

Prosecutor v. Haradinaj, Balaj and Brahimaj

IT-04-84-T

**Rule 92 *ter* witness
statement of
Avdullah AVDIJAH**

11 November 2007

WITNESS INFORMATION

Family Name: Avdija

Given Name(s): Avdullah

Date of Birth: 21 November 1966

Place of Birth: Batushe, Gjakova, Kosovo

Language used in interview: English and Albanian

Names of all persons present during interview(s): David Re, Catherine Driguet, Romana Schweiger, Ardiana Sadikovic

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1. My name is Avdullah Avdija. I was born in the village of Batushe and have lived there for most of my life. I live in Batushe with my wife and my children. I did compulsory military service in the JNA in 1987-88. My first contact with the KLA was at the beginning of March 1998 when I went to Tropoje (Albania) to get weapons. I traveled on foot with three friends. We returned several days later by night with about 420 others in a convoy carrying weapons loaded onto horses. In Tropoje I was issued with a Kalashnikov and 1,000 bullets. The weapons were unloaded in Smonica. I took my weapon home.
2. I have the following family links with Seid Noci's family: my sister, Sadije, is married to Jakub Noci (Seid Noci's brother); my eldest brother Dervish is married to Jakub Noci's sister; my brother, Rama, is married to Osman Noci's daughter; my cousin is married to Cyma, the daughter of Rexhep Noci (Seid Noci's uncle). When Seid Noci's family was still living in Batushe, I had a close relationship with Seid Noci's family and we often met. Now, when Seid Noci's family members come back to Kosovo for visit from Austria, I normally meet them.
3. Seid Noci did not work, because he was handicapped and only had one finger on one of his hands. I think it was the right hand. Due to this invalidity he received a pension. I never saw Seid Noci with a uniform or weapons. He was not a member of the KLA or the Serb army.
4. In early 1998, I was living in Batushe village. Batushe was populated by Albanians, no Serb families were living there. Batushe only has about 2.500 inhabitants and people in general know each other.
5. On 29 May 1998, the Serbian forces attacked the villages Brovine and Molic and subsequently Batushe village. By 30 May 1998, the Serbs established a checkpoint on the junction between Junik and Batushe village. When the Serbs took over Batushe, many villagers left because of fear from the Serbs.

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6. On 1 June 1998, my family and I also left Batushe together with other villagers due to the increased tension and danger in the Serb held territory. In the group that left the village were also Myftar Delija and his family, and Seid Noci and his immediate family. We went to Kushare. From there I and my immediate family went further across the Albanian border to Tropoje. Myftar Delija and Seid Noci stayed with their families in Kushare in the house of Skender Gjoni. Myftar Delija had considerable property in Batusha and did not want to go too far away from his property. I left my animals in Kushare at the house of Skender Gjoni.
7. We arrived in Tropoje in Albania, which is about seven hours on foot from Kushare, with a group of about 300 people from Batushe. I stayed in Tropoje for a while. I then returned to Kosovo with a group of about 14 young people, led by Besim Alija Rama. We took arms back from Albania and went to the KLA Headquarter in Junik (Kosovo). I think we came to Junik in July 1998.
8. On a day in July 1998, Besim Alija Rama, my leader in the KLA, told me when we were walking on the first bridge in the village of Junik that Seid Noci was wanted by the KLA. He did not tell me why or give any further details. Besim Alija Rama proposed that we both go to Kushare to get Seid Noci. Besim Alija Rama discussed with Deli Delija (Seid Noci's cousin) that Seid Noci should come to the KLA Headquarters in Junik. I heard from other villagers that Deli Delija promised Besim Alija Rama to bring Seid Noci to the KLA. Deli Delija was not a KLA member himself, but he was Rama's friend. I went back to a house in Junik, where KLA members were sleeping and relaxing, and where the KLA kept weapons.
9. The next day I heard from people there whose name I cannot remember anymore that the following happened in this night: Besim Alija Rama went to Skender Gjoni's house in Koshaje, where the Noci and Delija family was residing. He wore a uniform with KLA insignia and had a weapon with him. He stood in front of the house and called Deli Delija's name. Seid Noci went to the window and asked: "Who is calling?" Besim Alija Rama replied: "It is me Besim!". So Seid Noci turned around and said to Deli Delia: "The KLA is looking for me!". Deli Delija then went out of

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the house to talk to Besim Alija Rama. They discussed among themselves and since they did not agree Deli Delija said it is not a good idea to get Seid Noci. So Besim Alija Rama went away without Seid Noci.

10. On the next day, I saw Deli Delija and Besim Alija Rama talking in the streets near the headquarter in Junik. I was also in the streets about 200- 300 metres away and could not hear what they were talking. At about 15h on this day, Deli Delija, invited me to the house in Koshaje where they were staying. I accepted because I wanted to look at my livestock and have a wash and we arrived there at about 18h. I wore my uniform with KLA insignia. In the house were Zenel, Myftar, Bashkim (together with his wife and children), Hatmon, Xhemilja, Qendresa, Lirim and Mendim Delija as well as Seid, Mimoza and Ajnisha Noci. From his behaviour it seemed to me that Myftar Delija was drunk. He was upset that the KLA had been looking for Seidë the night before.
11. We sat down and talked and they offered me drink and food. On their invitation I spend the night in their house. On the next day the men of the family were sitting under a walnut tree and discussing what to do with Seid Noci. Seid Noci asked me fearfully if I could help him escape to Albania. I explained to him that I could not help him, because I am a KLA member, but I suggested that Deli or Bashkim could help him. Seid Noci was very afraid because the KLA was looking for him. Myftar Delija was very agitated. He yelled at Seid Noci in an aggressive manner: "Go wherever you want to go, either to Albania or surrender to the KLA! I am tired of you and the KLA!" I am not sure what this exactly meant but this is what I heard Myftar say to Seid. About 10 to 15 minutes later Seid Noci proposed to go to Junik to know the reasons why he was wanted by the KLA.
12. Finally, Seid Noci said to all the family members that he would surrender to the KLA and the family decided that Deli Delija and I would go down there with him. Before we left the house Seid Noci dressed properly. As far as I remember he wore a dark coloured jacket.

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13. Seid Noci, Deli Delija, and I went towards to Junik until we reached the KLA checkpoint on a path about 1500 metres away from Junik, I mark the location of the checkpoint on the map which is annexed to this statement. At the checkpoint were three to four KLA soldiers whom I did not know. I continued my way to Junik, because I was wearing a uniform and a KLA insignia and did not have any problem in passing the checkpoint. Seid Noci and Deli Delija stayed behind at the checkpoint. This was the last time I saw Seid Noci and Deli Delija. At that time Seid Noci was about 50 years old.
14. After this I stayed three or four days in Junik and for medical reasons I went to Tropoje to see my family and doctor. After the Serb forces attacked and invaded Junik, I heard from people in Tropoje that Seid Noci was taken by the KLA.
15. I was in the KLA for about a month, until the end of July 1998 when I went to Albania and stayed there for the rest of that year.

Signed:

Avdullah Avdija

11 November 2007