be sanctioned with
17 the imposition of a fine.

18 WITNESS: SHUKRI BUJA [Resumed]

19 [The witness answered through interpreter]

20 PRESIDING JUDGE SMITH: We are ready to continue now with the
21 cross-examination by -- I'm sorry, are you finished?

22 MR. MISETIC: Yes, Mr. President.

23 PRESIDING JUDGE SMITH: All right. We will start with the
24 Veseli Defence.

25 Please give Mr. Dixon -- Mr. Dixon, are you handling the cross?

Witness: Shukri Buja (Resumed) (Open Session)

Page 22157

Cross-examination by Mr. Dixon

1 MR. DIXON: Yes.

2 PRESIDING JUDGE SMITH: Please give --

3 MR. DIXON: Yes, thank you, Your Honour.

4 PRESIDING JUDGE SMITH: -- Mr. Dixon your attention.

5 Cross-examination by Mr. Dixon:

6 Q. Good morning, Mr. Buja. My name is Rodney Dixon. I am the
7 counsel for Mr. Kadri Veseli. I'm going to ask you some questions
8 now.

9 A. Good morning.

10 Q. Now, Mr. Buja, yesterday you gave testimony about two brigades
11 in your zone, the 161 Brigade and the 162 Brigade. You explained
12 that the 161 was situated in the area of Shtime and Ferizaj, and the
13 162 was in the area of Kacanik; is that right?

14 A. Yes.

15 Q. You also gave evidence that those brigades were forming in
16 October and then that continued into November and December, that
17 process of forming the brigades. Do you recall that?

18 A. Yes.

19 Q. Can I ask you about that process that you indicated was taking
20 about three months or so. There were a number of difficulties that
21 you encountered, isn't that right, in forming the brigade so that
22 they were combat ready?

23 A. There were difficulties. And the formation of the brigades was
24 a process which continued up until the end of the war.

25 Q. Can you assist us with what were the difficulties, in summary,

Witness: Shukri Buja (Resumed) (Open Session)

Page 22158

Cross-examination by Mr. Dixon

1 that you faced at that time?

2 A. Well, there was a lack of professional personnel. There was
3 also a considerable lack of military materials as well as a lack of
4 placing units in homes. So there were plenty of obstacles.

5 Q. And when you say there was a lack of professional personnel, do
6 you mean that persons were not trained to be in a brigade and fight?
7 Many people had never ever used a weapon before; is that right?

8 A. Yes. Because for quite a long time there was no military
9 service, so the majority of people who wanted to join the KLA and
10 came over to join the KLA were untrained and they didn't even know
11 how to use weapons.

12 Q. And it's also right, isn't it, that in the period before this,
13 so before October, you had faced a number of Serb offensives in your
14 area in August and September?

15 A. There was a Serb offensive in the surroundings of Jezerc
16 village, and it was quite a strong offensive.

17 Q. You mentioned Mr. Agim Bajrami, a close friend of yours who had
18 helped you form the organisation early on. Was he one of the people
19 who was affected by that offensive and killed in August 1998?

20 A. Agim Bajrami was killed in Kacanik in 1998. Indeed, in August.

21 Q. Now, those areas where the brigades were, the 161 and 162, 161
22 is further north, 162 is further south closer to the Macedonian
23 border; is that right?

24 A. Yes.

25 Q. And you said in your evidence that it took some time to travel

Witness: Shukri Buja (Resumed) (Open Session)

Page 22159

Cross-examination by Mr. Dixon

1 between those areas, roughly two nights; is that correct?

2 A. Yes, that's correct.

3 Q. So it took some time to cover a short distance. Is it right
4 that there were a lot of difficulties in being able to get from one
5 brigade area to another within your zone?

6 A. Yes, because the circumstances were very difficult. It was
7 wartime, and we didn't have the control of the entire territory.

8 Q. There's a road that connects those areas. Were you not able to
9 use that road at the time?

10 A. No, the road was not used. We used mountain tracks.

11 Q. And why was it that you didn't use the road and instead went
12 over the mountains?

13 A. Well, because the roads were under the control of the Serbian
14 police and army.

15 Q. Now, you also said in your testimony that it was during this
16 time - October, November, December 1998 - that you were looking to
17 form the zone structure; is that right?

18 A. Yes, it was a process which continued.

19 Q. Yes. I just want to clarify the chronology from there going
20 forward. You were in the zone in January, but it's right, isn't it,
21 that you left for Albania and going abroad in February 1999?

22 A. I cannot remember the exact date, but approximately it was the
23 end of February or March.

24 Q. And you came back, you said, just to clarify the dates as far as
25 you can remember, just at the beginning of the NATO bombing, which

Witness: Shukri Buja (Resumed) (Open Session)

Page 22160

Cross-examination by Mr. Dixon

1 was late March 1999. You came back in from abroad, back into your
2 zone then; is that right?

3 A. Yes.

4 Q. So you were definitely in your zone in January, throughout
5 January, when the Recak massacre took place?

6 A. Yes, I was in my zone at the time.

7 Q. Okay. I want to now ask you, Mr. Buja, some questions about the
8 intelligence sector in your zone.

9 You gave evidence when you started your testimony that a
10 Mr. Elmi Reqica was appointed as the head of the intelligence sector
11 in your zone. Do you recall that?

12 A. Yes.

13 Q. And it's correct, isn't it, that he was appointed into that
14 position by you in December of 1998; is that right?

15 A. Approximately in December. But, yes, he was appointed by me.

16 Q. And do you recall that you, in fact, telephoned him when you
17 appointed him? He was abroad. You phoned him to ask him to come
18 back to head up the intelligence sector.

19 A. I do not remember this exactly, but I know that he was in
20 Albania for some time.

21 Q. And he returned -- do you remember this? He returned in January
22 1999, the second half of January 1999, to take up his post in the
23 intelligence sector.

24 A. I know that he was in the zone command in January and he was in
25 his post.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22161

Cross-examination by Mr. Dixon

1 Q. Thank you. So you say you appointed him. It's correct,
2 therefore, that no one from the General Staff appointed him into that
3 position?

4 A. No, they didn't.

5 Q. And Mr. Kadri Veseli, therefore, did not appoint him into that
6 position. You did.

7 A. No, Kadri Veseli could not have appointed him because I was the
8 zone commander.

9 Q. Now, it's right, isn't it, that before Mr. Reqica was appointed,
10 there was no intelligence person at the zone level in your zone?

11 A. No, there wasn't because it was in October, November that we
12 started the consolidation of the command of the Nerodime operational
13 zone.

14 Q. So you had never had any intelligence structure in your zone
15 before that?

16 A. No, we did not.

17 Q. And in the brigades that I mentioned, the 161 and 162 Brigades,
18 there were no intelligence units in those brigades, were there?

19 A. No. Up until their formation there wasn't.

20 Q. And when they were formed, as you said, in October, November,
21 December, was there anyone appointed in the brigade to deal with
22 intelligence in any of the brigades then or did that come later?

23 A. I do not know the exact moment, but each brigade commander who
24 was appointed was tasked to establish these sectors, and I think that
25 it was by December that all of these sectors of the brigades that

Witness: Shukri Buja (Resumed) (Open Session)

Page 22162

Cross-examination by Mr. Dixon

1 operated in my zone were established.

2 Q. And those sectors were appointed by the brigade commanders
3 respectively; is that right?

4 A. Yes, in consultation with the chief of zone staff as per the
5 zone commanders.

6 THE INTERPRETER: Interpreter's note: Brigade commanders,
7 sorry.

8 MR. DIXON: Brigade commanders. Yes, thank you.

9 Q. I just want to ask you a few more questions, if I may, Mr. Buja,
10 about Mr. Reqica. You had known him from before the war; is that
11 right? He's somebody that you knew and trusted, and that's why you
12 asked him to come back and to be in the intelligence sector.

13 A. We were in prison together. So we were in Serbian prison with
14 Mr. Reqica.

15 Q. And is it right that he worked for an NGO called the Council for
16 Defence of Human Rights and Freedoms, the CDHRF, in Kosovo?

17 A. Yes, he did work for the Council for the Defence of Human Rights
18 and Freedoms.

19 Q. And that's an NGO that looks into alleged abuses against
20 civilians, isn't it?

21 A. Yes.

22 Q. And he was in that council up until the start of the war; is
23 that right?

24 A. Yes, that's right.

25 Q. Now, when he came back, you've said he was in post in January of

Witness: Shukri Buja (Resumed) (Open Session)

Page 22163

Cross-examination by Mr. Dixon

1 1999. It's right, isn't it, that he had no resources to work with in
2 order to fulfil his role as an intelligence officer?

3 A. He had very few resources if any at all.

4 Q. It was really just him in the intelligence sector. There was no
5 one else. Is that right?

6 A. Yes, to start off with it was just him.

7 Q. So that was in January, February, March, those months it was
8 just him?

9 A. I cannot remember whether he was on his own for three months,
10 but I know that to start off with he was the only appointee in the
11 intelligence, counter-intelligence section.

12 Q. And he didn't have a specific office, an intelligence office to
13 deal with these tasks, did he?

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

16 Q. Sorry, it might have been the way I put it. To make it clear,
17 he didn't have any office assigned to him to fulfil his tasks as an
18 intelligence officer, did he?

19 A. Mostly at the time he worked to structure his sector because he
20 needed to select the people that would populate the sector.

21 Q. But you were already together in one place, one office that you
22 had to share to make do with the circumstances that you faced; isn't
23 that right?

24 A. Yes. In the beginning of the zone command, we were placed at a
25 home, and that's where our office was.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22164

Cross-examination by Mr. Dixon

1 Q. And also it's right, isn't it, that you didn't have the luxury
2 of sitting in your office and commanding from there. You all had to
3 go out onto the front line and fight. You yourself and Mr. Reqica
4 had to go out and participate in the combat.

5 A. Yes, that's correct. I directly took part in all the fighting,
6 every combat effort that was made at that time.

7 Q. And Mr. Reqica as well? He had to be involved in the actual
8 fighting; isn't that right?

9 A. Yes. The whole of the zone command took part in the fighting.

10 Q. Now, I want to ask you some questions about the information that
11 Mr. Reqica was able to gather as an intelligence officer appointed by
12 you. Do you recall him reporting to you information that he had
13 gathered?

14 A. Later on, yes.

15 Q. When you say "later on," could you help us with what the dates
16 are as far as you can recall?

17 A. Well, it could be after February because at that time there was
18 a better consolidation of the intelligence, counter-intelligence
19 section.

20 Q. And it's right, isn't it, that he was from that time onwards
21 providing information to you as far as he could gather it about Serb
22 positions, where Serb forces were located, and such matters?

23 A. Yes, this was the task of intelligence, counter-intelligence.

24 Q. It's right, isn't it, that it wasn't his task, as assigned by
25 you, to gather information about potential collaborators or civilians

Witness: Shukri Buja (Resumed) (Open Session)

Page 22165

Cross-examination by Mr. Dixon

1 who might have been assisting Serb forces?

2 A. This was not the task of the intelligence sector.

3 Q. And the reports that he gave to you about Serb positions, were
4 those written? Was it possible to do that? Were they oral? Do you
5 remember?

6 A. The majority of the reports were oral ones, but there were cases
7 when we could have reported in writing when there was a major
8 movement of Serb forces.

9 Q. And that information that he was giving to you, it was coming to
10 you in your position as the zone commander; is that right?

11 A. Yes. It was his duty to report to the chief of staff and the
12 zone commander.

13 Q. So it was for your use in the zone in order to assist your
14 operations and defence?

15 A. Absolutely.

16 Q. This wasn't information that you were passing on to anyone in
17 the General Staff, was it?

18 A. No. In terms of reports, no, we didn't pass those on.

19 Q. And Mr. Reqica wasn't himself cutting past you and reporting to
20 anyone in the General Staff, was he?

21 A. It was not his duty to report to the General Staff.

22 Q. Now, you mentioned in your testimony finding out in April or
23 May, you said, roughly, that Mr. Kadri Veseli was a member of the
24 General Staff, he had been part of the General Staff and was the
25 director of intelligence. Do you remember giving that evidence?

Witness: Shukri Buja (Resumed) (Open Session)

Page 22166

Cross-examination by Mr. Dixon

1 A. Yes, I do.

2 Q. It's correct, isn't it, that Mr. Veseli, in that role, never
3 gave you any orders in the zone?

4 A. No, he didn't give me any orders.

5 Q. And he didn't give any orders to Mr. Reqica either, did he?

6 A. No, because Mr. Reqica was part of the zone command of the
7 Nerodime operational zone.

8 Q. And that was both in the periods we've been discussing, 1998 and
9 in these months in the beginning of 1999. That applies to both of
10 those periods. That's right, isn't it?

11 A. We were referring to 1999. But in 1998, this was no such
12 operational structure of intelligence or counter-intelligence in the
13 Nerodime operational zone.

14 Q. Yes. Now, you did explain yesterday that Mr. Veseli came to
15 your zone, you gave the dates of roughly May, beginning of June, to
16 stay there in your zone. You remember that evidence?

17 MR. DIXON: For those following, that's at page 21988, line 18
18 onwards.

19 THE WITNESS: [Interpretation] Yes, I do recall.

20 MR. DIXON:

21 Q. And it's right that this was the time in which the organising of
22 the Provisional Government of Kosovo post the Rambouillet agreement
23 was being discussed?

24 A. Yes, that's correct.

25 Q. Do you recall that at that time - May, June onwards - that

1 Mr. Veseli was at that stage the minister of Kosovo intelligence
2 service? He'd been appointed into that position at that time?

3 A. If I'm not wrong, this information was made public in May.
4 Meaning, the ministers appointed in the Provisional Government of
5 Kosovo.

6 Q. So you knew then, when Mr. Veseli was in your zone, that he had
7 by then been appointed as the minister of the Kosovo intelligence
8 service?

9 A. Correct.

10 Q. And that by then he was no longer a member of the General Staff
11 while he was there in your zone, but he was acting in his capacity as
12 the minister. Do you recall that?

13 A. Yes, I recall. The provisional government became a civilian
14 organisation.

15 Q. You gave some evidence as well about a meeting that Mr. Veseli
16 had attended when he was in your zone. You said, and I just wanted
17 to clarify this, that you weren't able to participate in that
18 meeting; is that right?

19 A. I did not attend the meetings of the General Staff or the
20 meetings of the provisional government because I was not a member or
21 part of those two.

22 Q. Yes. You said that you were there to arrange the security and
23 related matters. So is it right that you didn't participate in any
24 of the discussions, and you don't know what those discussions were
25 about?

Witness: Shukri Buja (Resumed) (Open Session)

Page 22168

Cross-examination by Mr. Dixon

1 A. Correct.

2 Q. Do you recall also in your testimony giving evidence about a
3 meeting that you attended for the anniversary for the Albanian
4 Prizren League on 10 June 1999, where you said that Mr. Veseli spoke
5 to those gathered there? You were shown a BBC article about it.

6 MR. DIXON: That's P526 for those following.

7 THE WITNESS: [Interpretation] Yes.

8 MR. DIXON:

9 Q. When Mr. Veseli spoke there, do you recall that he spoke in his
10 capacity as the minister, one of the ministers of the new provisional
11 government?

12 A. I do not recall this, but he spoke as a high-level political
13 figure.

14 Q. Thank you. Just a few final matters, Mr. Buja, and then I'll
15 conclude.

16 You were shown some internal disciplinary regulations by the
17 Prosecution, and you said those were within your zone from roughly
18 January 1999.

19 A. Yes, that's what I said.

20 Q. It's right, isn't it, that the intelligence sector, Mr. Reqica
21 that we've been talking about, it wasn't his responsibility to
22 implement those disciplinary rules in any way?

23 A. Correct. This was not a task of the intelligence and
24 counter-intelligence sector. This was a task of the military police
25 and the commander of the brigade.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22169

Cross-examination by Mr. Dixon

1 Q. So the intelligence sector had no responsibility for conducting
2 any investigations into disciplinary matters. That's right, isn't
3 it?

4 A. That's right.

5 Q. And you mentioned the military police. You also gave evidence
6 about that unit that was formed. It's correct that the intelligence
7 sector also had no involvement in the work of the military police?

8 A. The intelligence and counter-intelligence sector was within the
9 zone command. The military police instead -- or the company of the
10 military police was a special unit that reported directly to the zone
11 commander.

12 Q. Yes. So it's correct, isn't it, that they were separate
13 sectors. The military police was one sector and intelligence and
14 counter-intelligence was a separate, different sector; is that right?

15 A. The military police was a special unit, and the sector was a
16 special sector.

17 Q. Yes. You said the military police became a battalion of the
18 military police over time, a specific battalion; isn't that right?

19 A. That is correct.

20 Q. Thank you, Mr. Buja. Those are my questions.

21 MR. DIXON: Thank you, Your Honours.

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

23 Mr. Roberts.

24 MR. ROBERTS: No questions at this time. Thank you.

25 PRESIDING JUDGE SMITH: Ms. Alagenda, your cross-examination.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22170

Cross-examination by Ms. V. Alagendra

1 MS. V. ALAGENDRA: Thank you, Your Honour.

2 Cross-examination by Ms. V. Alagendra:

3 Q. Good morning, Mr. Buja. I am Venkateswari Alagendra, and I am
4 counsel for Mr. Jakup Krasniqi.

5 MS. V. ALAGENDRA: Your Honours, just for planning purposes, I
6 don't think I'll be more than an hour.

7 PRESIDING JUDGE SMITH: We will take the ten-minute break at
8 10.00.

9 MS. V. ALAGENDRA: Certainly.

10 Q. Mr. Buja, on Tuesday, you testified that Mr. Krasniqi was known
11 by the civilian population because he was a former political
12 prisoner, he was part of the LDK structures and was recognised as a
13 competent and smart person politically. Do you recall that?

14 A. Yes.

15 Q. So you are aware that Jakup Krasniqi was a long-time political
16 prisoner -- no, a long-time political activist and political prisoner
17 for ten years, between 1981 to 1991. You're aware of that; am I
18 correct?

19 A. Correct.

20 Q. And as part of his political activities, he was affiliated with
21 the LDK before the war, wasn't he?

22 A. Correct.

23 Q. And you can confirm that Jakup Krasniqi was never a member of
24 the LPK; am I correct?

25 A. At least not to my knowledge.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22171

Cross-examination by Ms. V. Alagendra

1 Q. So if anyone suggested that Jakup Krasniqi had always been a
2 member of the LDK, that would not be correct, would it? LPK, sorry.

3 A. Could you please repeat the question?

4 Q. My apologies. If anyone had suggested that Jakup Krasniqi had
5 always been a member of the LPK, that would not be correct, would it?

6 A. No, because he was publicly a member of the LDK.

7 Q. Right. On Wednesday, you mentioned that Bardhyl Mahmuti was a
8 member of the presidency of the LPK. Do you recall that?

9 A. Yes.

10 Q. He later became a political representative of the KLA, didn't
11 he?

12 A. That's correct.

13 MS. V. ALAGENDRA: Your Honours, if I could have 4D00088 on the
14 screen, please. And if we could go to page DJK01052, that would be
15 the second page, please.

16 Q. And in the middle of the page, Bardhyl Mahmuti says:

17 "... Jakup Kastrati was a distinguished patriot who had spent
18 over 10 years in Serbian prisons, a professor who enjoyed the
19 reputation of an exemplary teacher, and an intellectual with
20 uncontested support throughout Kosovo."

21 That's correct, isn't it, Witness, that Jakup Krasniqi had
22 earned a reputation with the civilian population also as a history
23 professor and an exemplary teacher?

24 A. That's correct.

25 Q. And in the third paragraph on the screen, Mr. Mahmuti explains

Witness: Shukri Buja (Resumed) (Open Session)

Page 22172

Cross-examination by Ms. V. Alagendra

1 that the first topic raised by the US diplomats was the ideological
2 and religious viewpoints of the KLA and the relationships between the
3 LPK and the KLA. Do you see that?

4 A. Yes.

5 Q. Now, if you could take a minute to read the next two paragraphs,
6 please. You've read it, Mr. Buja? Thank you.

7 A. Yes.

8 Q. Now, Mr. Mahmuti states clearly, doesn't he, that Jakup Krasniqi
9 had never been a member of the LPK but rather a member of the LDK.
10 He says that in that article, doesn't he?

11 A. That's correct.

12 Q. He's then making the point that appointing Jakup Krasniqi from
13 the LDK as spokesperson was advantageous precisely because it showed
14 the KLA wasn't just about the LPK but to show unity. Do you agree?

15 A. Yes, I do.

16 MS. V. ALAGENDRA: If we could go to the next page, please.

17 Q. And if I can draw your attention to the first paragraph,
18 Mr. Buja. Bardhyl Mahmuti is stressing here that "the LPK's will was
19 to unite all Albanians for the liberation of the country, regardless
20 of class, ideological, party, religious, or regional differences."
21 Do you see that?

22 A. Yes.

23 Q. And that's consistent with your understanding at the time and
24 the LPK statute that Mr. Misetic showed you yesterday, isn't it?

25 A. Yes, this is part of the statute of the LPK, which I was a

Witness: Shukri Buja (Resumed) (Open Session)

Page 22173

Cross-examination by Ms. V. Alagendra

1 member of.

2 Q. Yes. And you'd agree that the choice of Jakup Krasniqi, an LDK
3 figure, as the KLA spokesperson was a strong sign that the KLA was an
4 organisation without any political affiliation to any party; correct?

5 A. Correct. But at the time, I waited impatiently for
6 Jakup Krasniqi to be appointed spokesperson of the KLA because he was
7 an extraordinary man with exceptional skills, and his appointment was
8 warmly welcomed by the civilian population.

9 Q. Thank you. I'd like to now move on to the relation between your
10 brother Rame Buja and Mr. Krasniqi before the war.

11 Now, your brother Rame was also imprisoned by the Serbian regime
12 before the war, wasn't he?

13 A. Yes.

14 Q. And for over a year, your brother was detained together with
15 Mr. Krasniqi in the prison of Novi Sad in Serbia, wasn't he?

16 A. He was sentenced to eight years of imprisonment, and he served a
17 part of his time in prison together with Uncle Jakup.

18 Q. And they even shared a cell at one point, didn't they?

19 A. Yes.

20 Q. And your brother was released from prison in January 1990?

21 A. That's correct.

22 Q. And when Mr. Krasniqi was released from prison in 1991, a year
23 later, your brother Rame Buja and his family visited Jakup Krasniqi
24 at his home in Negroc; am I correct?

25 A. I do not know this because I was in the prison in Nis.

1 Q. At the time. Yes. But that's the relationship you knew, that
2 your brother would visit Mr. Krasniqi in Negroc and Mr. Krasniqi's
3 family would visit your family; am I correct?

4 A. Yes, we had good family relations. In particular, the former
5 political prisoners had a close relationship - Jakup and Rame, that
6 is - because they had gone through this ordeal together in the Serb
7 prison.

8 Q. Right. And that was a relationship built on mutual trust
9 between yourselves and Mr. Krasniqi; am I correct?

10 A. Yes.

11 Q. Now, on Tuesday, you've said that you met Mr. Krasniqi in June
12 or July 1998 when he gave an interview in his capacity as the
13 spokesperson -- when he gave his first interview - that's what you've
14 said - in his capacity as spokesman for the Kosovo Liberation Army.
15 Do you recall saying that?

16 A. Yes.

17 Q. The Prosecution then read to you a passage from your ICTY
18 testimony in the Limaj case where you testified that after the first
19 public appearance of Jakup Krasniqi, you insisted on meeting the KLA
20 spokesperson and, in fact, you met him around 20 June 1998. Do you
21 recall that?

22 A. Yes.

23 Q. Now, with the public announcement of Mr. Krasniqi as the
24 spokesperson on 14 June 1998, is it right that you assumed he was a
25 member of the General Staff?

1 A. His public appearance as a spokesperson of the Kosovo Liberation
2 Army led us to think and understand that he was a member of the
3 General Staff.

4 Q. And at that time he was the only member of the General Staff who
5 was publicly known; correct?

6 A. Correct.

7 Q. And in his capacity as the spokesperson, Mr. Krasniqi was known
8 by his first and last name, not with any pseudonym or alias; am I
9 correct?

10 A. Correct.

11 Q. And his face was also publicly broadcasted, wasn't it?

12 A. Correct.

13 Q. In your 2005 testimony, you said that it was a great danger for
14 a member of the General Staff to make his name and face public as he
15 would immediately become a target of the Serb forces. Do you recall
16 saying that?

17 A. Yes.

18 Q. And that's still your evidence today; am I correct?

19 A. Correct.

20 Q. And it's for that reason that nearly everyone used nicknames to
21 protect themselves and their families at a time when Jakup Krasniqi
22 was known by his first and last name and by face; correct?

23 A. That's correct.

24 Q. It's true, isn't it, that Mr. Krasniqi was a known political
25 figure in the Drenica area, and people knew where he came from and

Witness: Shukri Buja (Resumed) (Open Session)

Page 22176

Cross-examination by Ms. V. Alagendra

1 where his family were?

2 A. That is correct.

3 Q. And you'll agree with me that this not only put Jakup Krasniqi
4 to grave security risks, it also put that of his wife and children,
5 parents, the whole family in danger, didn't it?

6 A. That's correct.

7 Q. And as the only public figure in the KLA, it was not safe for
8 Jakup Krasniqi to be based in a single place, so he moved around to
9 different places for security reasons. Would you agree with that?

10 A. Yes, he moved quite a lot.

11 Q. I'd like to now take you to some of your previous statements
12 about Mr. Krasniqi.

13 On 8 March 2005, you told the ICTY in the Limaj case that
14 Jakup Krasniqi did not have an operational role and did not deal with
15 operational matters. Is that still your evidence today?

16 A. Yes. The spokesperson was the spokesperson of the Kosovo
17 Liberation Army, and it would make no sense to involve that person
18 with operational matters.

19 Q. And you told the Panel yesterday - and this is at page 20 of the
20 provisional transcript for reference - that when you contacted
21 Jakup Krasniqi after his public appearance, you did so because you
22 assumed that he would report further to the KLA General Staff. Do
23 you remember saying that?

24 A. I said that he was the only public person from the General Staff
25 and the only person to contact at the General Staff, so we informed

1 Mr. Jakup Krasniqi hoping that that information would then be
2 conveyed to the General Staff.

3 Q. Right. And you've described his role in that period of time as
4 one of a mediator or a liaison; am I correct?

5 A. He was the spokesperson. He was the only person we could
6 contact, and we did not have any other means or possibilities to
7 contact the General Staff.

8 Q. Right. So you'll agree with me that in this capacity his role
9 was only to pass messages and information. You were aware at the
10 time that he did not make any operational decisions; is that correct?

11 A. Correct.

12 Q. And that is consistent with the role of the spokesperson in any
13 army, which is to deal with the press and engage in talks with
14 official representatives and diplomats, not dealing with military
15 operational matters. You agree?

16 A. Correct.

17 Q. Now, you also told ICTY that Jakup Krasniqi never transmitted
18 any message whenever there was fighting and the units on the ground
19 needed to coordinate. Is that still your evidence today?

20 A. Yes.

21 Q. You were then asked who was giving you instructions on these
22 kind of issues, and your answer was Azem Syla, who you then
23 discovered was the general commander of the KLA, and Sokol Bashota,
24 who was engaged in organisation. You were also shown this passage by
25 the Prosecution on Tuesday. Is that still your evidence today?

Witness: Shukri Buja (Resumed) (Open Session)

Page 22178

Cross-examination by Ms. V. Alagendra

1 A. Yes.

2 Q. On Wednesday, Mr. Misetic -- you told Mr. Misetic that you were
3 not aware that Sokol Bashota and Azem Syla -- was Azem Syla's deputy.
4 Do you recall that?

5 A. Yes.

6 MS. V. ALAGENDRA: I'm going to call up a document,
7 Your Honours. Would you like to take the break now instead?

8 PRESIDING JUDGE SMITH: We'll give you a ten-minute break,
9 Witness, and then we'll come back to the courtroom at ten minutes
10 after the hour.

11 You may leave the courtroom now. Please don't speak to anyone
12 about your testimony outside the courtroom.

13 [The witness stands down]

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

15 --- Break taken at 9.58 a.m.

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

17 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness
18 in.

19 [The witness takes the stand]

20 PRESIDING JUDGE SMITH: Witness, we continue with the questions
21 from Ms. Alagendra. Please give her your attention.

22 [Microphone not activated].

23 MS. V. ALAGENDRA: Thank you, Your Honour.

24 If we could have on screen P00847, at page 3 of the PDF, please.

25 Q. Witness, if you could take a moment to look at the first column

Witness: Shukri Buja (Resumed) (Open Session)

Page 22179

Cross-examination by Ms. V. Alagendra

1 on your left in the middle. This is an interview given by Azem Sylja
2 to *Zeri i Kosoves*, and it refers to -- where he's asked the question:

3 "When was the KLA's General Staff created and who were its first
4 members?"

5 Do you see that?

6 MS. V. ALAGENDRA: I think you need to scroll down in the
7 Albanian version, please. Yeah, it's there on the left.

8 Q. Do you see that?

9 THE INTERPRETER: Interpreter's note: We cannot find this
10 extract in English.

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

12 MS. V. ALAGENDRA: It's page 3 of the PDF, please. Yeah. It's
13 there in the middle of the English translation. Yes.

14 Q. You've seen it, Mr. Buja?

15 A. Yes, I do.

16 Q. Right. So you'll agree with me Azem Sylja is recorded here as
17 saying that:

18 "After the events of ... 1997, we were forced to divide the
19 duties. So, my deputy Sokol Bashota was placed at the head of the
20 General Staff, who carried out both duties until the period between
21 the two meetings in Rambouillet."

22 Do you see that?

23 A. Yes, I do.

24 Q. And you'll agree with me that Azem Sylja would know best who his
25 deputy commander was; am I correct?

Witness: Shukri Buja (Resumed) (Open Session)

Page 22180

Cross-examination by Ms. V. Alagendra

1 A. Of course Azem Sylja could say this best, because I did not know
2 these matters at the time.

3 Q. Right. But it is consistent with what you've said at the ICTY,
4 that Azem Sylja and Sokol Bashota were engaged in operational
5 activities, such as coordination with unit commanders like yourself,
6 to set up supply routes in 1998 through early 1999; correct?

7 A. Yes, it must be that way.

8 Q. Now, in July 1998, in addition to Sokol Bashota and Azem Sylja,
9 another person who had operational responsibilities in the KLA was
10 Bisljim Zyrapi, wasn't he?

11 A. If I'm not wrong, it was the end of July, beginning of August
12 when Bisljim Zyrapi had the role of chief of staff.

13 Q. Right. And as you told the Panel yesterday, Jakup Krasniqi's
14 role as a liaison only lasted for this short period of time because
15 in August 1998 you were told that further contacts with the
16 General Staff had to go through Bisljim Zyrapi, not the spokesperson;
17 correct?

18 A. Yes.

19 Q. And you've told us yesterday that you're aware of Mr. Zyrapi's
20 testimony here. So you'll agree with me that Mr. Zyrapi told this
21 Court that upon the instructions of Sokol Bashota he was visiting,
22 assisting, and instructing local commanders throughout Kosovo as
23 early as in May, June 1998. You would not dispute that, would you?

24 A. I do not know about this. However, I know that in -- they met
25 at the end of July or beginning of August. I met the chief of staff

1 Bislím Zyrapi.

2 Q. Yes. And if Mr. Zyrapi has said that, you wouldn't dispute it,
3 would you? He would know what he's doing best; correct?

4 MR. PACE: Objection, Your Honour. That's not an appropriate
5 question for this witness.

6 PRESIDING JUDGE SMITH: Sustained.

7 MS. V. ALAGENDRA:

8 Q. Now, Mr. Zyrapi also confirmed that he became the head of
9 operations in the KLA in July 1998. And in this capacity, he
10 continued to travel around different zones and local staffs to meet
11 local commanders and assist them with organisation. You would not
12 dispute that, would you?

13 A. No, I do not dispute that.

14 Q. Mr. Zyrapi has also confirmed that the local commanders turned
15 to him for guidance and instructions on issues of structure,
16 organisation, and other military issues. That would be the period
17 you say you knew Bislím Zyrapi was part of the General Staff;
18 correct?

19 A. Yes. The zone commanders addressed the chief of staff,
20 actually. This is what it was like.

21 Q. And when it comes to Mr. Krasniqi, Witness, you'll agree with me
22 that you can only speak of the contact that you had with Mr. Krasniqi
23 and not that of other commanders in June and July 1998; correct?

24 A. I can speak about myself, but I do not know what contacts there
25 were between others.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22182

Cross-examination by Ms. V. Alagendra

1 Q. Now, turning to your evidence on the contact that you had with
2 Mr. Krasniqi after you met him in June 1998. Now, on Tuesday you
3 told us that you did not have phones at the time. So would you agree
4 with me that any contact that you had with Mr. Krasniqi at the time
5 was in person, when you met him?

6 A. Yes.

7 Q. And that also depended pretty much on circumstances allowing you
8 to meet him at the time; am I correct?

9 A. Absolutely.

10 Q. And on Tuesday, you said that in July 1998 you met Mr. Krasniqi
11 on one occasion in the village of Javor?

12 A. Yes.

13 Q. You were then together with Mr. Krasniqi on another occasion
14 when you visited displaced civilians in the Shala gorge. Do you
15 recall speaking about that? When you say Mr. Krasniqi and Mr. Thaci
16 were there as well.

17 A. Yes, I remember.

18 Q. You were then asked by the Prosecution whether you recalled any
19 other instance in which you met Mr. Krasniqi in June and July 1998,
20 and your evidence is that you could not recall any. So I would just
21 like to confirm that in June and July 1998 you only had very limited
22 contact with Mr. Krasniqi; would that be correct?

23 A. I met Mr. Krasniqi in June when he first appeared as the
24 spokesperson of the Kosovo Liberation Army, and I remember the second
25 time in the Shala gorge when we went to see the civilian population.

1 Q. Right. And during your testimony in the Limaj case, and also
2 yesterday, you discussed an incident when your brother was stopped in
3 June or July 1998 at what you defined to be a stopping place. Do you
4 remember discussing this incident?

5 A. Yes.

6 Q. Now, the brother in question was Rame Buja; am I correct?

7 A. Yes.

8 Q. Now, yesterday you told the Panel that when your brother was
9 stopped he was on his way to Negroc to meet with Mr. Krasniqi.

10 MS. V. ALAGENDRA: And that's at pages 8 to 9, lines 20 onwards
11 of the transcript of 6 November.

12 Q. Do you remember saying that?

13 A. Yes, I do.

14 Q. I'd like to read what you said to the ICTY because it's slightly
15 different from what you told the Panel yesterday.

16 MS. V. ALAGENDRA: Can we have on screen, please, IT-03-66 T4002
17 to 4087 at page 4033. In English, it would be page 33 of the PDF,
18 please. And the Albanian reference is IT-03-66 9 March 2005 Part 2,
19 page 2, lines 5 to 21, please.

20 THE COURT OFFICER: For the record, Your Honour, this is
21 MFI P01821.

22 MS. V. ALAGENDRA: Yes.

23 Q. So I'm going to read from line 7 in the English version. This
24 is what you've said:

25 "I can give you many examples, but another example that I

1 remember very well is that of my brother. He also went to that
2 territory and soldiers stopped him and they detained him for some
3 time, one or two hours I think. And after my arrival there, I too
4 started to suspect what he was saying, namely that he wanted to meet
5 Jakup Krasniqi in Negrovce. I was suspicious of how my brother, my
6 own brother, could know where Jakup Krasniqi was, where I personally
7 didn't know that he was in Negrovce. My brother lived and worked in
8 Pristina and for me it didn't make sense that he knew about
9 Jakup Krasniqi's whereabouts. After my brother insisted that he
10 didn't know that Jakup Krasniqi was in Negrovce but that he was born
11 in that place and probably he could find some information from his
12 family as to his whereabouts now, that is then."

13 Do you recall saying that, Mr. Buja?

14 A. Yes.

15 Q. So your brother was not going to Negroc to meet with
16 Mr. Krasniqi. He was going there to search or get information about
17 Mr. Krasniqi's whereabouts. Do you agree?

18 A. Yes, that's what it was like.

19 Q. And you or your brother did not know the whereabouts of
20 Mr. Krasniqi at the time but believed he could have been in Negroc or
21 at least his family would know his whereabouts; am I correct?

22 A. My brother believed that he could find information from his
23 family in Negroc. But neither Mr. Rame Buja, nor I, knew the
24 whereabouts of Jakup Krasniqi, and that was why he was stopped.
25 That's Mr. Rame Buja was stopped for some hours.

1 Q. Right. But you'll agree with me that Mr. Krasniqi was moving
2 around all the time since his name and face was public. It was not
3 easy for anyone in the KLA to meet or communicate with him. And
4 there was heavy fighting going on in July 1998; am I correct?

5 MR. PACE: Your Honour, those matters are entirely unrelated.
6 It's not clear what the witness is supposed to answer. There's about
7 three clauses there.

8 PRESIDING JUDGE SMITH: It is a compound question. If you could
9 please --

10 MS. V. ALAGENDRA: I'll break it up --

11 PRESIDING JUDGE SMITH: -- shorten it up.

12 MS. V. ALAGENDRA: -- Your Honours.

13 Q. Now, because Mr. Krasniqi was known by his name and his face, he
14 was at risk; correct?

15 A. Yes, of course he was at risk.

16 Q. And because of that he was moving around; correct?

17 A. That was one of the reasons, yes.

18 Q. And in July 1998 there was heavy fighting going on; correct?

19 A. Yes, correct.

20 Q. And that would be in and around Negroc; yes?

21 A. It was an entire line of assault from Carraleve gorge to
22 Llapushnik.

23 Q. So it made it very difficult for anyone in the KLA to meet and
24 communicate with each other at the time; correct?

25 A. Yes, it was difficult.

1 Q. Now, turning to the content of conversations you've had with
2 Mr. Krasniqi at the time. Now, you've told us earlier that there was
3 a family relationship with Mr. Krasniqi before the war; yes?

4 A. Yes.

5 Q. And when you spoke to Mr. Krasniqi on those few occasions that
6 you've told us in June and July 1998, those were conversations among
7 family friends; correct?

8 A. Yes, we did have many family-related conversations.

9 Q. Right. And you discussed issues that you were going through as
10 equals who were doing their best in the KLA despite difficult
11 circumstances; yes?

12 A. Yes, that's what it was like at the time.

13 Q. And during those conversations, you were not informing
14 Mr. Krasniqi of arrests, detentions or maltreatment of individuals;
15 am I correct?

16 A. No. I didn't stop or maltreat anyone, so I had no reason to
17 inform Mr. Krasniqi of those.

18 Q. Right. I'd like to move now to your appointment, as you say, as
19 commander of the Nerodime zone. You told the ICTY that you were
20 informed by the Mr. Krasniqi that the General Staff had appointed you
21 in this position. Do you recall that evidence?

22 A. Yes.

23 Q. So I just want to clarify. If that conversation did take place
24 with Mr. Krasniqi, you're aware that it was not Mr. Krasniqi that was
25 appointing you. He was just communicating something to you. Am I

Witness: Shukri Buja (Resumed) (Open Session)

Page 22187

Cross-examination by Ms. V. Alagendra

1 correct?

2 A. Mr. Krasniqi was the spokesperson and the only person of the
3 Kosovo Liberation Army who was a public figure, and communications of
4 any appointments or instructions, it could have been through
5 Mr. Krasniqi.

6 Q. Right. But it's not the role of the spokesperson to be
7 appointing commanders; am I correct?

8 A. That's correct.

9 Q. Now, you've already said at the ICTY that when you entered
10 Kosovo in March 1998, you began to help develop and coordinate the
11 area stretching from Lipjan to Ferizaj and Kacanik; yes?

12 A. Yes, I acted in that territory.

13 Q. And in the months of April, May, and June, that was your main
14 activity; correct?

15 A. Yes.

16 Q. And eventually all these locations ended up being part of the
17 Nerodime subzone; yes?

18 A. Other than Lipjan, which was not part of the Nerodime
19 operational zone, the part of Pjetershtice, Krojmir, Fushtice
20 guerilla zones, and Shale.

21 MS. V. ALAGENDRA: Right. If we could have on screen
22 039769-03-TR-ET, please, in the English. And the Albanian version is
23 039769-03, page 8. The English would be page 9, please. If we could
24 go down to lines 13 to 21 in the English, please, and lines 4 to 17
25 in the Albanian.

1 Q. I'll read it to you, Mr. Buja. You're recorded as saying:

2 "... at that time I was coordinator of the three zones Kacanik,
3 Ferizaj and Shtime with the commanders, and at that time I also
4 organised the activities within KLA, and due to this I became
5 commander of the subzone because initially Nerodima zone was a
6 subzone."

7 Do you remember saying that?

8 A. Yes.

9 Q. So you'll agree with me that yours was not an appointment as
10 such. It was merely a formalisation of the work that you'd been
11 carrying out in these areas for over three months; correct?

12 A. Yes, it could be stated that way.

13 Q. Right. And you told the ICTY in 2003 that when you were told
14 about the formalisation of this appointment, everything was still
15 undefined, and I quote:

16 "... everything was undefined, it was unclear."

17 Do you remember saying that?

18 A. Yes.

19 Q. And yesterday you confirmed that at the time you were only
20 informed about the appointment but did not know what would be the
21 staff and the territory under your responsibility; yes?

22 A. Yes, that's correct.

23 Q. So simply put: You were told that there was an idea to divide
24 Kosovo into the subzones, and that due to your previous work in the
25 area between Lipjan and Kacanik you were going to be assigned to this

1 territory, but no other details were provided to you; correct?

2 A. That's correct.

3 Q. Now, you told the ICTY that after your appointment to the
4 subzone command, you received instructions from Azem Sylja and
5 Sokol Bashota who were involved in the organisation of the KLA. Do
6 you recall saying that?

7 A. I do not recall this, but I certainly received instructions from
8 Azem Sylja.

9 Q. Right. And from August 1998, you were receiving instructions
10 from Bisljim Zyrapi; yes?

11 A. The end of July and then August, most probably yes, from the
12 chief of staff.

13 Q. And it was them that gave you advice and instructions on the
14 organisation of the command in the subzone and functioning of the
15 units; am I correct?

16 A. Yes.

17 Q. And so we understand you correctly, Mr. Buja, what Mr. Krasniqi
18 communicated to you is that you were going to be assigned to Nerodime
19 zone, but after that, Sokol Bashota, Azem Sylja, and Bisljim Zyrapi
20 were the ones who you were dealing with; yes?

21 A. I don't know about Sokol Bashota but, say, Azem Sylja and
22 Bisljim Zyrapi.

23 Q. Yes. And whenever there was an opportunity to report on your
24 progress in organisation, it was to these people that you were
25 reporting to; am I correct? Or updating.

1 A. This was a period of time when in the middle of August I
2 travelled to Albania, and I was not part of the development or
3 further expansion of the subzone in Nerodime during this time.

4 Q. Right. I'm clear. Thanks. I'd like to now move on to the
5 group of people on the tractor that you encountered in the village of
6 Krojmir around 23rd or 24th July 1998. Now, you spoke of this
7 encounter in 2003, 2005, and here before this Court yesterday. Do
8 you recall?

9 A. I didn't quite understand the question.

10 Q. Do you recall speaking about an encounter of a group of
11 individuals in a tractor in the village of Krojmir around 23rd or
12 24th July 1998?

13 A. Yes.

14 Q. Now, in your 2003 statement at the ICTY, you have said there was
15 a Serbian offensive going on at the time and it was a state of total
16 chaos. Do you recall saying that?

17 A. Yes.

18 Q. The civilian population was fleeing at the time; yes?

19 A. Yes.

20 Q. And you saw a tractor with some men going in the direction of
21 the plain right below Krojmir where you knew a number of Serbian
22 forces were stationed; am I correct?

23 A. That's correct.

24 Q. And in your assessment, given the ongoing offensive, it was
25 extremely dangerous for civilians to go in that direction; yes?

Witness: Shukri Buja (Resumed) (Open Session)

Page 22191

Cross-examination by Ms. V. Alagendra

1 A. Yes, it was dangerous for all civilians.

2 Q. And you warned the people in the tractor that there were Serb
3 forces in that direction, but they insisted to proceed, and you let
4 them proceed in the direction of the plain; correct?

5 A. Correct.

6 Q. Now, after you let them go, you were very concerned, were you
7 not, that by allowing them to proceed in that direction where Serb
8 forces were stationed, you had, in fact, allowed them to go into
9 dangerous territory as they could be harmed by the Serbs; yes?

10 A. Yes. I said this yesterday as well.

11 Q. Yeah. So you then spoke to many people to reassure yourself
12 that what you did was correct; yes?

13 A. Yes.

14 Q. And your evidence is that one of the many persons you spoke to
15 was Mr. Krasniqi; correct?

16 A. Correct.

17 Q. If that is right, your conversation with Mr. Krasniqi about the
18 men in the tractor was simply that you felt bad. You did not stop
19 them from going into danger. You did not discuss anything else. Am
20 I correct?

21 A. Yes. This was my concern because massacres had been committed
22 earlier, and I was concerned because I had made that decision to
23 allow them to proceed to the plain where the Serb forces were
24 stationed.

25 Q. I'm going to move to another topic, Mr. Buja. You confirmed

Witness: Shukri Buja (Resumed) (Open Session)

Page 22192

Cross-examination by Ms. V. Alagendra

1 earlier today to Mr. Dixon that you returned to Kosovo sometime in
2 March 1999 after the beginning of the NATO bombing; yes?

3 A. Yes.

4 Q. At the end of February 1999 when you were not in Kosovo, the
5 Serbian forces launched a fierce offensive in the area of Kacanik,
6 didn't they?

7 A. I didn't understand the question.

8 Q. Now, I'm talking about the period now at the end of February
9 1999. I know you're not in Kosovo. But are you aware that the
10 Serbian forces had launched a fierce offensive in the area of Kacanik
11 at the time in February 1999?

12 A. Yes.

13 Q. And on 28 February, there was a Serbian attack on Puset e Nikes,
14 wasn't there?

15 A. I don't recall the exact date, but there were attacks in
16 Pustenik and the villages in Kacanik area.

17 Q. And this offensive then continued on 8 March 1999. The Serbian
18 forces entered the village of Ivaje, didn't they?

19 A. Yes, that's correct.

20 MS. V. ALAGENDRA: If we could have on screen IT-05-87.1 P01029
21 and page 52 of the PDF, please. The ERN would be 0352539. It would
22 be page 52 in both the English and Albanian versions. Yes.

23 Q. Mr. Witness, this is a document by OSCE and KVM describing the
24 events of early March 1999 in the area of Kacanik.

25 Now, you will see a map of Kacanik and a number of boxes around

Witness: Shukri Buja (Resumed) (Open Session)

Page 22193

Cross-examination by Ms. V. Alagendra

1 it with the date 8 March 1999.

2 A. Yes.

3 Q. The first box on the left side says:

4 "At 0905 hrs, KLA reported that VJ/MUP attacked the village of
5 Straza and shelled the village of Ivaja. At 1400 hrs, Straza was
6 reported burning."

7 Do you see that?

8 A. Yes.

9 Q. Now, boxes 1 to 4 on the screen describe the fighting. And then
10 at box number 5 on the left side it continues:

11 "At 1612 hrs, fighting dying down in the Kacanik area.
12 Verification of actual fighting was not possible as VJ/MUP have
13 blocked access to these areas."

14 You'll agree with me, Mr. Buja, that what this document is
15 saying is that it was impossible to access the area of Kacanik at
16 this time; yes?

17 A. Yes.

18 Q. Now, focusing on the map on the screen, do you see at the bottom
19 right corner a listing of symbols for large columns, roads closed,
20 and major firing targets? It's in the bottom right.

21 A. Yes.

22 Q. Now, if we look at the map, we see that there were columns of
23 Serbian military vehicles on the road going from Kacanik to the
24 border with Macedonia; correct?

25 A. Correct.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22194

Cross-examination by Ms. V. Alagendra

1 Q. And looking at the firing targets, we see that there was
2 shelling in Kacanik, Gajre, Ivaja, Straza, Gllobocice, and Puset e
3 Nikes; yes?

4 A. Yes. From what I see, Gajre as well.

5 Q. If we look now at the roads that were closed, we see that the
6 road between Bob, Gajre, and Ivaja had been closed by the Serbian
7 forces; yes?

8 A. Yes.

9 Q. Also the roads from Puset e Nikes or the border going towards
10 Ivaje had been closed, according to this map; yes?

11 A. Yes.

12 Q. So the territory around Ivaje was completely isolated. Nobody
13 could go in or out; is that right?

14 A. That's right.

15 Q. And these villages were under constant shelling, weren't they?

16 A. Yes. They would first shell the target, and then this would be
17 followed by deployment of ground troops.

18 MS. V. ALAGENDRA: If we could now go to page 03525246, please.
19 It's page 55 of the PDF.

20 Q. Now, this is a report about the events of 9 March 1999, and the
21 report says this:

22 "The VJ/MUP operation to clear KLA from the Deneral Jankovic
23 area continues. KVM patrols were initially blocked from proceeding
24 to the affected villages. MUP/VJ forces then followed their pattern
25 of surrounding the local villages and forcing the inhabitants to

1 flee, through the use of direct and indirect fire. By mid-afternoon,
2 houses were burning in Gajre ... Ivaja ... Straza ... and Alil Mahala
3 ... MUP units appeared intent on destroying these villages."

4 That's what the document says. Would you agree with that?

5 A. Yes, that's right.

6 MS. V. ALAGENDRA: And if we could now go to page 56 of the PDF,
7 and that's 03525250. Yes.

8 Q. Now, we see another map of Kacanik on the screen, Mr. Buja, with
9 boxes describing the events of 9 March 1999. Do you see that on the
10 boxes?

11 A. Yes.

12 Q. Now, according to the boxes on the left, the VJ/MUP are still
13 denying access to the area of the fighting for security reasons; yes?

14 A. Yes, this is how the Yugoslav Army operated.

15 Q. And according to box 3, villagers are fleeing combat in all
16 directions; yes?

17 A. Yes, they left to the mountains.

18 Q. Over 500 villagers are displaced in the area between Bob and
19 Ivaje and many others are trapped in the woods; yes?

20 A. Yes.

21 Q. Then looking at box 4, while this is happening, houses are
22 burning in Ivaje and Gajre; yes?

23 MR. PACE: Objection, Your Honour. This line of questioning has
24 gone on for a while. Could we have counsel explain the relevance in
25 line with Your Honour's prior to instructions on this kind of topic,

Witness: Shukri Buja (Resumed) (Open Session)

Page 22196

Cross-examination by Ms. V. Alagendra

1 please.

2 PRESIDING JUDGE SMITH: Yes. What is the relevance of this?

3 MS. V. ALAGENDRA: Your Honours, this is around the period when
4 the crimes are alleged to be committed, and we're trying to establish
5 what the situation was at the time according to this report.

6 PRESIDING JUDGE SMITH: I think you have.

7 MS. V. ALAGENDRA: All right. I seek to tender the document
8 then, Your Honour.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MS. V. ALAGENDRA: All three pages that have been referred. So
11 the pages are page 52, 55, and 56 of the PDF, please.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 Any objection?

14 MR. PACE: No.

15 PRESIDING JUDGE SMITH: IT-05-87.1 P01029 at page 52, 55, and 56
16 are admitted.

17 THE COURT OFFICER: Thank you, Your Honour. Those pages will
18 receive Exhibit 4D00096. And if the counsel can clarify
19 classification, because Albanian translation is classified as public
20 while English translation is classified as confidential.

21 MS. V. ALAGENDRA: [Microphone not activated].

22 THE COURT OFFICER: English original, I mean.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 All of it should be reclassified as public.

25 THE COURT OFFICER: Thank you.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22197

Re-examination by Mr. Pace

1 MS. V. ALAGENDRA:

2 Q. Thank you, Mr. Buja. Those are all my questions.

3 PRESIDING JUDGE SMITH: Thank you, Ms. Alagendra.

4 Any redirect?

5 MR. PACE: Yes, Your Honour. I could start now and continue the
6 after the break or I could do it after the break. As you wish.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 Go ahead and start now.

9 MR. PACE: And we can take the document on the screen down,
10 first.

11 Re-examination by Mr. Pace:

12 Q. Witness, yesterday - and I'm referring to page 22080, line 24,
13 to page 22081, line 4; in the realtime, that's page 69, lines 14 to
14 19 - you were asked and answered as follows during cross-examination:

15 "Q. And you travelled down to Albania with Hashim Thaci,
16 amongst others; correct?

17 "A. Yes, that's correct.

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

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

21 Witness, who was involved in the LPK liaison sector?

22 A. The LPK liaison sector, there was Xhavit Haliti, Ali Ahmeti, and
23 Emrush Xhemajli if I remember correctly.

24 Q. And what was the role of the sector and the people that you just
25 mentioned?

1 A. I do not know exactly, but I know that we entered Kosovo through
2 this sector.

3 Q. What do you mean when you say you entered to Kosovo through this
4 sector?

5 A. This sector was responsible, in charge of organising our entry
6 in Kosovo - transportation, the itinerary followed to enter Kosovo,
7 and related matters.

8 Q. Earlier today - and I'm referring to page 12, line 9, to
9 page 13, line 18, of today's transcript - you were asked about Elmi
10 Reqica and his reporting. And then you were asked and you answered
11 as follows:

12 "Q. And that information that he was giving to you, it was
13 coming to you in your position as the zone commander; is that right?

14 "A. Yes. It was his duty to report to the chief of staff and
15 the zone commander.

16 "Q. So it was for your use in the zone in order to assist your
17 operations and defence?

18 "A. Absolutely.

19 "Q. This wasn't information that you were passing on to anyone
20 in the General Staff, was it?

21 "A. No. In terms of reports, no, we didn't pass those on."

22 So you testified earlier that you didn't pass at least
23 intelligence reports to the KLA General Staff. Did you receive
24 reports from the KLA's intelligence service?

25 A. To my recollection, we didn't.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22199

Re-examination by Mr. Pace

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

3 PRESIDING JUDGE SMITH: Yes, go ahead.

4 MR. PACE: And I'd like to call up SITF00223748-00223844. And
5 we'll go from page SITF00223787, lines 10 to 19. And in Albanian,
6 this is IT-02-54 20020606 Part 2-TR-AT, page 7, lines 9 to 20.

7 Q. And, Witness, as this is being called up, what I'm going to read
8 to you is a question and an answer from your testimony in 2002 in the
9 Milosevic trial.

10 MR. PACE: Thank you.

11 Q. So I will read the question and the answer and then I have
12 question for you. Judge May asks:

13 "Did you get anywhere near Racak in that attack?"

14 And you answer:

15 "No, because from the report from my deputy commander, there was
16 very heavy fire. And according to the reports from the KLA's
17 intelligence service, there were large police forces attacking in
18 that direction, and according to their information, there were about
19 600 infantrymen that were defending the positions that the Serbian
20 forces had secured. So it was very difficult to advance. And I
21 issued another order to remain where we were and to protect the
22 Lluzhak gorge, which was of vital importance for the unit, as I
23 explained yesterday, and of vital importance to the zone."

24 Witness, how did you learn the content of reports from the KLA's
25 intelligence service that you mentioned in this answer?

1 A. I explained this. The intelligence and counter-intelligence
2 service of the Nerodime operational zone had to report on troop
3 movement and deployment, danger posed by the Serb forces. Now, here
4 it's referred to as the intelligence service. However, I received
5 reports from my intelligence and counter-intelligence that there were
6 troop movements of Serb forces. So I was referring to the
7 intelligence and counter-intelligence service within the zone that I
8 commanded.

9 Q. And as we looked at just a moment ago, earlier today you
10 testified you did not pass intelligence reports to the KLA
11 General Staff. Did you pass reports to the KLA General Staff on any
12 other matters?

13 A. Yes, I reported at a later stage. These were reports -- summary
14 reports sent to the chief of staff on combat operations and actions,
15 needs, shortage of weapons and ammunitions, and other logistical
16 matters.

17 PRESIDING JUDGE SMITH: Mr. Pace, we'll take the break now.

18 MR. PACE: Certainly.

19 PRESIDING JUDGE SMITH: We have a half-hour break right now.
20 You may leave the courtroom with the Court Usher, and we'll see you
21 back here at 11.30.

22 THE WITNESS: [Interpretation] Thank you.

23 [The witness stands down]

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

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

1 --- On resuming at 11.31 a.m.

2 PRESIDING JUDGE SMITH: You may bring the witness in.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: Mr. Pace, you may continue your re-exam.

5 MR. PACE: Thank you, Your Honour.

6 There's a document on the screen that can be taken down.

7 Q. Witness, just before the break, I asked you and you answered as
8 follows:

9 "Q. And as we looked at just a moment ago, earlier today you
10 testified you did not pass intelligence reports to the KLA
11 General Staff. Did you pass reports to the KLA General Staff on any
12 other matters?"

13 And you answered:

14 "Yes, I reported at a later stage. These were reports --
15 summary reports sent to the chief of staff on combat operations and
16 actions, needs, shortage of weapons and ammunition, and other
17 logistical matters."

18 So in your answer just before the break you mentioned reporting
19 on combat operations and actions. Did that include information on
20 enemy positions?

21 A. Yes. At the time, other than the reports at the chief of staff
22 of the Kosovo Liberation Army, we also informed the observer teams
23 because Serbian forces would be positioned in certain places and the
24 Holbrooke-Milosevic Agreement would be violated, and this is the
25 context in which the brigades were involved.

1 Q. And to be clear, other than informing the observer teams about
2 the enemy positions, was that information also included in your
3 reports to the chief of the General Staff? Sorry, I should say more
4 accurately to the chief of staff of the General Staff.

5 A. Given the reports that were given to me from the brigades from
6 the various sections, I would prepare a summary for the chief of
7 staff, and these reports were primarily sent via satellite telephone
8 because it was difficult to meet in person.

9 Q. Do you recall having reported in writing to anyone in the KLA
10 General Staff about matters related to the zone?

11 A. Primarily, it was with the chief of staff.

12 Q. And was that also in writing or only orally?

13 A. I cannot remember if I ever sent a report in writing, but the
14 reports in writing -- or, rather, not in writing, were done so via
15 the telephone, even if we couldn't send something in writing.

16 Q. And to your recollection, when did you start to provide these
17 summary reports as you've described them?

18 A. Could you please repeat the question? I didn't quite understand
19 it.

20 Q. You mentioned that you -- you said at a later stage you would
21 send summary reports to the chief of staff. When is this later stage
22 that you're referring to?

23 A. If I'm not wrong, at some stage end of January 1999.

24 Q. And in terms of written reports, if you sent any, do you recall
25 when that would have been, to the chief of staff or to anyone else in

Witness: Shukri Buja (Resumed) (Open Session)

Page 22203

Re-examination by Mr. Pace

1 the General Staff?

2 A. To the chief of staff, because the duty of the zone commanders
3 was to report to the chief of staff. But I do not recall any reports
4 in writing, when we started doing that or if we ever had the
5 possibility to submit those in writing.

6 MR. PACE: I'd like to call up P00228 alongside P00228-ET, and
7 that's from the presentation queue released in relation to the
8 redirect examination. Thank you.

9 Q. Now, Witness, on the left in Albanian and on the right in
10 English, there's a document. And as you can see, at the top of the
11 document it refers to the Kosovo Liberation Army, General Staff,
12 Operative Directorate. And then there's a number: "G-3/33-19 on
13 28.12.1998." Below that we see:

14 "Report on the statements of the Commanders of the KLA OZ
15 "- addressed to - [Deputy Commander] of the KLA ...
16 /General Staff/."

17 And if we could briefly go to the end of the page in both
18 documents, please. And here we see a signature beneath the reference
19 to Chief of Staff of the KLA General Staff, Colonel Bislime Zyrapi,
20 and a stamp or the seal of the KLA.

21 MR. PACE: And then if we could go back to the first page,
22 please.

23 Q. So as we can see, in the top part of this document, just below
24 what I read out earlier, it says the following:

25 "On the basis of the order requiring statements No. 82-1/111 of

Witness: Shukri Buja (Resumed) (Open Session)

Page 22204

Re-examination by Mr. Pace

1 11.12.1998, addressed to the Operative Zone commanders, the reporting
2 in question was carried out on 20.12.1998. Having analysed the
3 written statements of the OZ Commanders of Dukagjin, Pashtrik,
4 Neredime, Shala and Llap ..."

5 And then the document goes on.

6 So, Witness, as you can see here, we have reference to a written
7 statement submitted, amongst others, by the OZ commander of Nerodime
8 and that would have been on 20 December 1998. Does this refresh your
9 recollection in terms of having submitted any written statements?

10 A. I do not recall this, but it is possible that I may have sent
11 one.

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

13 Q. And, Witness, earlier today during the cross-examination by the
14 counsel for Mr. Krasniqi you were taken to a prior statement - and
15 that's for today's transcript, page 35, line 22, to page 36, line 14
16 - and I'm going to take you to the prior statement again and then I
17 have some questions.

18 MR. PACE: And so for that purpose, could we please call up
19 039769-03-TR-ET, page 9, lines 17 to 21.

20 Q. So we'll bring this up, and I will read to you once more the
21 part that was read to you during cross-examination.

22 MR. PACE: Yes. And in English, I will read from page 9, lines
23 17 to 21. I don't have the Albanian to hand, but it's just two
24 sentences, and you can hear the interpretation if it's not already on
25 your screen.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22205

Re-examination by Mr. Pace

1 Q. So this is the answer that you gave in a prior statement that
2 was read to you during cross-examination:

3 "... at that time I was coordinator of the three zones Kacanik,
4 Ferizaj and Shtime with the commanders, and at that time I also
5 organised the activities within KLA, and due to this I became
6 commander of subzone because initially Nerodima zone was a subzone."

7 And earlier today, Witness, after this was read to you, you were
8 asked and you answered as follows:

9 "Q. So you'll agree with me that yours was not an appointment
10 as such. It was merely a formalisation of the work that you'd been
11 carrying out in these areas for over three months; correct?"

12 And you answered:

13 "Yes, it could be stated that way."

14 I'd now like to take you to another excerpt from this same
15 interview just a few pages earlier.

16 MR. PACE: And that is, in English, page 5, lines 6 to 16.

17 Q. So, Witness, this is an answer from the same interview that we
18 were looking at, and here you say as follows:

19 "In general, all the decisions have been made through the Main
20 Headquarters. The Main Headquarters decided about appointing the
21 commanders. I believe probably was respected based on the political
22 activity and military experience. But this is just at the later
23 stage when the KLA was finally organised and ... and had good
24 structure, but just at the beginning of the war in general it was
25 decided based on the persons who had organised the units and so on

Witness: Shukri Buja (Resumed) (Open Session)

Page 22206

Questioned by the Trial Panel

1 but at late stage it was decided by the Main Headquarters decision
2 based on political activity, he believes so, and military
3 experience."

4 Is your answer there correct?

5 A. I do not see any difference in my replies, because, of course, I
6 assumed that the General Staff decided based on my political and
7 military experience. And because I was in that part of the country,
8 I coordinated the activities of the guerrilla units, and based on
9 that, there was a decision for me to be a zone commander. And I said
10 that this was passed on -- this decision was passed on to me via the
11 spokesperson.

12 Q. Thank you, Witness.

13 MR. PACE: No further questions, Your Honour.

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

15 Judge Mettraux.

16 JUDGE METTRAUX: Thank you, Judge Smith.

17 Questioned by the Trial Panel:

18 JUDGE METTRAUX: And good morning, Mr. Buja.

19 A. Good morning.

20 JUDGE METTRAUX: I'd like to follow up on questions that you
21 were asked by both the Prosecution and by the Defence in relation to
22 your time in Switzerland before the war. Do you understand?

23 A. Yes, I do.

24 JUDGE METTRAUX: The first thing I would like to know from you,
25 if you can, of course, is do you remember the date in March 1998 when

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22207

1 you left Switzerland for Kosovo?

2 A. It was about the 6th or the 7th of March.

3 JUDGE METTRAUX: And you explained, I think, and again correct
4 me if that understanding is correct, you left around that time
5 because of the events that were happening between the 5th and the 7th
6 of March 1998 around the Jashari compound; is that correct?

7 A. Yes.

8 JUDGE METTRAUX: And you told us that whilst in Switzerland you
9 were involved with the LPK up to the time when you returned to
10 Kosovo. Did I understand that correctly?

11 A. Yes, correctly.

12 JUDGE METTRAUX: And that involvement, again if I understood
13 correctly, started sometime in 1995?

14 A. You are thinking of my involvement in the LPK?

15 JUDGE METTRAUX: Yes.

16 A. So it was the same organisation. The LPRK as well as the LPK.
17 There was simply a name change. And my involvement in it was in the
18 3rd or the 4th. Apologies, it was prior to 1990. It was actually in
19 the 1980s. So my involvement was in 1985, 1986.

20 JUDGE METTRAUX: Thank you. And the problem was my question,
21 sir, not your response. I meant your involvement in Switzerland --
22 or your continued involvement with the LPK in Switzerland started in
23 1995 when you came to that country; correct?

24 A. Yes.

25 JUDGE METTRAUX: And do you understand that when you lived in

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22208

1 Switzerland, you lived in the city of Aargau, in German, and Aarau in
2 English; is that right?

3 A. I lived in Koblenz village in Baden, and I was a member of the
4 editorial board in Aargau.

5 JUDGE METTRAUX: And who else, if you recall, was also living in
6 that part of Switzerland from the LPK?

7 A. There was also another member of the editorial board, Haki
8 Morina.

9 JUDGE METTRAUX: What about Azem Sylja, was he living in that
10 same part of Switzerland at the time?

11 A. I do not know about this.

12 JUDGE METTRAUX: Emrush Xhemajli?

13 A. Yes, in Switzerland, but not in Aargau.

14 JUDGE METTRAUX: Did he live nearby?

15 A. With Emrush? No.

16 JUDGE METTRAUX: What about Ali Ahmeti?

17 A. If I'm not wrong, he lived in Lausanne area.

18 JUDGE METTRAUX: Kadri Veseli?

19 A. I do not know at the time -- where he lived at the time.

20 JUDGE METTRAUX: But in Switzerland; correct?

21 A. Yes, in Switzerland.

22 JUDGE METTRAUX: And Hashim Thaci?

23 A. Yes, Hashim Thaci lived in Switzerland too.

24 JUDGE METTRAUX: What about an individual called Avdyl Mexhid
25 Karaga aka Zida [phoen].

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22209

1 A. No, I cannot recall him.

2 JUDGE METTRAUX: Now, would it be fair to say that while you
3 were in Switzerland from 1995 to March 1998, you would have regular
4 meetings with figures from the LPK, including those that we've been
5 discussing; is that correct?

6 A. We did have meetings, and when this did happen, there were
7 meetings with the aforementioned individuals. But as part of these
8 meetings of the general council, I can say that Kadri Veseli or
9 Hashim Thaci were not part of those, but Ali Ahmeti, Emrush Xhemajli,
10 Gafur Elshani, et cetera, were.

11 JUDGE METTRAUX: And would you be able to confirm whether the
12 first ever communiqué of the KLA was prepared in Switzerland? Are
13 you aware of that?

14 A. No, I'm not aware of that.

15 JUDGE METTRAUX: Now, while you were in Switzerland you told us
16 that you were on the board of *Zeri i Kosoves*, and I understood you to
17 say that you were on the board of that publication between 1996 and
18 March 1998; is that right?

19 A. Yes, it is. I was a member of the board.

20 JUDGE METTRAUX: And you said earlier or I understood you to say
21 that *Zeri i Kosoves* is, in effect, closely associated to the LPK and
22 is, in effect, an emanation of the LPK; is that right?

23 A. It was the official body of the movement.

24 JUDGE METTRAUX: And you explained -- and, again, if my words
25 don't fairly summarise what you said, feel free to edit those. But I

Witness: Shukri Buja (Resumed) (Open Session)

Page 22210

Questioned by the Trial Panel

1 understood you to say that the LPK was, in effect, the political
2 umbrella from which the KLA was created. Does that reflect your
3 account?

4 A. As I said, the LPK, by decision of the general council, was the
5 political support also in terms of propaganda, finances, and
6 materials.

7 JUDGE METTRAUX: Well, I'll cite your words from your statement
8 or record of interview of 28 April 2003 at page 17 in the English,
9 where you describe the LPK as "the political umbrella or cover for
10 the UCK." Is that correct?

11 A. Well, yes, it could be put that way. But the decision was to
12 politically support the KLA but also financially, materially. So at
13 the time we were the only political entity that supported the KLA,
14 and then later on support came from other entities.

15 JUDGE METTRAUX: [Microphone not activated].

16 THE INTERPRETER: Microphone, please.

17 JUDGE METTRAUX: Apologies.

18 And you explained to Mr. Misetic, and again briefly to myself a
19 moment ago, that the name of the organisation -- of the political
20 organisation changed from LPRK to LPK, and, in fact, what was taken
21 out of the name was the letter R which stood for "republic"; is that
22 right?

23 A. Yes.

24 JUDGE METTRAUX: And would it be correct to suggest that the R
25 in the name of the party was taken on or about 1991 after the Kosovo

Witness: Shukri Buja (Resumed) (Open Session)

Page 22211

Questioned by the Trial Panel

1 assembly had issued a declaration of independence? Would that be
2 correct?

3 A. I do not know about this because at the time I was in prison in
4 Serbia.

5 JUDGE METTRAUX: Now, just a couple of questions on the way the
6 LPK was organised at the time, and, of course, again if you know. Is
7 it the case that each country in which the LPK was active -
8 Switzerland, Austria, Germany, and a couple of others - there was a
9 general council of the LPK in that country; is that right?

10 A. Yes. There were branches in European countries, and we were the
11 general council of the LPK including all of these branches in other
12 countries.

13 JUDGE METTRAUX: And there were also general meetings, wasn't
14 there, of the LPK where members from various countries would gather
15 and meet? And I'm talking of the period before the war, of course.

16 A. The general council met, and the general council was actually
17 voted in by the delegates in the assembly. So, yes, the general
18 council did meet.

19 JUDGE METTRAUX: And would it be fair to suggest that during
20 these general council meetings, the discussions were about how the
21 LPK would try to achieve its purposes? Would that be fair?

22 A. Yes.

23 JUDGE METTRAUX: Including, as I understand, the possibility of
24 achieving your purposes through military means; is that right?

25 A. Yes, to meet our goals for the political, financial, and

Witness: Shukri Buja (Resumed) (Open Session)

Page 22212

Questioned by the Trial Panel

1 material support for the units of the Kosovo Liberation Army.

2 JUDGE METTRAUX: And would it be fair to suggest that this
3 possibility that was being entertained at the time was one of the
4 important distinctions between the LPK and the LDK? Would that be a
5 fair proposition?

6 A. Yes, it would.

7 JUDGE METTRAUX: Now, you've indicated in your SPO interview,
8 and I think you repeated it in court again, that during the pre-war
9 period - so, again, I'm speaking 1996 to March 1998 - the KLA
10 Central Staff, as it was known at the time, issued a number of
11 communiqués. Do you recall saying that?

12 A. Yes, there were public communiqués.

13 JUDGE METTRAUX: And, again, put it in your own words, but would
14 you agree with the suggestion that this was an important vehicle for
15 the Central Staff, as it was known at the time, to communicate its
16 views to external actors, including the general public? Do you agree
17 with that?

18 A. Yes, of course.

19 JUDGE METTRAUX: And among the matters or the circumstances that
20 were outlined in some of these communiqués, I think you said it
21 yourself in your SPO interviews, at times the KLA Central Staff would
22 take credit for certain attacks on Serbian, or Yugoslav as it was
23 known, targets such as police stations. Do you recall that?

24 A. Yes, it was precisely that way.

25 JUDGE METTRAUX: Can the Registry please bring up Exhibit P152.

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22213

1 And, sir, so that you know what's did coming up, this is a
2 communiqué attributed to the General Staff or Central Staff of the
3 Kosovo Liberation Army. It's dated 19 October 1997. And the record
4 suggests that it was published on 23 October 1997 in *Zeri i Kosoves*.
5 Do you understand? And I will have the Albanian for you in a second.

6 For the record, the Albanian, I believe, is under a different
7 ERN -- a different exhibit number. I apologise. It's P269.
8 Apologies. Thank you. Can it be enlarged a little bit for the
9 witness? Thank you.

10 First, sir, can you simply confirm - I think you said it before
11 - that at the time when this communiqué is issued, 23 October 1997,
12 you were a member of the board of editors of *Zeri i Kosoves*; is that
13 right?

14 A. That's right.

15 JUDGE METTRAUX: Now, looking at its content for a second, it
16 says in the first two paragraphs:

17 "As ordered by General Staff of KLA, serial attacks were carried
18 out on the objects of the police of the Serb aggressor in the 1st
19 operative zone; respectively in Dukagjin, Karadak and Drenica."

20 And it goes on to say:

21 "The attacks were carried out in these villages ..."

22 And I'll spare you my reading these names. But do you see that?

23 A. Yes.

24 JUDGE METTRAUX: And do you recall publishing that particular
25 communiqué at the time?

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22214

1 A. As far as I can remember, yes.

2 JUDGE METTRAUX: Can the Registry please bring up Exhibit P153,
3 please. And it's the same in the Albanian.

4 And as it comes up, sir, this document purports to be
5 Communiqué No. 36 from the Kosovo Liberation Army Central Staff.
6 It's dated 15 September 1997, and published three days later, 18
7 September 1997, in *Zeri i Kosoves*.

8 Now, if you look at the first paragraph in that document, it
9 says that:

10 "On 11 and 12 September 1997, by decision of the Central Staff,
11 the KLA armed units carried out a synchronised operation throughout
12 the whole 1st Operative Zone. The operations were carried out in the
13 subregions of Drenica, Erenik, Pashtrik, Dukagjini, Karadak, and
14 Llapi. They attacked in a lightning operation the police stations in
15 Glllogovc, Kijeva, Runik," and a few other places.

16 Do you see that?

17 A. Yes.

18 JUDGE METTRAUX: And do you recall publishing that particular
19 communiqué in *Zeri i Kosoves* in September 1997?

20 A. I think we published it, but I do not remember all of them.

21 JUDGE METTRAUX: Well, that's fair enough. But would you agree
22 that already in September 1997 you would have been aware of the
23 existence of a KLA Central Staff? Do you agree with that?

24 A. We received the communiqués to the editorial board of *Zeri i*
25 *Kosoves* through fax, and we considered that the Central Staff is

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22215

1 synchronising the actions. However, we did not know any details
2 about the Central Staff.

3 JUDGE METTRAUX: So your evidence is that you did not know at
4 that time who the members of the Central Staff were in the KLA? Is
5 that your evidence?

6 A. Correct.

7 JUDGE METTRAUX: Did you know that they were members of the LPK?

8 A. No.

9 JUDGE METTRAUX: So you knew that the KLA was an emanation of
10 the LPK, but you did not realise that the members of the
11 Central Staff were LPK members?

12 A. This is my position because I didn't know.

13 JUDGE METTRAUX: And you never asked the people around you, the
14 people with whom you entered Kosovo, who were the members of the
15 Central Staff?

16 A. No. At the time this was very dangerous.

17 JUDGE METTRAUX: And you did not think when you were going to
18 join the KLA in March 1998 to ask the 14 people -- or the 29 people
19 you were entering Kosovo with who the members of the Central Staff
20 were? You never asked that?

21 A. No. Because I had learned about these matters and the lesson in
22 my previous time in prison, which is that when one person asks too
23 many questions or asks for too much information that person can be
24 caught or captured by Serbian forces. Therefore, I was cautious in
25 not asking for too much information.

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22216

1 JUDGE METTRAUX: So it would have been a surprise on your
2 account when you discovered that all the people that had been around
3 you in Switzerland and entered Kosovo with you, or several of them,
4 were members of the KLA General Staff? You learned that in the
5 middle of the war? Is that your evidence?

6 A. It was a little bit of a surprise to me but not that much.
7 Because when I understood who the members of the General Staff were,
8 I realised that amongst them there were people who were not members
9 of the LPK.

10 JUDGE METTRAUX: Now, one of the things that you had said in
11 your SPO interview - and this time this is P1816.2 MFI at page 31 and
12 32 - you were asked about your knowledge of killings by the KLA. And
13 your response was, and I quote, that you knew about it because "the
14 UCK used to take on full responsibility through its communiqués about
15 the people that would be -- would have been killed." Do you recall
16 saying that?

17 A. I do not recall it. However, this responsibility was taken for
18 these through the communiqués, which were public.

19 JUDGE METTRAUX: And do you recall *Zeri i Kosoves* publishing
20 some of these communiqués while you were on the board?

21 A. Yes. We published every communiqué that arrived at the
22 editorial board through the fax.

23 JUDGE METTRAUX: Can we please see Exhibit P154.

24 And for your benefit, Mr. Buja, this is Communiqué No. 42. It's
25 dated 27 February 1998, so you are still in Switzerland,

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22217

1 General Staff of Kosovo Liberation Army, and it's published in *Zeri*
2 just before you leave Switzerland on 5 March 1998.

3 Now, I will start with the first paragraph in that document. It
4 says:

5 "On the decision of the KLA Central Staff, our armed units
6 undertook a series of attacks against forces of the Serbian police
7 and their collaborators during January and February."

8 Do you agree that this is, again, one of the examples of the
9 Central Staff taking credit for certain attacks on Serbian police
10 targets and their collaborators? Do you see that?

11 A. Yes, I can see that. And this was the content of the
12 communiqués that we published.

13 JUDGE METTRAUX: And then if you go two paragraphs down, it says
14 that:

15 "On 23 January 1998, our units carried out an attack on the
16 criminal Desimir Vasic, a close collaborator of Arkan."

17 And then if you look a bit further down, it says that:

18 "On 13 February 1990, Mustafe Kurti, a collaborator with the
19 occupier, was liquidated."

20 And that:

21 "On 19 February, was liquidated as Llužhan near Podujeve the
22 criminal Nebojsa Cvejic, a member of the Serbian police force."

23 Do you see that?

24 A. Yes.

25 JUDGE METTRAUX: And that's, you'd agree, one illustration of

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22218

1 the type of communiqués that you recalled were being published at the
2 time by *Zeri*; yes?

3 A. Yes, we published it.

4 JUDGE METTRAUX: There's one more thing I want you to look at.
5 It's the next paragraph. It says:

6 "The communiqué containing a threat to the Albanian
7 prime minister, fabricated by anti-Albanian circles and released in
8 the name of the KLA, is not ours and is invalid."

9 Do you recall the KLA Central Staff coming out publicly in the
10 form of a communiqué to deny this particular claim, a claim that had
11 been made in a previous document? Do you recall that?

12 A. No, I don't recall it.

13 JUDGE METTRAUX: Can the Registry please bring up Exhibit P273,
14 please.

15 Now, for your information, sir, you'll see it in Albanian, but
16 this is or this purports to be Communiqué No. 28. The communiqué
17 itself is dated 12 January 1997. And it's published in *Zeri i*
18 *Kosoves* on 16 January 1997 when you were on the board of editors.

19 The first thing -- can we perhaps in the Albanian go to the
20 left, please. And up in the document, please. Thank you.

21 The first thing I'll ask you, sir, is do you recognise the
22 person in the picture?

23 A. Yes.

24 JUDGE METTRAUX: Can you tell us who that is, sir?

25 A. The former leader of the movement before 1981, Jusuf Gervalla.

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22219

1 JUDGE METTRAUX: And when you say "movement," you mean LPRK,
2 LPK; correct?

3 A. This was the movement for the Republic of Kosovo in former
4 Yugoslavia. Yeah, something along those lines.

5 JUDGE METTRAUX: And his name is Jusuf Gervalla; correct?

6 A. Yes, Jusuf Gervalla.

7 JUDGE METTRAUX: And he was a founder of *Zeri*; correct? *Zeri i*
8 *Kosoves*.

9 A. That's correct.

10 JUDGE METTRAUX: Now, if we can focus in the Albanian on the
11 bottom right-hand corner, thank you, under the Communiqué 28.

12 I'd like to read a part of that document for you starting at the
13 beginning. It says that:

14 "On 26 December 1996 and 9 January 1997, in the operational zone
15 no. 1, our armed units carried out two assassinations against
16 collaborators of the Serbian occupier in Kosovo.

17 "The first assassination was carried out against Faik Bellopoja
18 in the village of Besi in Podujeve. His activity was considered
19 extremely dangerous and anti-nationalist. The second assassination
20 was against Maliq Sheholli, who was a Serbian Socialist Party (SSP)
21 member of parliament and an old UDB collaborator. He had taken part
22 in the funeral of the anti-Albanian Serbian criminal Milos Nikolic
23 (who was executed by our units on 25 October 1996) and had given a
24 commemorative speech on that occasion.

25 "The decision to execute them was taken by the KLA Central Staff

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22220

1 after they had been warned earlier to quit their collaboration with
2 the occupier, and in line with KLA Central Staff decision published
3 in Communiqué no. 27.

4 "Their execution is a warning to all enemy's collaborators and
5 nation's traitors, especially to those who under the pretext of being
6 pressured by certain international power centres may enter deals to
7 sign agreements with the occupier, against the national interests."

8 Now, is that again one of the communiqués that you recall
9 publishing in *Zeri i Kosoves* while you were a member of the board of
10 editors?

11 A. Yes, I think this was published by *Zeri i Kosoves*.

12 JUDGE METTRAUX: And just for the record, Communiqué No. 27,
13 which is mentioned in Communiqué 28, has been admitted as
14 Exhibit P269.8.

15 Now, you told us that in March 1998 you entered Kosovo through
16 Albania, and I understood you to say that there was 15 of you coming
17 from Switzerland, including yourself, and another 15 persons coming
18 from other countries. Did I get that right?

19 A. Yes, that's correct.

20 JUDGE METTRAUX: And focusing for a second on the 15 Swiss, so
21 to say. Were you all members of the LPK or linked to the LPK?

22 A. I don't know if they were all members of the LPK, but we were 15
23 persons who knew each other and travelled together to Albania.

24 JUDGE METTRAUX: Let me ask the question then in that way.

25 Among the 15 or the other 14 Swiss that entered with you on that day,

Witness: Shukri Buja (Resumed) (Open Session)

Page 22221

Questioned by the Trial Panel

1 do you know of any of them who was not a member of the LPK or whom
2 you knew from your LPK activities?

3 A. There was Fatmir Limaj whom I didn't know whether he was a
4 member of the LPK or not, and somebody else whom I can't remember.

5 JUDGE METTRAUX: Anyone else you can name other than
6 Fatmir Limaj?

7 A. I can't seem to remember anyone else now.

8 JUDGE METTRAUX: Thank you. Those were my questions. Thank
9 you.

10 PRESIDING JUDGE SMITH: Judge Barthe.

11 JUDGE BARTHE: Thank you, Judge Smith.

12 And good afternoon, Witness. Good afternoon, Mr. Buja.

13 A. Good afternoon.

14 JUDGE BARTHE: Mr. Buja, earlier today during your
15 cross-examination by the Veseli Defence, you told us the following,
16 and this can be found on pages 9 to 10 of the realtime transcript, I
17 quote:

18 "Q. Now, it's right, isn't it, that before Mr. Regica was
19 appointed, there was no intelligence person at the zone level in your
20 zone?

21 "A. No, there wasn't because it was in October, November that
22 we started the consolidation of the command of the Nerodime
23 operational zone.

24 "Q. So you had never had any intelligence structure in your
25 zone before that?

Witness: Shukri Buja (Resumed) (Open Session)

Page 22222

Questioned by the Trial Panel

1 "A. No, we did not.

2 "Q. And in the brigades that I mentioned, the 161 and 162
3 Brigades, there were no intelligence units in those brigades, were
4 there?

5 "A. No. Up until their formation there wasn't.

6 "Q. And when they were formed, as you said, in October,
7 November, and December, was there anyone appointed in the brigade to
8 deal with intelligence in any of the brigades then or did that come
9 later?

10 "A. I do not know the exact moment, but each brigade commander
11 appointed was tasked to establish these sectors, and I think that it
12 was by December that all of these sectors of the brigades that
13 operated in my zone were established.

14 "Q. And those sectors were appointed by the brigade commanders
15 respectively; is that right?

16 "A. Yes, in [consolidation] with the chief of zone staff as per
17 the zone commanders."

18 Mr. Buja, do you remember saying this earlier this morning?

19 A. Yes.

20 JUDGE BARTHE: And later, on page 11 of the realtime transcript,
21 you confirmed that it was only Elmi Reqica who was dealing with
22 intelligence in your zone in January, February, and March 1999. You
23 recall that?

24 A. Yes.

25 JUDGE BARTHE: Thank you. So my first question is the

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22223

1 following: Who was doing intelligence work in your operational zone
2 before Mr. Reqica was appointed? You said there were no
3 intelligence -- there was no intelligence structure in your
4 operational zone. Does that mean that nobody was doing intelligence
5 work in your operational zone before Mr. Reqica's appointment?

6 A. Before Mr. Reqica, we tried to fill this void and do this
7 through the brigades and brigade commanders. As a sector, it started
8 functioning by December or January. However, this was an ongoing
9 process which took quite some time.

10 JUDGE BARTHE: And did you also get information about, for
11 example, the positions of the enemy forces, their strength, weaponry,
12 from somewhere else outside your operational zone before Mr. Reqica's
13 appointment; for example, from the General Staff?

14 A. From the zone staff we received intelligence because our
15 soldiers were positioned on high ground and received information as
16 to the Serb forces' movements, their deployment or positioning. And
17 sometime in November, December, we tried to have access and obtain
18 such information because it was also part of our obligation to inform
19 the international partners with respect to the Serb forces' movements
20 that would not fall within the framework of the agreement between
21 Holbrooke and Milosevic.

22 [Specialist Counsel confer]

23 MR. DIXON: I'm sorry, Your Honours, to interrupt. There was a
24 translation issue which my client was raising, but I understand, if
25 I'm correct, that it has now been corrected on the transcript to say

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22224

1 "zone staff." So I don't think there's any issue anymore, and I
2 think it was corrected while he was raising it, so --

3 JUDGE BARTHE: Are you referring to his answer --

4 MR. DIXON: Yes.

5 JUDGE BARTHE: -- or to my question? Yeah, I noticed that.

6 Thank you.

7 MR. DIXON: So it --

8 JUDGE BARTHE: Thank you, Mr. Veseli.

9 MR. DIXON: -- has been corrected. And sorry for the
10 interruption.

11 PRESIDING JUDGE SMITH: Thank you.

12 JUDGE BARTHE: It appears that Mr. Veseli has another issue.

13 MR. DIXON: If I may have a moment so that these matters are
14 clear as the questions go, especially with the translation. Thank
15 you.

16 [Specialist Counsel confer]

17 PRESIDING JUDGE SMITH: Could I suggest that the transcript can
18 be checked --

19 MR. DIXON: Yes.

20 PRESIDING JUDGE SMITH: -- in the regular manner and that way we
21 don't have to hold up the proceedings. I understand words are
22 important and we want to get it right, but I think the proper way to
23 do this is to check it with the translators in the normal course.

24 MR. DIXON: Yes. I was going to say that if as we go through it
25 the words are translated and double-checked, and that can be done

Witness: Shukri Buja (Resumed) (Open Session)

Page 22225

Questioned by the Trial Panel

1 through the questions that -- and, of course, I have the opportunity
2 as well to ask questions afterwards. And if there is any matter
3 arising, I'll come back to Your Honours. But I'm grateful for the
4 opportunity.

5 JUDGE BARTHE: I don't know whether it helps, Mr. Dixon, but I
6 have a follow-up question on his answer.

7 PRESIDING JUDGE SMITH: Okay. We will proceed.

8 JUDGE BARTHE: Thank you very much.

9 Mr. Buja, you just said that -- and this is now recorded on the
10 transcript that -- just a second. Unfortunately, it just disappeared
11 from my screen. In response to my question whether you got
12 information from somewhere else outside your operational zone before
13 Mr. Reqica, so we are still talking about the time before
14 Mr. Reqica's appointment, for example, I mentioned the General Staff,
15 and your answer was, according to the transcript now:

16 "From the zone staff we received intelligence because our
17 soldiers were positioned on high ground ..." and so on.

18 So my question was explicitly in relation to the General Staff.
19 So I repeat my question. Did you get any information before
20 Mr. Reqica's appointment from the General Staff about locations,
21 positions, strength, or other military information from or about the
22 enemy?

23 A. No. At the time we collected information through the units that
24 were within the territory of the brigade.

25 JUDGE BARTHE: And what about a different issue. Did you get

Witness: Shukri Buja (Resumed) (Open Session)

Page 22226

Questioned by the Trial Panel

1 information about people within your operational zone who were
2 suspected of collaboration with the enemy; and if that happened, who
3 these people were?

4 A. We as a zone did not deal with this responsibility because we --
5 the rules and regulations we received in the zone did not include
6 this responsibility.

7 JUDGE BARTHE: So is it your evidence that neither before
8 Mr. Reqica's appointment nor afterwards you did not get any
9 information and you were not dealing with information or with
10 collaborators, suspected collaborators, in your operational zone?

11 A. Correct.

12 JUDGE BARTHE: And can you explain again, please, why was that
13 not important to you, information -- to have information about
14 collaborators?

15 A. To us, it was very important to have information about the
16 military operations of the Serbian police and army, and our
17 obligation was to conduct a frontal war to defend the civilians.
18 Therefore, the information we received was mostly concerning the
19 movements of the Serbian army. In particular, in the period of time
20 November, December, January, this information about Serbian forces
21 movements was very important because we informed the international
22 observers in relation to the agreement between Holbrooke and
23 Milosevic.

24 JUDGE BARTHE: Thank you. So, Mr. Buja, if you were not dealing
25 with collaborators, who else was dealing with collaborators within

Witness: Shukri Buja (Resumed) (Open Session)

Page 22227

Questioned by the Trial Panel

1 the KLA?

2 A. I do not know about this. But generally, collaborators were
3 together with the Serbian military and police forces, and if they did
4 take part in the fighting, they must have been with them.

5 JUDGE BARTHE: Thank you.

6 You also told us earlier today that neither Mr. Reqica nor you
7 had received any orders from the General Staff in relation to
8 intelligence; is that correct?

9 A. No. We simply received a scheme as in what the command of the
10 zone would look like. And we also had G2 section, which was
11 intelligence and counter-intelligence, and for which I decided to
12 appoint Elmi Reqica in charge of.

13 JUDGE BARTHE: So it's your statement that you personally did
14 not receive an order from the General Staff in relation to
15 intelligence; right?

16 A. We received an order from the General Staff to consolidate the
17 area, the zone command, the establishment of sectors, and it is in
18 the context of this order for the consolidation of command there was
19 also a part about intelligence and counter-intelligence as was the
20 case for other sectors too.

21 JUDGE BARTHE: And apart from that order, you did not receive
22 anything in relation to intelligence from the General Staff? Orders,
23 I mean.

24 A. I do not remember having received any orders.

25 JUDGE BARTHE: Thank you. My next question is about whether

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22228

1 Mr. Reqica received an order. And my question is how do you know
2 that Mr. Reqica did not receive an order from the General Staff? How
3 can you be sure that he did not receive an order from the staff?

4 A. I was the zone commander. And based on the rules as well as the
5 organigramme, the intelligence and counter-intelligence sector could
6 have reported to the chief of staff and the zone commander. So based
7 on that organigramme, that is what the reporting line was. So I
8 cannot be 100 per cent sure that there might have been a leak, as it
9 were, but these were the rules, and I do not know of any action of
10 Mr. Reqica's which went beyond the command line of the zone.

11 JUDGE BARTHE: I understand. And did Mr. Reqica tell you that
12 he never received an order from the General Staff?

13 A. I do not know about this. I do not believe so, because the
14 orders should have come through the zone commander.

15 JUDGE BARTHE: So you don't believe that Mr. Reqica told you
16 that he received an order or never received an order?

17 A. As per the rules, it wasn't his duty to receive such orders, so
18 I do not believe, I do not think that he would have received a direct
19 order from the General Staff.

20 JUDGE BARTHE: I'll try again and I'm hoping for a "yes" or a
21 "no" from you. Did Mr. Reqica tell you or did he not tell you that
22 he received or never received an order? Did he tell you that he
23 never received an order; yes or no?

24 A. No, he never said that.

25 JUDGE BARTHE: Thank you. So, in other words, you're assuming

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22229

1 based on the structure of the operational zone and the General Staff,
2 as you have already said a couple of times now, you only assume that
3 he did not receive an order from the General Staff, but you cannot be
4 sure. Is that your evidence?

5 MR. DIXON: Your Honour, if I could rise at this moment, not a
6 translation but one of substance, to ask --

7 JUDGE BARTHE: Can he first please answer my question?

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

9 JUDGE BARTHE: I would be very grateful. If you have an
10 objection, you can, of course, state your objection. But I'm really
11 interested in his answer, but it's complicated to get an answer -- a
12 straight answer from this witness as you might have noticed.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. DIXON: Okay. But then I would like to be heard, please.

15 JUDGE BARTHE: Of course.

16 PRESIDING JUDGE SMITH: You may answer, Witness.

17 THE WITNESS: [Interpretation] As I said very clearly, we did
18 have a structure and organisational shape. And his duty, according
19 to the organigramme, was to report to either the chief of staff or
20 the zone commander, and the zone commander or the chief of staff
21 would then have passed the orders on to Reqica.

22 JUDGE BARTHE: I'm very sorry but I have to repeat my question.
23 My question was, I guess, pretty clear and it called for a "yes" or
24 "no." You only assumed -- I repeat my question. My question was:
25 So you only assumed that Mr. Reqica did not get an answer from the

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22230

1 General Staff; is that right? Yes or no?

2 A. I do not believe that he did because this was the organigramme
3 we had.

4 JUDGE BARTHE: So can I take this as a yes, you only assumed
5 that? You do not believe that he did receive an order from the
6 General Staff? Yes or no?

7 A. Yes, it could be that way.

8 JUDGE BARTHE: Thank you.

9 PRESIDING JUDGE SMITH: Mr. Dixon.

10 MR. DIXON: Your Honour, just to highlight that, in our
11 submission, this is classic cross-examination of a witness. And if
12 it's there to clarify matters from the Bench, which, of course, the
13 Bench is entitled to do, it should be done in an open way seeking to
14 elicit what the witness is able to give evidence about. And to make
15 comment about it being assumed and that this witness is not giving a
16 straight answer, we submit should not be part of the questioning.

17 The questions can focus on clarifying what the witness is able
18 to say, and he said very clearly what his belief is. And to make
19 comments about whether that belief is right or wrong is not
20 appropriate at this stage, in our submission.

21 JUDGE BARTHE: I didn't comment anything. I didn't mention any
22 word -- but maybe the Presiding Judge wants to rule upon your
23 objection.

24 PRESIDING JUDGE SMITH: Your objection is improper. It is
25 perfectly all right for him to ask that question in that manner based

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22231

1 upon our rules. So that's the ruling.

2 MR. DIXON: I just wanted to raise it for the record,
3 Your Honours, and I'm grateful for the opportunity.

4 JUDGE BARTHE: Thank you very much for your comment.

5 And, Mr. Buja, I have further questions for you. You said
6 earlier today, this morning, that Mr. Reqica did not report to the
7 General Staff, in particular not to Mr. Veseli; is that correct?

8 A. Yes.

9 JUDGE BARTHE: And again - and I think I'm entitled to ask that
10 question - in an open way, I'm asking you for the basis of your
11 knowledge. How do you know this? How can you be sure that he did
12 not report to Mr. Veseli?

13 A. The communication means we had were in the command of zone in
14 the operational zone with me, and contact with Mr. Veseli at that
15 time was impossible by the head of intelligence and
16 counter-intelligence. Mr. Reqica, head of intelligence,
17 counter-intelligence, had an office in the zone command, and this
18 makes me believe that he couldn't have reported to somebody else.
19 Also based on the duties he had, he would have reported to the staff
20 commander and the chief of staff of the zone.

21 JUDGE BARTHE: Thank you. And did Mr. Reqica tell you that he
22 had never reported to the General Staff and, more specifically, to
23 Mr. Veseli; yes or no?

24 A. He didn't tell me anything about this because I never asked him
25 about this.

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22232

1 JUDGE BARTHE: Thank you. Mr. Buja, during your redirect
2 examination by the SPO, you were asked about your statement in the
3 Milosevic trial in 2002 where you said you received information about
4 the strength of the attacking enemy forces from the KLA's
5 intelligence service. You remember discussing this with the SPO
6 right before the 11.00 break?

7 A. Yes, I do.

8 JUDGE BARTHE: For the record, this can be found on pages 47 and
9 48 of the realtime transcript.

10 And, Mr. Buja, you answered, on page 48, lines 2 to 3 of the
11 realtime transcript, that you were referring to the intelligence and
12 counter-intelligence service within your operational zone. You said
13 "the zone that I commanded"; is that right?

14 A. Yes.

15 JUDGE BARTHE: So you did not mean the intelligence directorate
16 or ZKZ at the General Staff level, correct, in 2002?

17 A. No, at the zone level.

18 JUDGE BARTHE: So just to be clear on that point, you were
19 referring to Mr. Elmi Reqica who, as you had confirmed earlier today,
20 was the only person dealing with intelligence matters in the
21 operational zone, including in 1999, January to March 1999; is that
22 right?

23 A. Yes. As I said, that initially it was simply Mr. Reqica. He
24 was the one appointed. Then he completed his staff in continuous,
25 January, February, March. And we also had the other sectors in the

Witness: Shukri Buja (Resumed) (Open Session)

Page 22233

Questioned by the Trial Panel

1 context of brigades, and they also acted and were active in the
2 Nerodime operational zone in intelligence, counter-intelligence, and
3 we received reports about the movements of the troops.

4 JUDGE BARTHE: So again for my understanding, if you meant
5 Mr. Reqica when you testified in the Milosevic trial, why didn't you
6 -- or why did you say, why did you testify there that you received
7 information from the KLA's intelligence service? Why didn't you say
8 that you received the information from the intelligence sector within
9 your operational zone or from Mr. Reqica? Why did you say KLA
10 intelligence service?

11 A. Well, I really thought that it was inferred that it was about
12 intelligence and counter-intelligence in the operational zone I
13 commanded.

14 JUDGE BARTHE: It's still not clear to me why didn't you say
15 intelligence sector within your operational zone. Why did you say
16 KLA or why were you referring to KLA's intelligence service?

17 A. Well, the zone I was commander of, there was the intelligence,
18 counter-intelligence of the KLA. So maybe it wasn't stated clearly
19 in the statement that it's about intelligence, counter-intelligence
20 of the Nerodime operational zone of the KLA.

21 JUDGE BARTHE: Thank you.

22 And, Mr. Buja, finally, you told us, on pages 16 to 17 of the
23 realtime transcript earlier today, also during your
24 cross-examination, that in your operational zone the intelligence and
25 counter-intelligence sector and the military police were separate

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22234

1 sectors with different responsibilities; is that correct?

2 A. Yes. So I stated that the police was not a sector but it was a
3 unit or a company at the time.

4 JUDGE BARTHE: And was either the military police or the
5 intelligence and/or counter-intelligence sector responsible for
6 dealing or identifying collaborators?

7 A. No, not in my zone.

8 JUDGE BARTHE: Did you discuss the issue of collaborators with
9 other KLA members - for example, with members of the KLA
10 General Staff or other zone commanders - during the war at all?

11 A. During the war, I have already explained that even if I wanted
12 to, I was not in Kosovo for quite a long time and I cannot have dealt
13 with this matter. And I clarified that in the zone we had neither
14 the means nor the conditions to undertake investigations or to follow
15 people who might have been claimed that were Serb collaborators.

16 That is why we acted simply with military police based on the
17 regulation, rules of procedure for discipline for the people in
18 uniform.

19 JUDGE BARTHE: Thank you, Mr. Buja. I'm asking you because we
20 have heard in this courtroom from witnesses, including from people
21 that you would call co-fighters, I assume, that foresters, for
22 example, posed a serious threat to the KLA because they provided the
23 enemy with information about KLA positions, so they had to be
24 arrested and interrogated. What do you say to that?

25 A. I cannot comment on that because there were words that there was

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22235

1 such a thing happening, but I do not know about it.

2 JUDGE BARTHE: Is it also your position that foresters posed a
3 threat to the KLA because they could provide the enemy with
4 information about the positions of the KLA?

5 A. In actual fact, I do not know of any foresters in my area, in my
6 zone, but I know that we - an army - were organised so that we could
7 protect the forest.

8 JUDGE BARTHE: So just to be clear, you didn't have any
9 foresters in your operational zone?

10 A. I did not know any myself. But we organised ourselves, we
11 organised our KLA soldiers, and they even had the insignia on their
12 arm, and it was forestry police, PP; so, in other words, people who
13 are looking after the forest from illegal logging and so on.

14 JUDGE BARTHE: Thank you very much. Nothing further.

15 PRESIDING JUDGE SMITH: Judge Gaynor.

16 JUDGE GAYNOR: Thank you, Judge Smith.

17 Mr. Witness, I want to return to the question of the
18 relationship between the military police and the intelligence and
19 counter-intelligence at the zone command level.

20 At page 17 of today's transcript, Mr. Dixon, counsel for
21 Mr. Veseli, asked you a question. He said:

22 "Q. And you mentioned the military police. You also gave
23 evidence about that unit that was formed. It's correct that the
24 intelligence sector ... had no involvement in the work of the
25 military police?"

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22236

1 Your answer was:

2 "The intelligence and the counter-intelligence was within the
3 zone command. The military police instead -- or the company of the
4 military police was a special unit that reported directly to the zone
5 commander."

6 I want to stop at that point. Do you remember giving that
7 evidence?

8 A. Yes.

9 JUDGE GAYNOR: First of all, let's clarify, who is the
10 intelligence -- sorry, the counter-intelligence -- the intelligence
11 and counter-intelligence commander within the zone command? Is that
12 a reference to Mr. Reqica?

13 A. The head of sector. Mr. Reqica was head of sector. That's what
14 he was called according to the organigramme. Whereas the commander
15 of the police company was Musliu. So they reported to the chief of
16 staff and zone commander. Whereas the military police was not with
17 the sectors, but it was a police company which reported to or was a
18 subordinate -- a direct subordinate unit of the zone commander.

19 JUDGE GAYNOR: And the person you're referring to as Musliu, is
20 that the same person as Qerqizi?

21 A. Yes, it was Qerqizi.

22 JUDGE GAYNOR: Now, was Qerqizi a member of the zone command or
23 not; yes or no?

24 A. No, he was not a member of the zone command. He was the
25 commander of the company.

1 JUDGE GAYNOR: And why did it make sense from an organisational
2 perspective that the military police commander was not a member of
3 the zone command?

4 A. Your Honour, the zone command had the deputy, the chief of
5 staff, as well as the sectors. And it was in the framework of
6 commandship that the zone commander had a subordinate unit. That was
7 the police company, the logistics, as well as the special unit. So
8 these came directly commanded by the zone commander as was the case
9 with the brigades.

10 Neither the zone command, neither the commander of the police
11 unit or the special unit were part of the staff, the zone staff.

12 JUDGE GAYNOR: Was Reqica a member of the zone command?

13 A. Mr. Reqica, as head of intelligence, counter-intelligence, G2 in
14 other words, or second sector, was part of the zone staff.

15 JUDGE GAYNOR: I want to move to the question of reporting.

16 You're saying that Mr. Reqica reported to you as the zone
17 commander, but you did not clearly state whether he also reported to
18 Mr. Veseli, who was director of intelligence and counter-intelligence
19 of the General Staff. Could you clarify your evidence on that point?

20 A. Mr. Reqica was in the framework of the zone command. And the
21 sectors responded to the chief of staff who coordinated the sectors,
22 and the chief of staff reported to the zone commander. This was the
23 way the command took shape in the Nerodime operational zone.
24 According to the organigramme we had, Mr. Reqica's obligation was to
25 report to chief of staff or the brigade commander.

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22238

1 JUDGE GAYNOR: And as soon as Mr. Reqica gave you either
2 intelligence or counter-intelligence information of an extremely
3 urgent nature, how would you get that to the General Staff as quickly
4 as possible?

5 A. In reality, Mr. Reqica needed to immediately inform the head --
6 the chief of staff, then call me as zone commander. And then at the
7 very first moment that I could, at the earliest moment that I could
8 contact Mr. Zyrapi, then I would notify him about a particular danger
9 or the type of information we had.

10 JUDGE GAYNOR: And if it was intelligence or
11 counter-intelligence, you'd only call Mr. Zyrapi? You wouldn't call
12 anyone else on the General Staff?

13 A. No. This was the military rule towards the end of the war, that
14 zone commanders reported, informed directly the chief of staff of the
15 Kosovo Liberation Army.

16 JUDGE GAYNOR: Now, I want to return to Mr. Dixon's question.
17 Your answer wasn't entirely responsive. I'll put his question to you
18 again:

19 "[Is it] correct that the intelligence sector also had no
20 involvement in the work of the military police?"

21 What's your answer to that question?

22 A. The duties of military police were different to those of
23 intelligence, counter-intelligence. They were completely different.
24 Also their reporting line. The military police reported directly to
25 the zone commander. Whereas the head of intelligence,

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22239

1 counter-intelligence sector reported to the chief of staff and zone
2 commander. So these were different.

3 And the nature of the action or activity of these two entities
4 was completely different. The intelligence, counter-intelligence
5 head of section's task was to obtain information, to find information
6 about the movements of Serb forces, about any risks to the civilian
7 population. Whereas military police primarily was involved with the
8 internal actions of KLA soldiers, any infringements to the rules,
9 according to the regulation we had at the time.

10 JUDGE GAYNOR: Is it right that there were both military units
11 and ZKZ units at the brigade level within your zone?

12 A. There weren't units but there was staff in those sectors. So
13 intelligence, counter-intelligence became sort of completed later on.
14 But there were people who obtained the information, processed the
15 information before they would go to the zone chief of staff or the
16 zone commander. Whereas the military police had a company which was
17 around 80 to 100 soldiers.

18 JUDGE GAYNOR: Now, given the extremely fluid nature of the
19 conflict at the time, is it correct that there were occasions where
20 the intelligence and counter-intelligence staff had to liaise with
21 and coordinate with the military police?

22 A. This possibility to coordinate was through the zone commander,
23 not directly between these two sectors. The one with military
24 police. But through the chief of staff and the zone commander, the
25 sector would coordinate itself with the police -- military police.

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22240

1 JUDGE GAYNOR: And did you, as zone commander, ensure that that
2 coordination took place between the ZKZ on the one hand and the
3 military police on the other?

4 A. This was one of the duties I had as zone commander. I tried to
5 coordinate the actions of all of the units of the Nerodime
6 operational zone because this was my duty as well as the duty of the
7 chief of staff of the zone.

8 JUDGE GAYNOR: Now, I'd like to call up one exhibit before the
9 break. It's P00648 which is the internal regulations of the
10 General Staff.

11 I'd just like you to assist us by reading out the words on the
12 first page, please. Could you just read out loud those words into
13 the transcript.

14 A. It writes: "Internal regulation of the General Staff of the
15 Kosovo Liberation Army."

16 JUDGE GAYNOR: Thank you. Just as an administrative matter,
17 Mr. Pace, the English translation doesn't have those words. Perhaps
18 you could submit a revised translation.

19 Now, could we move, please, to page 24 in the Albanian and page
20 20 in the English.

21 Now, we see here this is Chapter VIII. If we could go to the
22 next page -- sorry, it reads Chapter VII in the Albanian and Chapter
23 VIII in the English. In any event, we can see that it's titled "The
24 Military Police and its duties." Now, I'd like to look under
25 paragraph 5 where it says:

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22241

1 "The Military Police have the following duties."

2 And if you then -- if you're still following me, if you can go
3 down to the seventh indent, and under the seventh indent we see that
4 one of the military police's duties is:

5 "- to assist and cooperate with the Intelligence Service
6 Directorate in investigating various forms of crime."

7 So is this --

8 A. Yes.

9 JUDGE GAYNOR: Is this the obligation you've just been referring
10 to, that the military police had an obligation to assist and
11 cooperate with the intelligence services?

12 A. Yes, but the coordination was conducted by the zone commander or
13 the chief of staff. This is how it worked in my zone.

14 JUDGE GAYNOR: And if we can move to the following page in both
15 languages, and under paragraph 10, just have a read of it there,
16 please, Mr. Witness, it says:

17 "The Military Police should be aware that it must operate wholly
18 in a war situation and the sense of responsibility should reflect
19 this situation. They should be merciless toward the enemy and toward
20 all those who try to obstruct and sabotage our liberation war."

21 A. Yes, I see it.

22 JUDGE GAYNOR: So am I right in -- my understanding, therefore,
23 is that the military police were obliged to cooperate with the
24 intelligence services section and also to be absolutely merciless
25 towards those who tried to obstruct or sabotage the liberation war;

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22242

1 is that correct?

2 A. That's what it says there. But they couldn't have acted without
3 the zone commander or the chief of staff because they were
4 subordinate to their command. They came under their command.

5 JUDGE GAYNOR: And if you, as zone commander, became aware that
6 the military police or the ZKZ had arrested a person where you had
7 credible information to suggest that they were a collaborator, how
8 would you ensure cooperation between those units in the arrest,
9 detention, and interrogation of that person?

10 A. In my zone, this thing did not happen because I did not allow
11 the arrest of anyone because we couldn't undertake investigations.
12 We did not have bodies such as the investigation or a court, and
13 neither did we have the circumstances or conditions to detain any
14 individual that we might have suspected.

15 JUDGE GAYNOR: I'll continue after the break. Thank you,
16 Mr. Witness.

17 PRESIDING JUDGE SMITH: We'll take the lunch break now. It'll
18 be for an hour and a half. We'll be back in court at 2.30. Please
19 do not speak with anyone about your testimony in the courtroom.

20 You may leave the courtroom now.

21 [The witness stands down]

22 PRESIDING JUDGE SMITH: We are adjourned till 2.30.

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

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

25 PRESIDING JUDGE SMITH: You may bring the witness in.

1 Oh, Mr. Ellis. Just -- yes.

2 MR. ELLIS: Thank you.

3 PRESIDING JUDGE SMITH: Hold on.

4 Go ahead.

5 MR. ELLIS: Thank you, Your Honour. Just before the witness
6 came in, I was hoping I might try to clarify a matter related to the
7 last questions that His Honour Judge Gaynor asked, which was about
8 the ERN range beginning with SPOE00225106 all the way to 225130.

9 It's my understanding that that larger ERN range has been split
10 into two documents as exhibits. And so there is Exhibit P83, which
11 is the first four pages of that document, and which are the -- are
12 from the internal -- something said to be the internal regulations of
13 the General Staff.

14 And then there is a second exhibit, which is Exhibit P648, which
15 begins at SPOE225110, and which, in my submission, it's clear from
16 the paper, from the numbering, from the subheadings, is a different
17 document and bears some resemblance to what's been referred to as the
18 interim regulations.

19 And so when Your Honour Judge Gaynor noted that there was no
20 heading on P648, internal regulations of the General Staff, that's
21 because that part of the document has been admitted as a separate
22 exhibit, and the pages that were put to the witness were from that
23 other exhibit, not from the internal regulations of the
24 General Staff.

25 I hope that's making some sense.

1 JUDGE GAYNOR: Yes, you may well be absolutely right.

2 MR. ELLIS: I'm grateful.

3 JUDGE GAYNOR: And, of course, if you have any follow-up
4 questions, feel free to do so. I was not aware of that situation.

5 PRESIDING JUDGE SMITH: Yes.

6 MR. MISETIC: Mr. President, now that I have the opportunity, I
7 just wanted to alert the Panel that there was a question posed by
8 Judge Mettraux where he quoted from a statement where he said that
9 the LPK was an umbrella, and I'm told that that's -- there's a
10 mistranslation, because he doesn't say that in the Albanian. So I
11 just wanted to point out that I'm going to ask him to read out in
12 Albanian what it says in the transcript of his evidence.

13 JUDGE METTRAUX: But he's adopted it now, Mr. Misetic.

14 MR. MISETIC: Well, that would be a debate then about whether he
15 was misled. Thank you.

16 PRESIDING JUDGE SMITH: All right.

17 Bring the witness in now.

18 [The witness takes the stand]

19 PRESIDING JUDGE SMITH: Witness, we will continue with questions
20 from the Judges. Judge Gaynor has some questions left.

21 JUDGE GAYNOR: Thank you, Judge Smith.

22 Good afternoon, Witness.

23 My next few questions --

24 A. Good afternoon.

25 JUDGE GAYNOR: -- concern Fatmir Limaj and the KLA General

Witness: Shukri Buja (Resumed) (Open Session)

Page 22245

Questioned by the Trial Panel

1 Staff. In your 2001 ICTY statement at page 4, you said that
2 Fatmir Limaj "went into the KLA Main HQ in November 1998 and remained
3 a member there." And on the following page again referring to what
4 it says in English as the "KLA Main HQ command," you give the names
5 of seven members of that command, and one of them is listed as
6 "Director of Police Issues:- Fatmir Limaj."

7 Do you remember stating that in your 2001 statement, written
8 statement to the ICTY?

9 A. I think so, yes.

10 JUDGE GAYNOR: Now, just to clarify the record, is the
11 expression "KLA Main HQ command," is that a reference to the KLA
12 General Staff?

13 A. The General Staff, yes.

14 JUDGE GAYNOR: Now, what were the factors at the time you gave
15 that statement that led you to believe that Fatmir Limaj was the
16 director of police issues on the General Staff?

17 A. If I'm not wrong, at that time the directors of directorates
18 became public.

19 JUDGE GAYNOR: And so is it your evidence today that
20 Fatmir Limaj was the director of the police on the General Staff?

21 A. From what I can remember. But, of course, it's a long time.
22 But when I've given that statement, I was clearer. So the director
23 of the police directorate in November or December. I cannot remember
24 exactly.

25 JUDGE GAYNOR: And that's November or December 1998; correct?

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22246

1 A. Yes, when he became a member of the General Staff. That's
2 Mr. Limaj.

3 JUDGE GAYNOR: Now, I'd like to ask you to clarify, if you
4 would, a few sentences that you stated in your 28 April 2003
5 interview with the Office of the Prosecutor of the ICTY, which I
6 understand to be P1816.1 MFI.

7 Now, at this point of the interview you're talking about the
8 period of time after you've crossed into Kosovo, and you arrive at
9 the Drenica area in March 1998. And at this point, you say at
10 page 28:

11 "... it was after our arrival in Drenica that Fatmir Limaj was
12 assigned to lead the unit."

13 Two pages later on page 30, you say:

14 "... we knew Fatmir Limaj was more competent person in terms of
15 that he knew the terrain better than the others.

16 "Fatmir Limaj was assigned to coordinate the things [in] the
17 General Headquarters and my task was to coordinate things with
18 Fatmir."

19 Later on you say:

20 "... if the moment would come of starting setting up units or
21 other forms of military organisations, I would relate to Fatmir and
22 then Fatmir to the General Headquarters and then back ..."

23 Do you recall saying that to the Office of the Prosecutor of the
24 ICTY?

25 A. Yes, I remember having said that to the Prosecution. But this

Witness: Shukri Buja (Resumed) (Open Session)

Page 22247

Questioned by the Trial Panel

1 was our vision at the outset which we were unable to implement.

2 JUDGE GAYNOR: Well, who in your vision was Limaj to coordinate
3 with at the General Staff level?

4 A. I do not know about this. But the flow which followed later,
5 and it was a lot accelerated -- and later on I didn't need to
6 coordinate with Fatmir Limaj because when the spokesperson of the
7 Kosovo Liberation Army made his appearance, we were able to contact
8 directly the spokesperson.

9 JUDGE GAYNOR: And by "the spokesperson of the Kosovo Liberation
10 Army," who are you referring to?

11 A. I am referring to the mid of June and the spokesperson,
12 Mr. Jakup Krasniqi.

13 JUDGE GAYNOR: Now, at page 3766 of your 4 March 2005 testimony
14 at the ICTY - I understand that is P1818 MFI - you're speaking about
15 the first part of April 1998. And there you said:

16 "... I tried to contact Fatmir Limaj so that I could go to
17 Klecka to contact the General Staff through Hashim Thaqi in Drenica
18 to tell them about the organisation efforts I was making and the
19 shortage of arms ..."

20 And you go on. Do you remember giving that evidence?

21 A. Yes, I remember.

22 JUDGE GAYNOR: So could you explain why you would contact Limaj
23 in order to go to see Thaci in order to coordinate with the
24 General Staff?

25 A. Well, that's what I thought at the time, that I could go all the

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22248

1 way to Drenica to contact Hashim Thaci whom I believed had contacts
2 with the General Staff. This is what I believed at the time. But
3 this did not happen because the situation evolved in a different
4 manner and things accelerated.

5 JUDGE GAYNOR: Well, the context of your evidence concerned the
6 shortage of arms and setting up units, military units as I
7 understand. So did you at that time understand Mr. Thaci to have
8 responsibilities relating to the setting up of military units and
9 ensuring a satisfactory supply of arms?

10 A. No, I did not think that Mr. Thaci had that responsibility. But
11 at the time, I thought that it was through Mr. Thaci that I could
12 contact people who might be competent in the General Staff to supply
13 us with the weapons and uniforms we needed.

14 JUDGE GAYNOR: Why was Thaci your point of contact at that
15 time - we're talking about April 1998 - in order to coordinate with
16 the rest of the General Staff?

17 A. Because I believed at the time that the General Staff's
18 headquarters must be in Drenica. And, actually, through contacts
19 with Mr. Thaci I thought that I could contact the General Staff in
20 Drenica.

21 JUDGE GAYNOR: I want to move now to the question of communiqués
22 which were published by *Zeri i Kosoves*.

23 Earlier today you said:

24 "We published every communiqué that arrived at the editorial
25 board through the fax."

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22249

1 Now, I want to explore that a little bit. According to the
2 incoming fax numbers, who was sending those communiqués to you for
3 publication?

4 A. We did not know where these communiqués were coming from, but we
5 received them through the fax machine.

6 JUDGE GAYNOR: But you could see the fax number on the fax when
7 it arrived.

8 A. We did not look at that.

9 JUDGE GAYNOR: Who did you understand -- which person did you
10 understand was sending the communiqués to you for publication?

11 A. Well, at the time, we had a decision of the general council of
12 the LPK that communiqués arriving on behalf of the Central Staff we
13 need to publish. So the newspaper was part of the LPK, and the
14 responsibility of the general council was to oversee the editorial
15 board and its policies.

16 So what that meant was that we would publish the communiqués
17 despite where they would come from and not verify or confirm where
18 they were coming from.

19 JUDGE GAYNOR: That's precisely the issue I want to explore.
20 Would you agree that from what we've seen, even from the examples we
21 looked at today, the information in those communiqués is of an
22 extremely important nature?

23 A. I did not understand, I'm afraid. I'm sorry.

24 JUDGE GAYNOR: Do you accept that the information and assertions
25 contained in those communiqués was extremely important?

Witness: Shukri Buja (Resumed) (Open Session)
Questioned by the Trial Panel

Page 22250

1 A. Yes, I do.

2 JUDGE GAYNOR: And how could you verify that the person who was
3 sending these communiqués to you was, in fact, sending them on behalf
4 of the KLA General Staff?

5 A. Well, in actual fact we did not verify that.

6 JUDGE GAYNOR: Was there not, then, an enormous risk that you
7 would publish something which might have been sent to you from any
8 one of a number of sources, including opponents of the KLA?

9 A. Yes, that risk did exist.

10 JUDGE GAYNOR: Did any members of the KLA General Staff ever
11 contact you to say that you had published in error a communiqué which
12 had not been sent by the KLA General Staff?

13 A. No, there was no such case.

14 JUDGE GAYNOR: Would it be correct to say that, as far as you
15 know, all of the communiqués published in *Zeri i Kosoves* were
16 genuinely issued by the KLA General Staff?

17 A. I cannot know, but there was no such ...

18 JUDGE GAYNOR: Your answer says:

19 "I cannot know, but there was no such ..."

20 Could you complete your answer, please?

21 A. I mean denial of those communiqués. For them to say that we
22 deny that there was such a communiqué. Say, if this had come from,
23 we thought, the General Staff, and then a member of the General Staff
24 to write to us via the fax machine to say that such-and-such
25 communiqué is not the General Staff's. But this thing never happened

Witness: Shukri Buja (Resumed) (Open Session)

Page 22251

Further Cross-examination by Mr. Misetic

1 whilst I was at the editorial board.

2 JUDGE GAYNOR: No such denial ever arrived. Is that what you
3 are saying?

4 A. Yes, that's what I said.

5 JUDGE GAYNOR: Thank you, Mr. Witness.

6 Thank you, Judge Smith.

7 PRESIDING JUDGE SMITH: Any follow-up questions by the SPO?

8 MR. PACE: No, thank you.

9 PRESIDING JUDGE SMITH: Mr. Misetic.

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

11 Further Cross-examination by Mr. Misetic:

12 Q. Good afternoon again, Witness. I have some questions for you
13 mostly concerning the questions that were posed to you by
14 Judge Mettraux. So this may take just a few minutes.

15 MR. MISETIC: Just one second, Mr. President. Thank you.

16 First, if we could call up on the screen MFI P01816.1, page 17,
17 beginning at line 18 in the English; and page 17, beginning at line
18 16 in the Albanian.

19 Q. Witness, if you could -- sorry. Take a look at your answer in
20 Albanian beginning at line 16, and I would ask you just to read the
21 sentences out until line 20, please. Just read it out in Albanian.

22 A. Well, that part when I joined the political organisation?

23 Q. Yes.

24 A. Yes:

25 "So when I joined the political party, or that could be taken as

1 support for -- given to the KLA back then. So it was -- it means the
2 LPK was the support or the political and material support. That is
3 how it was defined back then."

4 Q. Okay. Thank you. Let me turn your attention to some questions
5 about communiqués that you were asked by Judge Mettraux and now
6 you've been asked by Judge Gaynor.

7 Now, first let's establish there was a KLA on the ground in
8 Kosovo in 1996 and 1997 and early 1998; correct?

9 A. Yes.

10 Q. Not all of those members on the ground in Kosovo were members of
11 the LPK; correct?

12 A. I do not know about this because back then I did not know
13 everybody. But after the fall of Commander Adem Jashari, we realised
14 that some of the members of the Kosovo Liberation Army are not part
15 of the LPK.

16 Q. Right. So let me start with a few who were operating on the
17 ground there. You know Commander Remi; correct?

18 A. Once again if you could repeat the question, please?

19 Q. You know Rrustem Mustafa, Remi; correct?

20 A. Yes.

21 Q. Let me tell you what he told the Trial Chamber or Trial Panel
22 about his membership in political parties in 1996, 1997.

23 MR. MISETIC: This is at transcript page 5713.

24 Q. He said -- first he's asked:

25 "You were in the LDK youth in 1995; correct?"

Witness: Shukri Buja (Resumed) (Open Session)
Further Cross-examination by Mr. Misetic

Page 22253

1 He says:

2 "Correct.

3 "And you left the LDK in 1996 when Adem Demaci formed his ...
4 party, the PPK; correct?"

5 He says:

6 "Correct."

7 PRESIDING JUDGE SMITH: Excuse me.

8 Mr. Pace.

9 MR. PACE: Yes, thank you, Your Honour. We object to these
10 questions. I don't recall Judge Mettraux asking anything about KLA
11 members in Kosovo in 1996, 1997, 1998.

12 PRESIDING JUDGE SMITH: I don't believe he did, did he?

13 MR. MISETIC: This is related directly to the issue of the
14 communiqués. And I need to establish foundation for the questions
15 I'm going to ask him about the communiqués.

16 PRESIDING JUDGE SMITH: All right. Go ahead.

17 MR. MISETIC: Thank you.

18 Q. Now, Mr. Remi said he was a member of Mr. Demaci's party. And
19 then on transcript page 5723 he said:

20 "I personally had conversations with Adem Demaci during 1996 and
21 1997 about KLA matters."

22 Page 5829, he was asked:

23 "Were you also a member of the LPK?"

24 His answer is:

25 "No. I exchanged with them, I knew them, but I was not a member

Witness: Shukri Buja (Resumed) (Open Session)
Further Cross-examination by Mr. Misetić

Page 22254

1 of.

2 "Were you involved in their activities?

3 "Yes, I assisted them continuously, as a student and later."

4 Now, Mr. Remi -- one second, please.

5 And then he mentions -- sorry, he mentioned in his testimony, he
6 says: "I was in contact" --

7 MR. MISETIĆ: And this is at 5829 to 5830 of the trial
8 transcript.

9 Q. "'I was in contact with illegality and was involved in its
10 activities since 1986. So, I had uninterrupted activity with the LPK
11 ... until I established contact with the KLA, namely until
12 Zahir Pajaziti saw it fit to get me involved with the KLA and opened
13 up the doors of my destiny, so to say.'"

14 Now, Zahir Pajaziti, are you familiar with him?

15 A. According to Remi and contacts with him, we met with Zahir prior
16 to the war.

17 Q. Okay. But you know that he was also a KLA leader in the Llap
18 zone in 1996 and before; correct?

19 A. Yes.

20 Q. And I'd like to show you what Skender Zhitia says about Zahir
21 Pajaziti's political affiliations in 1996.

22 PRESIDING JUDGE SMITH: Are we going to get to the communiqués
23 at some point?

24 MR. MISETIĆ: Yes, we are, Mr. President.

25 PRESIDING JUDGE SMITH: Let's move it along.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22255

Further Cross-examination by Mr. Misetic

1 MR. MISETIC: We're getting there.

2 PRESIDING JUDGE SMITH: This is all irrelevant.

3 MR. MISETIC: No, it's actually at the heart of the matter of
4 Judge Mettraux's questioning.

5 If we could please call up SPOE00055678 to SPOE00056018 in both
6 the English and Albanian, please. Now, if we could go to page
7 SPOE0005757, please.

8 Q. And the first paragraph says:

9 "Among the creators of the ideas and actions for the founding
10 and expansion for the KLA, which for the first time surpassed the
11 framework, forms, and regional borders of the internal area of
12 Kosovo, commander Zahir Pajaziti stands out. He is the initiator of
13 the growth and expansion of the KLA in the Llapi Operational
14 Subzone ..."

15 MR. MISETIC: And if we turn the page, please, regarding his
16 political affiliation at the time. At the bottom of the page in
17 Albanian, please.

18 Q. He says:

19 "Irrespective of his political affiliation, Zahir never cut ties
20 with individuals dedicated to the national cause. He started work
21 for founding the Youth Parliament, which had its beginnings as a
22 branch in Gallab (Orllan), and later in" 1994, it should say, "he
23 founded the Parliamentary Party of Kosovo ..."

24 Now, the Parliamentary Party of Kosovo was Adem Demaci's party
25 as well; correct?

Witness: Shukri Buja (Resumed) (Open Session)
Further Cross-examination by Mr. Misetic

Page 22256

1 A. Yes.

2 MR. MISETIC: And now if we could turn to page SPOE00055792, and
3 we'll get to the issue of who is the General Staff at the time these
4 communiqués are issued.

5 Q. Now, Witness, Judge Gaynor touched upon a question that I want
6 to explore with you a little bit more which is the information that
7 you're publishing and where it's coming from.

8 Now, the information in these communiqués purports to be coming
9 from the Central Staff of the KLA, which you're publishing; correct?

10 A. Yes.

11 Q. And it purports to contain information about attacks on police
12 stations and killing of certain individuals, et cetera. That
13 information necessarily must originate from the ground in Kosovo,
14 correct, if it's accurate? Somebody on the ground needs to be
15 conveying that information so that it can be published in a
16 communiqué; correct?

17 A. I should think so, yes.

18 Q. Now, you see on the screen here what Mr. Zhitia publishes. He
19 says:

20 "At the beginning of March," which is 1998, "Rrustem Mustafa and
21 Rrahman Rama went to Drenice at a work meeting with the KLA
22 [General Staff]. On 4 March, together with Adem Jashari,
23 Rexhep Selimi and Muje Krasniqi they went to see fighters wounded at
24 the Likoshan battle, who were in Tice.

25 "In the evening of 4 March, they went to Acareve ... in the

Witness: Shukri Buja (Resumed) (Open Session)

Page 22257

Further Cross-examination by Mr. Misetic

1 family of Sylejman Selami to discuss about organisation."

2 Now, prior to the killing of Adem Jashari, Adem Jashari was the
3 commander of the KLA on the ground in Kosovo; correct?

4 A. After he was killed I understood this. Because before that, I
5 did not know who was the commander.

6 Q. You understood it later. Now, these individuals are also people
7 on the ground and, according to this book, are operating or convening
8 as the General Staff; correct?

9 MR. PACE: Objection, Your Honour. It's now very clear that
10 this is not related to the Judges' questions. The passage being put
11 to the witness at the moment is referring to a period in March 1998.
12 The questions from Judge Mettraux in particular related to the period
13 of time when the witness was on the editorial board of *Zeri i Kosoves*
14 in Switzerland, which pre-dated his entry there.

15 So any assertions or any questions related to who was on the
16 General Staff at this time do not arise from the Judges' questions.

17 JUDGE METTRAUX: And one thing, Mr. Misetic. He repeatedly
18 answered to a question that he did not know who was part of the
19 Central Staff at the time. I asked him repeatedly, and he denies
20 knowing any of it.

21 Are you trying to impugn him or to make him say who those were?

22 MR. MISETIC: I just believe I heard the witness say the exact
23 thing you just said, which was that he only learned later that Adem
24 Jashari was the commander, so there is nothing inconsistent with what
25 he told you.

Witness: Shukri Buja (Resumed) (Open Session)
Further Cross-examination by Mr. Misetic

Page 22258

1 JUDGE METTRAUX: Well, he hasn't said he was a member of the
2 General Staff. He has said he was the commander. If you want to
3 suggest he was ever a member of the Central Staff, you can put that
4 question to him and we'll see whether we need to follow up with who
5 were the other members.

6 MR. MISETIC: I'm happy to do that, but there is also no
7 evidence of who was the General Staff at the time.

8 JUDGE METTRAUX: That's my understanding as well. That's the
9 evidence of this witness.

10 MR. MISETIC: [Overlapping speakers] ...

11 PRESIDING JUDGE SMITH: [Microphone not activated] ... you're
12 questioning this witness, ask him.

13 MR. MISETIC: No, I understand, but if I can also address the
14 point raised by the --

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. MISETIC: I can't hear you.

17 PRESIDING JUDGE SMITH: We still have not got to a communiqué.
18 This is a lot of material that is not necessary to ask those
19 questions.

20 MR. MISETIC: With respect, Judge, I think it's essential, and I
21 was about to say that the objection is patently false because the
22 communiqué that was put to him is dated 5 March 1998, Communiqué 42.

23 JUDGE METTRAUX: It was published on the 5th.

24 MR. MISETIC: Okay, he published it on the 5th.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

Witness: Shukri Buja (Resumed) (Open Session)

Page 22259

Further Cross-examination by Mr. Misetic

1 MR. MISETIC: All right.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 MR. MISETIC: I can't hear you.

4 PRESIDING JUDGE SMITH: Please bear in mind that this has to
5 have some relation to what the Judges ask and so far it hasn't.

6 MR. MISETIC: I'm sorry, Judge -- well, if you want me to make
7 submissions. But if we're talking about communiqués where people
8 were purporting to be the General Staff are publishing information or
9 issuing communiqués --

10 PRESIDING JUDGE SMITH: That was his testimony.

11 MR. MISETIC: Yes, and I'm just exploring who are we talking
12 about.

13 PRESIDING JUDGE SMITH: He's already said he doesn't know.

14 MR. MISETIC: Okay.

15 PRESIDING JUDGE SMITH: He said it's just the General Staff. I
16 mean, did you listen to his testimony?

17 MR. MISETIC: I did say -- I did listen.

18 PRESIDING JUDGE SMITH: Then he said he didn't know.

19 MR. MISETIC: Okay. Well, that --

20 PRESIDING JUDGE SMITH: I take him at his word. But you can
21 tell him he's a liar if that's what you think.

22 MR. MISETIC: No, I'm not -- I'm not suggesting he's a liar.

23 PRESIDING JUDGE SMITH: Well, then let's move on.

24 MR. MISETIC: All right.

25 Q. Do you know any of the individuals on the screen? Rrustem

Witness: Shukri Buja (Resumed) (Open Session)
Further Cross-examination by Mr. Misetić

Page 22260

1 Mustafa, Rrahman Rama, Adem Krasniqi? Do you know if any of them
2 were in the LPK?

3 A. I know all these names. Rrustem Mustafa was with me in the LDK
4 Youth Forum in 1994, 1995. I don't know about Rrahman Rama. I
5 understood later that Adem Jashari was a member of the LPK. I do not
6 know about Rexhep Selimi or Muje Krasniqi.

7 Q. What about Sylejman Selimi?

8 A. I don't know about him either.

9 MR. MISETIC: Now, if we could call up Communiqué 42, which is
10 P00154, please.

11 Actually, while that's calling up, I wish to tender that page of
12 Skender Zhitia's book and have it added to the existing exhibit,
13 which is P00187. And the page I wish to have admitted is
14 SPOE00055792.

15 PRESIDING JUDGE SMITH: Any objection?

16 MR. PACE: Yes, Your Honour, objection on the grounds that the
17 witness didn't add anything to it or didn't say anything that would
18 lead to its admission.

19 PRESIDING JUDGE SMITH: The objection is overruled.

20 00055792 will be admitted and added to P00187.

21 THE COURT OFFICER: Thank you, Your Honour. Just to repeat the
22 ERN. It's the page with SPOE00055792.

23 MR. MISETIC: That's correct. Thank you.

24 Q. Now, Witness, with respect to this communiqué that was shown to
25 you by Judge Mettraux, it says:

Witness: Shukri Buja (Resumed) (Open Session)
Further Cross-examination by Mr. Misetic

Page 22261

1 "... our armed units undertook a series of attacks against
2 forces of the Serbian police and their collaborators during January
3 and February."

4 And if you go down to the paragraph that begins:

5 "Throughout January, armed attacks were also launched in Obiliq,
6 Dellove near Kline, Ferizaj and Podujeve."

7 And then two lines further down:

8 "On 19 February, was liquidated at Lluzhan near Podujeve the
9 criminal Nebojsa Cvejic, a member of the Serbian police force."

10 Now, can you tell us, was Podujeve, as far as you understand it,
11 in the Llap zone?

12 A. Yes.

13 Q. And the Llap zone, would you know at the time, or would you have
14 any reason to disagree with Rrustem Mustafa, Remi, that he was
15 operating or in command of that zone at the time, early 1998?

16 A. I don't know about 1998.

17 Q. Okay. The next paragraph, and this is something asked --

18 JUDGE METTRAUX: Mr. Misetic, I apologise. Before we move on, I
19 forgot to mention that there is an error in the English on the date.
20 It says 13 February 1990. And the Albanian makes it clear it's 1998.
21 I forgot to make that point. I apologise for interrupting you.

22 MR. MISETIC: That's fine. No problem.

23 Q. The paragraph -- the next paragraph, and this is related to
24 something that Judge Gaynor was asking you about whether there had
25 been corrections. You said no. This communiqué says:

Witness: Shukri Buja (Resumed) (Open Session)

Page 22262

Further Cross-examination by Mr. Misetic

1 "The communiqué containing a threat to the Albanian
2 prime minister, fabricated by anti-Albanian circles and released in
3 the name of the KLA, is not ours and is invalid."

4 Now, that's an example where they did denounce certain
5 communiqués, correct, or at least this one?

6 JUDGE METTRAUX: I think you have to tell him it's a question,
7 Mr. Misetic.

8 MR. MISETIC: Okay.

9 Q. My question is: Are you aware or were you ever aware of this
10 Communiqué 42 and an issue that had arisen about publication of a
11 communiqué that the KLA Central Staff was disavowing as one of its
12 own?

13 A. They would notify, inform us when there were problems even if we
14 published a document because at the time we did not have the
15 possibility to communicate directly with the General Staff. If that
16 was not issued or authored by the General Staff, then they would
17 communicate that such information or clarification through fax, the
18 same way as we would receive documents or communiqués.

19 Q. Sticking to that issue. You, as I understand your testimony,
20 you have no idea, as you're sitting in *Zeri i Kosoves*, whether these
21 communiqués are coming directly from the ground in Kosovo or they're
22 being sent from Albania or they're being prepared and sent from
23 Switzerland. You have no idea; correct?

24 A. We did not know. We received them by fax. We did not know
25 where they came from.

Witness: Shukri Buja (Resumed) (Open Session)
Further Cross-examination by Mr. Misetic

Page 22263

1 Q. And with respect to the questioning about you having no
2 knowledge of who the members of the General Staff were and who --
3 whether any of them were members of the General Staff when you were
4 travelling with them into Kosovo. Do you know or have you heard
5 later that people became members of the General Staff as a --

6 PRESIDING JUDGE SMITH: Yes, Mr. -- yes.

7 MR. PACE: I was politely waiting for him to finish the
8 question, but I can object now. This is arising from my direct
9 examination. The matter as to who was travelling with him and
10 whether he knew if they were in the General Staff or not was asked by
11 me. And the Defence did [Overlapping speakers] ...

12 JUDGE METTRAUX: I did as well, Mr. -- I did as well, Mr. Pace.

13 PRESIDING JUDGE SMITH: Go ahead. The objection is overruled.

14 MR. MISETIC: And I thank Judge Mettraux for reminding Mr. Pace.

15 Q. My question, sir, is did you learn at some point later that as a
16 result of the killing of Adem Jashari as the leader, commander,
17 et cetera, of the KLA on the ground, that there were other people
18 added to the General Staff subsequent to the killing of Adem Jashari?

19 A. Later, towards the end of the war. But we knew, however, that
20 there were people operating on the ground.

21 Q. Okay.

22 [Specialist Counsel confer]

23 MR. MISETIC: Thank you, Mr. President. That concludes my
24 re-cross.

25 PRESIDING JUDGE SMITH: Thank you very much.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22264

Further Cross-examination by Mr. Dixon

1 Mr. Dixon.

2 MR. DIXON: [Microphone not activated].

3 Thank you, Your Honours. Only a few follow-up questions.

4 PRESIDING JUDGE SMITH: Go right ahead.

5 Further Cross-examination by Mr. Dixon:

6 Q. Mr. Buja, I have a few questions arising from those that were
7 asked by the Judges.

8 The first one I want to focus on is Judge Barthe asking you, you
9 will recall, some questions about Mr. Reqica and whether he was
10 receiving orders from the General Staff and reporting himself
11 directly to the General Staff. Do you remember those questions?

12 A. Yes.

13 Q. I'm going to just going to read out so that we have it clear
14 what was said. Judge Barthe was asking:

15 "My question is how do you know that Mr. Reqica did not receive
16 an order from the General Staff? How can you be sure that he did not
17 receive an order from the staff?"

18 And your answer was:

19 "I was the zone commander. And based on the rules as well as
20 the organigramme, the intelligence and counter-intelligence sector
21 could have reported to the chief of staff and the zone commander. So
22 based on that organigramme, that was what the reporting line was. So
23 I cannot be 100 per cent sure that there might have been a leak, as
24 it were, but these were the rules, and I do not know of any action of
25 Mr. Reqica's which went beyond the command line of the zone."

Witness: Shukri Buja (Resumed) (Open Session)

Page 22265

Further Cross-examination by Mr. Dixon

1 You recall giving that answer?

2 A. Yes.

3 Q. And then Judge Barthe continued by asking:

4 "Did Mr. Reqica tell you or did he not tell you that he received
5 or never received an order? Did he tell you that he never received
6 an order; yes or no?"

7 And your answer was:

8 "No, he never said that."

9 And then Judge Barthe continues:

10 "Thank you. So, in other words, you're assuming based on the
11 structure of the operational zone and the General Staff, as you have
12 already said a couple of times now, you only assume that he did not
13 receive an order from the General Staff, but you cannot be sure. Is
14 that still your evidence?"

15 There was then an interruption by myself and some submissions,
16 but you then went on to say:

17 "I do not believe that he did because this was the organigramme
18 we had."

19 That's over the page. Do you recall that?

20 A. Yes.

21 Q. And then just one last part so that you have the full picture.
22 When you were asked about Mr. Reqica reporting up to the
23 General Staff, you said that he, as head of intelligence,
24 counter-intelligence, "had an office" --

25 MR. DIXON: This is at page 79 now, so on further down.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22266

Further Cross-examination by Mr. Dixon

1 Q. -- "in the zone command, and this makes me believe that he
2 couldn't have reported to somebody else. Also based on the duties he
3 had, he would have reported to the staff commander and the chief of
4 staff of the zone."

5 Do you remember that answer?

6 A. Yes.

7 Q. Mr. Buja, I just want you to answer, specifically in light of
8 the answer that you have given and the answers that you provided,
9 what are the factual reasons why you say that Mr. Reqica did not
10 receive any orders from the General Staff and he did not report to
11 the General Staff himself directly?

12 A. First of all, we had the organisational structure which we
13 received from the General Staff. "We" meaning the zone command and
14 the chief of zone staff. We received this from Bislrim Zyrapi. And
15 based on this organigramme, there were reporting lines, who's
16 commanding, how are orders sent or received. Based on this
17 organigramme, G2 - otherwise, the intelligence, counter-intelligence
18 sector - had the task to report to the chief of staff, but it could
19 also report directly to the zone commander. These were the two
20 reporting tasks.

21 Based on these reports, we operated as -- based, again, on the
22 information received from the intelligence, counter-intelligence
23 sector.

24 Q. Yes. And is it correct that you were in the same office of the
25 zone as Mr. Reqica, so you were with him on a regular basis in the

1 zone office and also out fighting together on the front lines?

2 A. That's correct.

3 Q. So you were with him on a regular basis, working with him
4 closely; is that right?

5 A. That's right.

6 Q. And you've given evidence already you knew him well, you trusted
7 him.

8 A. Correct. Because we served time in Serbian prisons together.

9 Q. And you never saw anything in his actions while you were
10 together all this time which led you to believe that he was getting
11 orders from anywhere else or reporting outside of the chain of
12 command that you have described; is that right?

13 A. That's right.

14 Q. You never had any suspicions, did you, that he was going behind
15 your back in some way?

16 A. I did not have suspicions. Had I had any suspicions, I would
17 have undertaken measures against him or I would have probably
18 dismissed the chief.

19 Q. So is it your evidence that you are confident that in your
20 position as zone commander you would have known if he was in any way
21 reporting directly to the General Staff or getting orders from them
22 directly to him?

23 A. It was impossible for him to do so because the communication
24 devices were at the zone command with me. And to physically go from
25 our zone to another zone or another command, he would have had to ask

1 for my permission. Therefore, it was impossible for him to have
2 contacts with the members of the General Staff members during the
3 time period I was in the zone with him.

4 Q. So in summary, then, you are confident that he didn't do that?

5 A. Yes, I am confident.

6 Q. Thank you. I now want to ask you in relation to a matter that
7 was raised by Judge Gaynor. The question was put, and this is at
8 page 87, line 11 onwards:

9 "Now, given the extremely fluid nature of the conflict at the
10 time, is it correct that there were occasions where the intelligence
11 and counter-intelligence staff had to liaise with and coordinate with
12 the military police?"

13 And the answer you gave:

14 "This possibility to coordinate was through the zone commander,
15 not directly between these two sectors."

16 You remember giving that evidence?

17 A. Yes.

18 Q. And then Judge Gaynor went on and said:

19 "And did you, as zone commander, ensure that that coordination
20 took place between the ZKZ on the one hand and the military police on
21 the other?"

22 And you said:

23 "Yes" --

24 Sorry, not "yes." You just said:

25 "This was one of the duties I had as zone commander."

Witness: Shukri Buja (Resumed) (Open Session)

Page 22269

Further Cross-examination by Mr. Dixon

1 I'm just correcting it:

2 "This was one of the duties I had as zone commander. I tried to
3 coordinate the actions of all of the units of the Nerodime
4 operational zone because this was my duty as well as the duty of the
5 chief of staff of the zone."

6 You remember giving that evidence?

7 A. Yes.

8 Q. And then you were shown P00648. It was some internal
9 regulations. You remember them being put up on the screen for you?

10 A. Yes.

11 Q. It was Chapter VIII, or Chapter VII if it was in the Albanian,
12 where you were asked some questions about the military police and its
13 duties.

14 A. Could you please repeat the question?

15 Q. You were asked some questions then about this Chapter VII, the
16 military police and its duties. Do you remember that?

17 A. Yes.

18 Q. I just wanted to be clear for you that these internal
19 regulations are different to the disciplinary regulations that I
20 showed to you earlier and which were shown to you by Mr. Pace as well
21 in his examination-in-chief. These are different regulations. And I
22 say that because I wanted to ask whether you have at any stage seen
23 those regulations before they were shown to you today while you were
24 giving your testimony.

25 PRESIDING JUDGE SMITH: Is there a question on the floor?

1 MR. DIXON: Yes, I was asking whether he'd seen them before.

2 Q. I hope that was clear, Witness. Had you seen them before?

3 A. No, I hadn't seen before.

4 Q. So what was shown to you today, that particular chapter, that's
5 the first time you've seen those regulations relating to the military
6 police and its duties; is that right?

7 A. To my recollection, this was the first time.

8 Q. And Judge Gaynor then went on to ask you some questions about
9 those regulations when you were going through them. He said:

10 "Now, am I right in -- my understanding, therefore, is that the
11 military police were obliged to cooperate with the intelligence
12 services section and also to be absolutely merciless towards those
13 who tried to obstruct or sabotage the liberation war; is that
14 correct?"

15 And you said:

16 "That's what it says there. But they couldn't have acted
17 without the zone commander or the chief of staff because they were
18 subordinate to their command. They came under their command."

19 Do you remember giving that answer?

20 A. Yes.

21 Q. My question arising is whether or not, as you can remember, you
22 had to coordinate the services of the intelligence sector with those
23 of the military police at any time during your command of the zone.

24 Did you have to fulfil that function at any point?

25 A. Yes, certainly.

Witness: Shukri Buja (Resumed) (Open Session)

Page 22271

Further Cross-examination by Mr. Dixon

1 Q. Could you describe to us what that coordination entailed?

2 A. If we received information about a risk posed by the occupying
3 Serb forces, information received from the intelligence,
4 counter-intelligence, we would then instruct the police commander or
5 the chief of staff to pay additional attention to that particular
6 position.

7 Q. And what was the purpose of instructing the police commander in
8 that way?

9 A. Could you please repeat the question?

10 Q. What was the purpose of instructing the police commander in that
11 way and coordinating those activities?

12 A. If I need to describe this, there were cases -- there was a case
13 when an order was disregarded by an entire company of the
14 2nd Battalion of Brigade 161. And based on the information received
15 by the intelligence, counter-intelligence, they were not following
16 the orders -- obeying the orders of the brigade commander.

17 Therefore, I asked the military police to go to this company and
18 inquire in relation to the reasons why they were not complying with
19 the orders. And then we took disciplinary measures. However, we
20 were unable to disarm an entire company because this was dangerous.

21 This communication was done through me and the chief of staff.

22 Q. So what you've described there is a process whereby you are
23 being consulted as the zone commander to ensure effective
24 coordination; is that right?

25 A. Yes.

Witness: Shukri Buja (Resumed) (Open Session)
Further Cross-examination by Ms. V. Alagendra

Page 22272

1 Q. So it always had to come through you as the zone commander as
2 you've described here. It never happened with the sectors
3 coordinating amongst themselves without you knowing; is that right?

4 A. The sectors were coordinated by the -- or through the chief of
5 staff. But the sectors with specific units, like the military police
6 unit, went through the zone commander.

7 Q. Yes. So either you as the zone commander or the chief of staff
8 were the central points for coordination. That's right, isn't it?

9 A. Yes.

10 Q. Thank you, Mr. Buja.

11 MR. DIXON: Thank you, Your Honours. Those are my further
12 questions.

13 PRESIDING JUDGE SMITH: Thank you, Mr. Dixon.

14 Mr. Roberts.

15 MR. ROBERTS: No, thank you, Your Honour.

16 PRESIDING JUDGE SMITH: Ms. Alagendra.

17 MS. V. ALAGENDRA: Just one question, Your Honours.

18 Further Cross-examination by Ms. V. Alagendra:

19 Q. Mr. Buja, *Zeri i Kosoves* was published and distributed outside
20 Kosovo, wasn't it?

21 A. *Zeri i Kosoves* was published in Switzerland, and it was
22 disseminated to countries in the West. In Kosovo, it was very
23 difficult to have it distributed.

24 Q. Yeah. So can I take it that it was not published or circulated
25 like other newspapers in Kosovo, like the *Koha Ditore*?

Witness: Shukri Buja (Resumed) (Open Session)
Procedural Matters

Page 22273

1 A. Perhaps a fragment or so of the publication. But the
2 publication itself, of *Zeri i Kosoves*, or its distribution was
3 prohibited in Kosovo.

4 Q. Right. Thank you.

5 PRESIDING JUDGE SMITH: Thank you, Ms. Alagendra.

6 Yes?

7 MR. HODAJ: Thank you, Your Honour. [Microphone not activated].
8 Do you hear me now?

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. HODAJ: Thank you very much, Your Honour.

11 I have just a short comment regarding one observation made by
12 Judge Barthe about the witness state -- about the witness answer in
13 the previous trial in ICTY.

14 PRESIDING JUDGE SMITH: No, that --

15 MR. HODAJ: Because it was --

16 PRESIDING JUDGE SMITH: That's not part of your -- we have --
17 the Defence lawyers would raise anything that they have. This is not
18 within your competence.

19 MR. HODAJ: Because the witness didn't --

20 PRESIDING JUDGE SMITH: No.

21 MR. HODAJ: -- check properly the --

22 PRESIDING JUDGE SMITH: No. It's not within your competence.

23 MR. HODAJ: Okay. Thank you.

24 PRESIDING JUDGE SMITH: Mr. Buja, I'm sure you're happy to know
25 that you are finished with your testimony now. Thank you for being

Witness: Shukri Buja (Resumed) (Open Session)
Procedural Matters

Page 22274

1 with us these last four days and giving us your testimony.

2 You will be excused now. You have no further obligation to the
3 Court at this time you. We wish you well in the future. And once
4 again, thank you. And you may leave the courtroom now with the Court
5 Usher.

6 We wish you well.

7 THE WITNESS: [Interpretation] Thank you very much.

8 MR. HODAJ: Judge, may I say something?

9 PRESIDING JUDGE SMITH: Mr. Hodaj, I thank you very much as
10 well.

11 MR. HODAJ: Thank you very much. It's been an honour to serve
12 as a counsel for a short time in this proceeding. I wish you all
13 good health and hope this proceeding concludes as soon as possible.
14 Thank you.

15 PRESIDING JUDGE SMITH: Thank you.

16 [The witness withdrew]

17 PRESIDING JUDGE SMITH: Anybody else have anything to come up at
18 this point?

19 Thank you all for your attendance. Thank you for getting
20 finished with this witness in a timely way. And we will see you in a
21 week on Monday morning, a week from this coming Monday, at 9.00 a.m.
22 Thank you.

23 We're adjourned.

24 --- Whereupon the hearing adjourned at 3.33 p.m.

25