

1 Wednesday, 10 July 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: I note for the record that all the
11 accused are present in court today.

12 Before we continue hearing the evidence of Prosecution
13 Witness W04752, there's a preliminary matter the Panel would like to
14 address.

15 The Panel recalls that on 24 May 2024 it informed the parties
16 and participants that it would issue a ruling on the SPO's request to
17 amend the exhibit list, which is F02279, and the Thaci Defence
18 request for exclusion of materials *in limine*, which is F02312, after
19 the Court of Appeals Panel had issued its ruling on the matters
20 arising from the Single Judge's decision authorising special
21 investigative measures.

22 The Panel notes that the Court of Appeals Panel issued its
23 decision on 4 July 2024.

24 The Panel further recalls that the Selimi Defence, Krasniqi
25 Defence, and the Veseli Defence requested a briefing schedule to make

1 Rule 138 submissions with respect to the material at issue in the
2 SPO's request to amend the exhibit list and the Thaci Defence request
3 for exclusion of materials *in limine*.

4 Should the Defence wish to add to its submissions in light of
5 the ruling of the Court of Appeals Panel, the Defence is ordered to
6 do so no later than 16 July 2024. Any response to such submissions
7 should be made by the SPO no later than 22 July 2024, and no replies
8 will be entertained.

9 This concludes the Panel's oral order.

10 Now we'll continue hearing the evidence of Prosecution
11 Witness W04752.

12 Madam Court Officer, please bring the witness in.

13 MR. MISETIC: Mr. President.

14 PRESIDING JUDGE SMITH: Yes.

15 MR. MISETIC: If I could just ask for a clarification, does that
16 also include the Thaci Defence?

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MR. MISETIC: Thank you.

19 MR. ROBERTS: Your Honour, just as an update on timing. I
20 expect to finish at some point in the latter half of the second
21 session just before lunch. We'll see how it goes, but that's my
22 estimate at the moment.

23 PRESIDING JUDGE SMITH: Thank you for the update.

24 [The witness takes the stand]

25 PRESIDING JUDGE SMITH: Good morning, Mr. Zyrapi.

1 THE WITNESS: [Interpretation] Good morning.

2 PRESIDING JUDGE SMITH: I remind you once again to please try to
3 answer the questions clearly with short sentences. If you don't
4 understand a question, feel free to ask counsel to repeat the
5 question or tell them you don't understand and they will clarify.
6 Also please try to indicate the basis of your knowledge of facts and
7 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 once again that you are not required to answer a question that is
16 incriminating unless and until the Panel compels you to answer, and
17 that if such question arises, you or your assigned counsel may raise
18 the issue to the Panel and we will proceed to determine whether or
19 not and under what circumstances you might be compelled to answer.

20 We now continue with the cross-examination by the Selimi
21 Defence. Please give Mr. Roberts your attention.

22 MR. ROBERTS: Thank you, Your Honour.

23 WITNESS: BISLIM ZYRAPI [Resumed]

24 [The witness answered through interpreter]

25 Cross-examination by Mr. Roberts: [Continued]

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 Q. And good morning, Mr. Zyrapi. I hope you're well rested.

2 A. Thank you. All good, thanks.

3 Q. So I'd like to move now on to Rahovec. And, obviously, you
4 remember discussing Rahovec relatively extensively in your SPO
5 interview.

6 A. Okay.

7 Q. And you were in Jabllanice at the time that you heard of the
8 outbreak of this fighting, weren't you -- or you were in the Dukagjin
9 zone, sorry. I should be more specific.

10 A. I was in the Dukagjin zone -- in Dukagjin zone in the Reka
11 territory.

12 Q. And you were informed about the fighting by Lahi Brahimaj; was
13 that right?

14 A. Lahi Brahimaj came to collect me at Jabllanice and sent me all
15 the way to Rahovec.

16 Q. And that was because you were in the zone that he came from; is
17 that right?

18 A. Yes.

19 Q. And you'd just taken over the role of head of the operations
20 directorate at the time, as you've told us, and it took you pretty
21 much two whole days to get close to Rahovec; is that fair?

22 A. Yes.

23 Q. And is, again, that because of the difficulty in part of getting
24 round Serb forces in those areas? Because it's not that long a
25 distance as the crow flies, is it?

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1 A. It is not a long distance. However, not all was under the KLA
2 control. So a lot of care had to be taken in order to avoid for
3 clashing with Serb forces.

4 Q. Yes. And today that trip would only take a couple of hours, I
5 presume, is that reasonable, or even less than that? I don't know.

6 A. That's right.

7 Q. And when you arrived, I think you told the SPO that everything
8 was over in Rahovec. That's Part 2 of your interview at page 26. Is
9 that right?

10 A. That's right.

11 Q. And you heard there was fighting in Opterushe, but you were in
12 another zone at the time?

13 A. I was at Rahovec between -- in the road between Rahovec and
14 Malisheve, whilst that event was on the other side. I was not
15 immediately aware of what had happened over there given that we were
16 setting up the defence lines on the route between Rahovec and
17 Malisheve. So we had no possibility really of thinking of what was
18 happening elsewhere.

19 Q. Yes. Just to be clear, the closest you got to, say, Opterushe
20 was 10 kilometres away; was that right?

21 A. A bit more. A bit more.

22 Q. Okay. And you were very clear in your SPO interview that you --
23 the fighting or the -- whatever you wish to call it, in Rahovec, was
24 not discussed with you in advance, was it? That's your SPO
25 interview, Part 2, page 28.

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1 A. That's right.

2 Q. And the same applies, to your knowledge -- and tell us if you
3 don't know, but you don't know that Mr. Selimi had any knowledge of
4 that before the fighting started, did you?

5 A. That's correct, yes.

6 Q. You confirmed to the SPO that there were some discussions before
7 Rahovec about the theoretical possibility of launching an attack on a
8 town by KLA forces but that the nature and scope of these discussions
9 are unclear.

10 Now, my understanding is that you had these theoretical
11 discussions within the operational department as part of your normal
12 routine work; is that correct?

13 A. Yes. The operational directorate always explores all defensive
14 or offensive operations, and the objective of the operations
15 directorate in the KLA was the liberation of Kosovo, and so options
16 had been considered and the possibility of preparing all the units
17 for this eventuality.

18 Q. Yes. So just a routine discussion that would examine different
19 possibilities at some point in the future; is that fair?

20 A. Correct. And not confined to those but including other actions
21 too.

22 Q. Of course. And to be clear, any specific plan in relation to a
23 particular town or village would have to take into account many other
24 very specific factors in relation to that town, wouldn't it, such as
25 the amount of forces in that -- amount of opposition forces in that

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1 town?

2 A. When such an operation is undertaken, and let me explain very
3 briefly, in addition to taking on board the opposition forces in that
4 town or city, then you take on board your own forces, what equipment
5 you have, the population there, means of communication, supplies, and
6 the feasibility of the objective so that it is reached with as little
7 damage as possible. So, in brief, this is what you have to take on
8 board when mounting an operation regardless of whether it is of a
9 defensive or offensive nature.

10 Q. Yes. And that presumably includes also the topography of the
11 area, whether it's on a hill, whether it's in a valley, lots of
12 different factors that are very specific to the individual location
13 that you're planning to have an operation in?

14 A. That's correct. And not only the topography but the weather
15 too, what kind of climate we have over there, so that all the
16 activities can be carried out. So this is what I tried to outline in
17 brief regarding these kinds of operations.

18 Q. So any general or generic discussions or -- that you may have
19 had about the theoretical possibility of launching operations was
20 very far distant from actually launching any operation at that time;
21 is that right?

22 A. Correct, yes.

23 Q. And were all members of the General Staff or the operational
24 department that you had discussions with at that time of a similar
25 view, that this was just not something that the KLA was able to do at

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1 that point?

2 A. Yes. In our discussions with the operations department at the
3 time, we came to the conclusion that the units were not ready for
4 these kinds of operations and more work needed to be done.

5 Q. And was that Mr. Selimi's view as well? Do you recall?

6 A. Mr. Selimi's, Mr. Bashota's, mine, Agim's. It was shared by all
7 of us who worked in this directorate.

8 Q. When you say "Agim," you mean Mr. Qelaj, I presume?

9 A. Yes, sorry.

10 Q. Thank you. So when you got to Rahovec, you were told by the
11 local staff, or the local staff units, that the fighting was not
12 initiated by the General Staff but was an initiative of the local
13 staffs themselves. And that's what you told the SPO at page 31, so
14 P1355.2, that's Part 2 of your interview. Is that right?

15 A. That's correct, yes.

16 Q. And you explained it in the following way. This is what you
17 were told by the local staffs was that:

18 "The initial action was taken by the local staff of Rahovec.
19 The deputy commander of this staff, for operational reasons, a guy
20 known by the name of 'Piktori', the painter, the proper name being
21 Gzim Muhabazi ... I think. I can't quite remember his surname now.
22 The way it was explained to me by their command was that he had
23 entered with a group of soldiers into Rahovec to visit the family or
24 relatives. He was detected by the Serbian forces in town -- that he
25 was already in town. They surrounded them and they attacked them.

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1 Then the Rahovec local staff joined in and once this attack -- once
2 this attack started widening, they asked for help from other units."

3 Did you have any reason to doubt the truthfulness of what he
4 told you?

5 A. No, from my position I wasn't able to have any doubts. I asked
6 the local staff command who were there, and from the conversations
7 that I had with other colleagues of this staff, I was able to
8 corroborate this version. So, no, I had no doubts.

9 Q. So that was consistently told to you by everyone you met that
10 that was the reason, that was how the fighting had started?

11 A. Yes, that was how the local Rahovec staff people explained it to
12 me.

13 Q. And in the 26 years almost to the day since then, you haven't
14 had any other information which would undermine what they told you or
15 contradict what they told you, have you?

16 A. People from the same -- from that command still live today, and
17 they have told me exactly the same thing and nothing else.

18 Q. Okay. Thank you. Now, you told the SPO that when you arrived,
19 Mr. Bashota briefed you about assistance the General Staff had been
20 seeking from local units; is that right?

21 A. Yes.

22 Q. And so, again, this was the General Staff seeking assistance
23 from the local units, wasn't it? It wasn't them ordering the local
24 units to do anything.

25 A. Yes, at the time, assistance was sought from other units.

1 Q. And you explained to the SPO that Mr. Bashota was briefing you
2 about the movement of the civilian population. And to be clear, this
3 was the Albanians of Kosovo being forced out of Rahovec in light of
4 Serb shelling and artillery; is that right?

5 A. That's right, yes.

6 Q. And it was described or the result of that was described by
7 another witness as resembling Vukovar in the Croatian war. Is that
8 consistent with your recollection or your understanding of what
9 happened in Rahovec?

10 A. I remember the Rahovec events. I cannot compare it to Vukovar
11 who was razed to the ground in its entirety. There was a lot of
12 damage in Rahovec too, but the similarity is the same where the
13 displacement of people from their own homes is concerned.

14 Q. So to be clear, this was very extensive Serb shelling of Rahovec
15 which forced the Kosovar Albanian population out of Rahovec under
16 fire, to put it that way?

17 A. Yes. It was due to the artillery fire but also the attacks by
18 the infantry that were ongoing at the time.

19 Q. So there were Serb forces on the ground in Rahovec?

20 A. Yes, and they were not few in numbers. There was a large number
21 who were in Rahovec and who, in fact, had arrived there from other
22 locations, from other directions, in order to take part in this
23 attack in Rahovec.

24 Q. Do you have an estimate of how many specific forces from the
25 Yugoslav -- from the Serb side there were at that point, or is that

1 too difficult to estimate?

2 A. You cannot estimate it exactly because I was moving to and fro
3 at the time. But even before the attack began, there were roughly a
4 thousand troops deployed inside Rahovec municipality, all armed.
5 Other units joined from the direction of Gjakove and Prizren. So the
6 estimate is another thousand arrived, bringing the number overall
7 roughly to 2.000 people. They were equipped and they also had the
8 benefit of heavy artillery or otherwise heavy weaponry used during
9 this operation.

10 Q. And you explained that when you met Mr. Selimi in or around
11 Rahovec, you said he briefed you -- sorry. You -- sorry, I'll
12 rephrase the question.

13 You explained that when you saw Mr. Selimi, that him and
14 Mr. Bashota were assisting in building up the defence lines; is that
15 right?

16 A. That's right.

17 Q. And I think you said that he briefed you on this, as to what had
18 been done or what was -- they were trying to do in conjunction with
19 the local units; is that right?

20 A. Yes, correct.

21 Q. And this is consistent with the role that you explained
22 Mr. Selimi carrying out, together with you, for the previous six
23 weeks since your arrival into Kosovo was trying to assist these local
24 units in setting up defensive lines, measures, whatever they are?

25 A. Yes.

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1 Q. Now, you told the SPO that this action was carried out in the
2 following manner. And this is Part 2 of your interview at page 35,
3 so that's P1355.2. Your answer was -- so:

4 "Q. Okay. And giving orders to local units to coordinate the
5 defence efforts?"

6 Answer, your answer:

7 "Yes, at first, yeah. And then once the zone commander came, he
8 then took over. There were various units that came to help. I
9 assigned them to various parts of the defence line. And once I
10 assigned them to various places and also them starting to cooperate
11 with each other, the operation was taken over by the zone commander.
12 The reason for that was because there were other attacks in other
13 areas. I had to then go and assist other commanders who were
14 commanders but they didn't have fighting experience."

15 Do you remember SPO that?

16 A. Yes.

17 Q. So the local units were asking you for assistance, you were
18 giving them the assistance and direction to help, and then shortly
19 after the zone commander took over. Was the zone commander
20 Muse Jashari at that point or was it someone else?

21 A. Yes, Muse Jashari was the zone commander at the time.

22 Q. Okay. And so how long were you around the area of Rahovec
23 before you then went on to help other commanders in other areas, if
24 you remember that?

25 A. I can't recall exactly, but it was over a number of days during

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1 which we reinforced the defence lines. And as a matter of fact,
2 there were another four or five Serb attacks trying to penetrate into
3 the territory. So I can roughly estimate that we stayed there for
4 four or five days at least, if not more.

5 Q. Now, during your interview, with the SPO, sorry, you were shown
6 a document by -- a report purportedly by Agim Kuqi dated 21 July
7 1998. Do you recall that document?

8 MR. ROBERTS: I'll put it up on screen actually, please, the
9 Court Officer. So that's P1329, which is ERN U001-7877.

10 Q. Just so you can see on screen and familiarise yourself with that
11 document.

12 So to be clear, I think you confirmed in your SPO interview
13 you'd never seen this before, didn't you?

14 A. Yes, that's correct.

15 Q. And you see at the first line of the document, it states:

16 "On 20 July 1998 at 23:00 hours, the commander of the KLA local
17 staff, Blerim Kuci, by order of the KLA general staff, gave an order
18 for the villages of Zaqisht and Hoqe," apologies again for my
19 pronunciation, "inhabited by Serbs, to be attacked."

20 And you were directed specifically to that first line. And your
21 evidence was, in relation to this:

22 "You have to ask him about that because ... he did not discuss
23 this with me. He didn't request for any -- he didn't request
24 anything. I did not have this information at the time."

25 Now, just to be clear, is your evidence that you didn't give him

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1 an order to attack those villages?

2 A. No.

3 Q. And no one else that you know from the General Staff similarly
4 gave an order to him? Is that also correct?

5 A. The staff members, including those who were close to me and
6 those in other territories, I don't think they could have ordered
7 this gentleman to attack these villages because I would have known
8 that. Sokol, Rexhep were there close to me and none of them gave
9 that order, to the best of my knowledge of the time.

10 Q. Thank you. And the first line also, obviously, doesn't specify
11 the date, reference, content or any other information about this
12 supposed order, does it? It's very generic, if I can use that
13 expression.

14 A. That's correct, yes.

15 Q. And you told the SPO that you didn't know that Serb civilians
16 had been captured during the attack because you were at the front
17 line and had no time to see about these things because you had to
18 move on to the other area, as I think you've just told us, and that
19 you only found out about it much later; is that right?

20 A. Yes, very correct. Yes.

21 JUDGE GAYNOR: Mr. Roberts, what page are we on of the SPO
22 interview?

23 MR. ROBERTS: Sorry, yes. It is the SPO interview Part 3, so
24 that's P1355.3, page 12.

25 JUDGE GAYNOR: Thank you.

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1 MR. ROBERTS: I can read out the quote, actually, for the
2 record, if that helps.

3 JUDGE GAYNOR: That's fine. Thank you.

4 MR. ROBERTS: Thank you, Your Honour.

5 Q. And so just so I understand. From these front lines, your
6 evidence is that you simply just wouldn't receive any information
7 about prisoners if any had been taken?

8 A. Yes, it is very clear. We did not have that information at the
9 time.

10 Q. And that's consistent with what you told us yesterday about the
11 role of the operations directorate, isn't it, that it just does not
12 have a role in relation to prisoners or anyone who is detained during
13 operations?

14 A. That's correct, yes.

15 Q. And was that consistent of your experience, your knowledge of
16 Mr. Selimi, that he was much more happy being at the front lines
17 during the conflict?

18 A. At the time, while he was with me, he was at all times on the
19 front lines wherever assistance was needed.

20 Q. And when you confirmed to the SPO that abduction of civilians
21 may have been common knowledge in the area, and that's Part 3 of your
22 interview, page 14, and I'll just read the quote so you know exactly
23 what was said:

24 "Q. And do you think it's fair to say that the abduction of
25 dozens of civilians and their disappearance would also have been

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1 relatively common knowledge in the area?"

2 And your answer was:

3 "... yes."

4 Firstly, do you remember saying that to the SPO?

5 A. Yes, I did say that.

6 Q. But am I right in understanding that that is intended to be very
7 limited to the local Rahovec area rather than to Kosovo as a whole?

8 A. The question was specifically for that particular time and for
9 that particular place, not for the entire territory of Kosovo.

10 Q. And you told the SPO that you were not aware of efforts by the
11 General Staff to determine whether prisoners had been taken and what
12 happened to them? That's right, isn't it?

13 A. That's right, yes. That's what I said.

14 Q. You also told the SPO more generally about the obligation on the
15 General Staff to do something when they receive -- or if they receive
16 information about civilians being taken. So this is Part 3 of your
17 interview, page 16. And your evidence, and I think I'll read it for
18 the record, it's easier:

19 "Q. And you said that the command is responsible to
20 determine -- to make a determination of whether or not civilians were
21 taken and what happened to them. Did I understand that correctly?

22 "A. Yes, the commander of that zone.

23 "Okay, and who were they responsible to report that to?

24 "A. The central staff at the time.

25 "Q. And if the central staff receives a report saying that

1 civilians were taken but not providing information about the fate of
2 those people, what is the responsibility of the General Staff then?

3 "A. If they haven't taken anybody, then the responsibility is
4 with the person or the ones that have done this act, that have
5 undertaken this act. And if the General Staff has been informed and
6 has not done anything about it ... it has to give an explanation of
7 why this has happened."

8 Now, I know that was quite a long quote, but can you confirm
9 that was your evidence to the SPO and that's still your evidence?

10 A. Yes, fully.

11 Q. So your evidence is that the zone commander is exclusively
12 responsible for determining whether civilians would be taken; is that
13 right?

14 A. Yes, at the time that's how it was.

15 Q. And if the zone commander was notified that civilians had been
16 taken, he was supposed to report that to the General Staff or the
17 Central Staff.

18 A. Correct.

19 Q. But you, within the Central Staff at the time, would be
20 completely dependent on whether the zone commander did report such
21 information to you.

22 A. Correct. That's true.

23 Q. And if the zone commander hadn't received any information from
24 his brigades or from, at that point, whatever there was, local units,
25 because we're in July, that prisoners had been taken, then there

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1 would be nothing that the zone commander could notify the
2 Central Staff of, could there?

3 A. This is correct, yes.

4 Q. And so your evidence that the Central Staff would have to give
5 an explanation would only arise if information had been provided to
6 the zone commander, and then the zone commander had provided it to
7 the Central Staff, and then nothing had been done. It's only in
8 those specific set of circumstances; is that right?

9 A. That's right, yes.

10 Q. And you're very clear. To your knowledge, no such report
11 regarding Serb prisoners was sent to you either at that stage or
12 later, was it?

13 A. Correct. Neither to me or to any other member of the operations
14 directorate as far as I know.

15 Q. Now, after the attack and the negative consequences, if I can
16 say, that it led to, you were asked about an investigation as to who
17 was responsible for it. And you explained, so this is Part 3 of your
18 interview, P1355.3, page 17, you stated:

19 "My position was such that I was engaged only on the operational
20 side and the training. On the other hand, there are others and they
21 should have carried out investigations, but I do not know to what
22 extent the members of the General Staff could have been able to have
23 undertaken any investigation."

24 Do you remember saying that to the SPO and is that still your
25 evidence?

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1 A. Yes, entirely.

2 Q. And why do you say exactly that members of the General Staff
3 would have been unable to carry out an investigation at that time?
4 And we're talking July and August at this stage, 1998.

5 A. As I explained, the level of development of the KLA and the
6 General Staff at the time, there were no resources or departments
7 that could deal with this issue. This was under the legal sector but
8 that was not operational at the time to be able to investigate these
9 cases. Not only at General Staff level but also at zone levels, it
10 was not possible for these sectors to be developed at the time.

11 Q. So they also didn't have the structures to investigate?

12 A. They didn't have structures. As I said, the staff did not have
13 the appropriate structure at the time, let alone the lower levels.

14 Q. Now, we understand that you, obviously, left to Albania in
15 mid-September up until mid-November, and I think you came back around
16 about 12 November. So to your knowledge, were there any
17 General Staff meetings in Kosovo during your absence or do you not
18 have information about that?

19 A. I don't have any knowledge about this.

20 Q. But in any of the -- and did you have any General Staff meetings
21 in Albania at the time?

22 A. I was always with the general or overall commander, and there
23 was no need for a meeting. Any decision that had to be taken was
24 taken directly. This is during the time I was in Albania. I stayed
25 there for a little time and then went abroad. This was in September.

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1 And then I returned in October when the talks between us and the
2 Bukoshi government began.

3 Q. And that was obviously the focus at that time. Just to be
4 clear, there was no discussion within -- with you at that point of
5 Rahovec or -- am I correct in that? And prisoners that had been
6 taken in Rahovec.

7 A. As far as I remember, no, not at all.

8 Q. Now, I'd like to move on to now the issue of the inspector
9 general and the appointment and role of Mr. Selimi in that position.
10 And you were asked by the SPO about Mr. Selimi's role as the
11 inspector general of the KLA.

12 And, first of all, you were asked about when you took over your
13 role as the head of the operational department, and we know that's
14 mid-July. Now, it's clear there was no position of inspector general
15 in the KLA before Mr. Selimi assumed that position. That's right,
16 isn't it?

17 A. That's right, yes.

18 Q. And am I right that your evidence is that Mr. Selimi assumed
19 that position at some point after you took over from Mr. Bashota as
20 head of the operations directorate in mid-July?

21 A. First of all, when I took over the position from Mr. Bashota, I
22 don't know -- I didn't know about the role of the inspector. I was
23 not familiar with the structure in place before that time. However,
24 from July onwards he was with me, we were together, he assisted me
25 with the local units and also during operations.

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1 The attacks started in mid-July. And whenever we would go out
2 on the ground to the front lines, we just helped from operational
3 point of view the units, and we did not exercise any other duty or
4 task.

5 Q. Right. And that continued until -- up until you left for
6 Albania, is that right, in terms of what your tasks and what
7 Mr. Selimi's tasks were, to your recollection?

8 A. Yes, up until September when I left for Albania.

9 Q. And there was no official appointment decision of Mr. Selimi
10 that you've ever seen, is there, as inspector general?

11 A. No, there wasn't. I know that when we began with the
12 restructuring of the General Staff the position of general inspector
13 was established, and Mr. Selimi was appointed to that position.

14 Q. Yes. And in September and October, there was a lot of fighting
15 going on, as you've talked about, but you were obviously in Albania
16 from mid-September onwards, so you don't specifically know what
17 Mr. Selimi was doing; is that right?

18 A. That's correct, yes.

19 Q. But, obviously, up until the point that you had left, he was
20 doing similar to what he had done before in terms of setting up
21 defensive operations. In terms of October, when there was the
22 cease-fire, are you aware at all of Mr. Selimi's role in assisting
23 certain wounded soldiers and civilians to escape or to leave to
24 Kosovo for -- sorry, leave to Albania for medical treatment? Are you
25 aware of his role in that at all? I understand fully that you were

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1 in Albania at the time, so it may well be that you don't have
2 information, but just whether you were aware of his role, including
3 Muje Krasniqi and Beiqi Agashi, in assisting them to go to Albania.

4 A. I was not aware about that. I know that Muje Krasniqi and the
5 group of the wounded went to Albania for medical treatment. However,
6 as to when and how it happened, that I don't know and I cannot
7 comment on it.

8 Q. Understood. But you are aware that during the cease-fire, that
9 was a time when a significant number of people who had been wounded
10 were evacuated to Albania to receive the medical treatment that they
11 were not able to receive up until that point?

12 A. That's correct. Not only during that time, but in general from
13 the beginning of the war, those that were seriously wounded could not
14 be treated inside Kosovo and had to be evacuated abroad. And from
15 September onwards, we would take the wounded outside Kosovo for
16 treatment.

17 Q. Now, we've discussed a couple of times the trip to the Llap zone
18 in mid-August, and you were shown an appointment of -- a formal
19 appointment of Kadri Kastrati on 17 August 1998. Do you recall being
20 shown that by the Prosecution I think it was early last week?

21 A. Yes, I do.

22 Q. And that didn't make any reference -- and we can put it on
23 screen, actually.

24 MR. ROBERTS: So that's P1392. If we could just have that on
25 the screen in English and Albanian. So if we can just scroll up to

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1 see the signature and the stamp at the bottom in both.

2 Q. And I think we can see it says signed Rexhep Selimi, but
3 obviously no reference in that document to him being inspector
4 general. He's not signing that as the inspector general, is he?

5 A. That's right, yes.

6 Q. And at that point again up till September, and I think it's
7 unlikely, given your evidence, that he didn't assume that post until
8 November, but he didn't introduce himself as inspector general at
9 that stage in your interactions with him to other people?

10 A. That's correct, yes.

11 Q. And I know this is perhaps a silly question, but you never saw a
12 stamp of the inspector general on any document, did you, at that
13 stage or even later?

14 A. There was never a special stamp for inspector general.

15 MR. ROBERTS: And, similarly, if we can just put on screen P920,
16 and this is the same point. This is the formal appointment of
17 Nazif Ramabaja in the Dukagjin zone. Just the Albanian actually,
18 because it's just to see -- actually, no, sorry, if we can put both
19 on. My apologies.

20 Q. And, again, it's just the same point as I was making before.
21 This is two weeks later, 1 September. Again, this is a signature by
22 Mr. Selimi, but, again, no reference to inspector general at all
23 there either, is there?

24 A. Correct, yes.

25 Q. Now, I know from you -- we obviously discussed yesterday your

1 extensive experience in the Bosnian army and, obviously, the JNA as
2 well. There is -- the post of inspector general doesn't exist. That
3 specific post of inspector general does not exist either in the JNA
4 army, army of the former Yugoslavia, or the Bosnian army. And
5 whether it exists now, it certainly didn't before 1998, did it?

6 A. It is correct that such a post did not exist. In JNA, there was
7 a general inspectorate of the defence which would carry out, more or
8 less, the same duties. There was no such position in the Bosnian
9 army. Such position did not exist in the KLA before the
10 restructuring of the General Staff. With the restructuring, such a
11 position was created, the position of inspector general who would
12 inspect and check on the army.

13 Q. Right. And I think you explained at the end of your SPO
14 interview that a lot of the structural changes that occurred between
15 August and November within the KLA were because of discussions with
16 internationals or -- actually, no, with discussions with
17 internationals.

18 A. Yes. It enabled us with our talks with the international
19 representatives and the cease-fire.

20 Q. And just to be clear, Mr. Selimi never specifically proposed or
21 requested to be inspector general, did he?

22 A. That's correct, yes.

23 Q. If I suggest that the idea for this post came in large part from
24 Mr. Ceku, who bought a NATO organigramme at the end of August, is
25 that something that you're aware of or not?

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1 A. What you're saying is not correct. The organigramme and the
2 structuring began from November. I drafted it. Mr. Ceku sent me
3 some material, but most of the material was translated by me. And
4 this is how we structured the directorates. And out of that
5 structure, we also made the position of the inspector general, and
6 Mr. Rexhep Selimi was appointed to that position. In fact, it was my
7 recommendation.

8 Q. Okay. So you're taking information that you're receiving
9 abroad, in part from Mr. Ceku but also from your own experience, to
10 come up with the reformed structure, if I can put it that way?

11 A. That's correct. These structures were copied from the existing
12 NATO structures at the time with the aspiration to develop the army
13 in this respect and to achieve liberation and independence. So it
14 was the basis for the restructuring of the KLA, taking into
15 consideration the basic structures that we had in place at the time.

16 Q. And just to ask why NATO structures? Why you were so keen to
17 not copy but take inspiration from NATO structures, if I can use that
18 expression?

19 A. As I explained already, we -- our aspiration was to liberate
20 Kosovo and to create an army that later would join the NATO forces,
21 an army that is based on the Western model rather than the Eastern
22 one.

23 Q. And that would require quite a change in certain aspects
24 because, obviously, a lot of people who had experience may have had
25 experience from the Eastern one, which I presume you mean from the

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1 JNA-style army; is that right?

2 A. It is true that many followed that model, but some of the
3 officers that had joined the KLA also had experience from NATO
4 country systems. So the aspiration was to base the army on the
5 Western model, not the Eastern one.

6 Q. Thank you.

7 MR. ROBERTS: Your Honour, I'm actually just about to get into
8 some detail now, so maybe if it's a convenient time, if we can have
9 the short break now.

10 PRESIDING JUDGE SMITH: Thank you.

11 Witness, we'll give you a ten-minute break at this time. Please
12 don't talk about your testimony outside of the courtroom, and we'll
13 see you back in ten minutes.

14 [The witness stands down]

15 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

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

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

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

20 [The witness takes the stand]

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 We continue with Mr. Roberts' questions.

23 MR. ROBERTS:

24 Q. Hello again, Mr. Zyrapi. We were just going to the issue of
25 Mr. Selimi's duties and responsibilities as inspector general.

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1 Now, in your SPO interview, so this is Part 7, P1355.7, page 23,
2 you're asked:

3 "What did that role involve?"

4 Sorry, this is talking about Mr. Selimi's role as inspector
5 general.

6 "What did that role involve? What he did he do in that position
7 or what were his responsibilities?"

8 Your answer:

9 "These responsibilities as the general inspector was to inspect
10 the units, how ready they were, to what operational level they had
11 come up to. If there was a lack of discipline, then he would have
12 informed the commander, and many other tasks that I can't remember at
13 the moment."

14 You then also explained, at page 24 in the English, page 25 in
15 the Albanian, about Mr. Selimi:

16 "He'd often go and carry out orders to visit units further down
17 the chain, to check on their preparation level, how the rules of the
18 structure are being implemented, are they meeting or implementing the
19 duties that they have been tasked with. These were his main duties.
20 I don't remember every single one of them."

21 Now, do you recall telling the SPO that, to start?

22 A. Yes, I do.

23 Q. And although you explained that there were other duties, am I
24 correct in understanding that that was what you understood his role
25 to be largely?

1 A. Yes, I explained briefly. You can't explore every single one of
2 those aspects.

3 Q. Of course. Of course. And am I right that some of those duties
4 overlap, in part, with what he had already been doing in July,
5 August, September, as part of the operations department?

6 A. Yes. He was a member of the operations directorate and he
7 carried out tasks that were relevant to the operations directorate.
8 And at the time, it wasn't possible to go and inspect the readiness
9 of the units because we weren't organised to that level to be able to
10 carry that out.

11 Q. But there were certain similarities in terms of what he needed
12 to do. He needed to go meet some of the units, see what they have
13 available, see what logistics they may be lacking, things like that?

14 A. Yes. From the aspect of discipline and others, yes, there is
15 some similarity.

16 Q. Well, I'll get to discipline a bit later. Now, in terms of
17 officers or facilities available, I'm correct, aren't I, that there
18 was no office of the inspectorate of -- inspectorate general that was
19 in Divjake? You know you were shown photographs of different
20 buildings in Divjake. There was no office complex that was available
21 to the inspectorate general, was there?

22 A. That's correct. No, there wasn't any such office. I explained
23 what offices there were and where they were located. As a matter of
24 fact, we did not have those many premises at our disposal so that
25 every single sector would have their own separate offices. So the

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1 inspector was on the move all the time, sometimes was at Lladrovc,
2 sometimes at Bjeshket e Berishes. And so I was able to see him at
3 those locations.

4 Q. Right. And you were very clear to the SPO that any individuals
5 who accompanied Mr. Selimi when he was travelling around were not
6 military police officers. And that's right, isn't it? And for the
7 record, that's Part 7 of your interview, page 27.

8 A. That's right.

9 Q. Now, you mention one specific individual who was with
10 Mr. Selimi, that's a person by the name of Avdi Rraci. Do you
11 remember telling the SPO about that? About him, sorry.

12 A. Yes, Avdi Rraci.

13 Q. And Avdi Rraci was not an inspector working in the inspectorate
14 of the inspector general, was he? He was essentially a driver for
15 Mr. Selimi.

16 A. Mr. Rraci was one of the people who always went in his company.
17 He was -- he drove and was always in his company.

18 Q. Yes. But to your knowledge, he wasn't carrying out any
19 inspections or anything like that himself, Mr. Rraci. He was there
20 accompanying Mr. Selimi when he was travelling around as you said.

21 A. That's correct, yes.

22 Q. You also mentioned an individual by the name of Alush Agushi as
23 being someone close to Mr. Selimi and being used by him. So that's
24 Part 7 of your interview, page 27.

25 Just to be very clear, Mr. Agushi had no formal role within the

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Mr. Roberts (Continued)

1 inspector general department at all, did he?

2 A. That's correct, yes.

3 Q. And nor did he have any role within the General Staff as a
4 whole, to your knowledge?

5 A. He did not.

6 Q. And I believe there's actually evidence that he operated as head
7 of the 192 Mala Unit. Is that information that you're aware of?

8 A. Yes. That was part of a separate brigade under the auspices of
9 the General Staff.

10 Q. Now, you mentioned that Mr. Agushi had with him about 10 to 15
11 soldiers, I believe. And I just want to read out part of your
12 evidence to the SPO so I'm very clear as to exactly what you're
13 meaning. So this is your SPO interview, Part 7, page 27, and this is
14 in relation to Mr. Agushi, and it states:

15 "And there was another one that was very close to him and used
16 by him, a guy by the name Alush Agushi who was from the Dukagjin
17 zone. He always had with him about 10, 15 soldiers."

18 Now -- sorry, I'll just complete the quote.

19 "I don't know what sort of freedom they had to operate, but I
20 don't know if they were -- I don't know whether this group of
21 soldiers were under his command or not."

22 Now, I just want to be very clear that I understand your
23 evidence. Those soldiers were with Mr. Agushi. They are not under
24 the command of Mr. Selimi; is that correct?

25 A. Correct, yes.

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1 Q. And when he would travel around, he would obviously be meeting
2 soldiers around on the front lines or when carrying out his visits.
3 So he would often be in the company of soldiers, would he not?

4 A. Yes, in the company of soldiers, officers serving in that zone
5 or in that staff.

6 Q. So it may give the impression that he has some authority over
7 them, but these are just individuals that he is visiting, not
8 subordinates of his, are they?

9 A. I never said they were the subordinates. However, these were
10 controls being carried out, and they were people known to him from
11 before, yes.

12 Q. Yes. So he would often be seen in the company of soldiers
13 around, but the point I'm making is the fact that he was in their
14 company doesn't mean that he had any direct authority over them.

15 A. That's correct, yes.

16 Q. And just to be clear, there was -- when we say "the inspector
17 general" or "the inspector general's department" or any phrase like
18 that, it is only Mr. Selimi, isn't it, who operated as the inspector
19 general? He didn't have a department, a directorate, anything
20 underneath his authority.

21 A. At the time, no.

22 Q. Now, in terms of his authority, you gave evidence to the Panel
23 on 2 July, so that was the second day of your testimony here to the
24 Prosecution, about a special unit that was attached to the
25 General Staff and about an order or an indication that you'd given

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 that they had no right to arrest anybody.

2 MR. ROBERTS: And we can just put that document on the screen,
3 if it helps. This is in relation to P901. If we could put that on
4 the screen, please. So for the record, that's U000-6954. And if we
5 go to ERN U000-6967, I believe, in English and Albanian. If we could
6 just go to the following page in the English. I just want to try and
7 check that -- there we go. That's the English. If we could have the
8 equivalent page in the Albanian. And my apologies, I don't have the
9 reference in front of me. Yes, there we go.

10 Q. And so that was what you wrote on that -- that was you writing
11 it, wasn't it?

12 A. The words are mine; however, the signature is not.

13 Q. Okay. But you explained that the reason behind this is because
14 the -- and, sorry, this is transcript page --

15 THE INTERPRETER: Sorry, correction by the interpreter: The
16 writing, the handwriting, rather than the signature.

17 MR. ROBERTS: Thank you.

18 Q. And you explained - this is transcript page T17442 - the reason
19 behind this instruction was:

20 "... because this reconnaissance rapid response unit is not a
21 unit supposed to deal with arrests. This was used in -- on one
22 occasion by the inspector general in a village in the territory of
23 Pashtrik zone, and that was the reason why this order was issued?

24 "Q. By 'the inspector general,' are you referring to
25 Rexhep Selimi?

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 "A. Yes.

2 "Q. Were the people armed or unarmed that were arrested?

3 "A. They were not arrested. But the disciplinary measure was
4 issued as a result of disciplinary issues that had occurred in that
5 village and on which occasion this unit was used to enforce that, and
6 it should not have been the case."

7 Do you recall giving that evidence?

8 A. Yes, I do. It's accurate.

9 Q. And do you know when this occurred, roughly?

10 A. It occurred in 1999, if I recall correctly in March 1999, in the
11 village of Krushe e Madhe.

12 Q. So my understanding of this document is that, obviously,
13 Mr. Selimi is attempting to use this unit. He doesn't have any staff
14 himself as we've discussed. And then you prohibited him from using
15 this unit to undertake disciplinary measures. Is that a correct
16 understanding of your evidence?

17 A. First, it is true that Mr. Selimi did not have a special unit
18 under him. He had the military police units that he could have used.
19 However, even to make use of this unit, the commander has to be
20 notified. If the commander authorises, that's another matter. I
21 have explained that this unit should not be used for these purposes.
22 It has been set up for intervention needs and for intelligence --
23 rather, reconnaissance work rather than for making arrests. And I
24 have explained that Mr. Selimi has not made use of it for arresting
25 people, but it is a unit that should always be at the ready to

1 intervene. And that is the context within which I explained it.

2 Q. Okay. And when you say that he could have made use of military
3 police, we talked earlier, obviously, that he had no direct authority
4 over military police, so any requests that he could have used
5 military police for would have to go via the zone commander; is that
6 right?

7 A. The inspector general does not go to zone commanders but to the
8 general commander for the use of the military police that were
9 attached to the General Staff and who could have been used. In their
10 absence, he can draw on the zone units with the authorisation of the
11 commander of the zone. Whilst the -- these units, the -- can be used
12 only where groups are armed and are about to intervene and cause
13 trouble. So these units can be used to face up to this threat in
14 order to disarm them.

15 Q. But just to be clear that I understand your evidence, he,
16 obviously, can't directly go to any military police units. He
17 doesn't have that authority.

18 A. That's correct. And that applies to the military police as well
19 as to these reconnaissance units.

20 Q. And -- okay. Now, you explained that, as we discussed earlier
21 in relation to his authority, this was in part relation to
22 discipline, but there's no specific instructions, as far as you're
23 aware, as to what exactly is encompassed by this or whether he did,
24 indeed, have the specific authority or responsibility for discipline.

25 A. So what do you mean? What do you mean? The question was not

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1 quite clear.

2 Q. I understand, yes. That wasn't very direct. The point I'm
3 making. You -- and I quoted part of your SPO interview where you
4 said, in part, that Mr. Selimi's authority was discipline, but there
5 was no written document that we've seen which specifically states
6 that. Is that something you're aware of?

7 A. There may be a document on the responsibilities of the inspector
8 general. But, as a matter of fact, we weren't able -- we did not
9 manage to have documents for everything. We had some internal
10 regulations that have to do with the delineation of tasks of the,
11 say, operations department and other units and so on and so forth.
12 This whole process was under development.

13 For a sector to be fully operational, you have to have an array
14 of rules and regulations, which we never managed, in order to
15 clearly -- in order to clearly lay out the tasks and responsibilities
16 of each and every unit, something, as I say, we never managed to.

17 Q. Understood.

18 MR. ROBERTS: If we could look at one of the documents that
19 you've been, I think, shown in relation to discipline, and that's the
20 supposed disciplinary regulations for the KLA. That's P715. If we
21 could put that on the screen. And if we could go to page U006-1611
22 in the English. And the same in the Albanian.

23 Q. Now, do you see in the top left-hand corner of that document,
24 Mr. Zyrapi, the paragraph number 8? And I'll read the English. It
25 says the directors -- sorry, this is setting out supposed

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 disciplinary measures that are available. It states that:

2 "The directors of the Directorates in the KLA GHQ:

3 "a. Have, as to their specialist military personnel, the rights
4 of a Corps Commander except for 6h," which is except for the right to
5 remove someone or discharge someone. And:

6 "b. When they," meaning the directors of directorates in the
7 KLA, "lead an inspection and monitoring team of the General Staff
8 they have the rights of a Corps Commander."

9 Do you see that paragraph?

10 A. Yes, I do.

11 Q. So under these provisions, Mr. Selimi, who is not a director of
12 a directorate, does not have that disciplinary authority, does he?

13 A. That is correct that he does not. However, as an inspector
14 general he has authority to exercise control.

15 Q. Right. But it is important, you would understand and, I'm sure,
16 agree with, that -- to have a specific authority to issue a
17 disciplinary measure, to be able to do so, would it not? Otherwise,
18 obviously, there would be the risk that you would be imposing a
19 disciplinary measure that you did not have authority to impose.

20 A. That is correct. He did not have that authority, but neither
21 did the directors. Only the brigade and zone commanders as well as
22 the general commander had that authority.

23 Q. Understood. Now, you mentioned that -- to the SPO that the
24 inspector general, Mr. Selimi - this is Part 7, page 23 - wasn't on
25 the same level -- okay. I'll read the full quote, actually.

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 "Q. So what authorities did he have as general inspector that
2 distinguished him from simply being another guy in the operational
3 department?"

4 Your answer:

5 "The inspector wasn't on the same level, it wasn't equal to the
6 other directorates."

7 And I think you suggest that it was on the level -- sorry, this
8 is page 24:

9 "... of the general commander. Which means that he received
10 instructions from the general commander in terms of the inspections
11 and he would carry out the tasks that he was assigned by him."

12 Now, do you recall telling the SPO that?

13 A. Yes, and that is accurate.

14 Q. And the general commander was Azem Syla, wasn't he?

15 A. Correct, yes.

16 Q. Who was based in Albania for pretty much the entire time from
17 when Mr. Selimi assumed the role of inspector general up until he
18 became named in the provisional government, so between November and
19 April -- sorry, November 1998 and April 1999?

20 A. Correct, yes.

21 Q. So practically, it would have been somewhat difficult for him to
22 report or communicate with him directly to Albania given that
23 difference of location, wouldn't it?

24 A. It would, yes. There were two deputies inside Kosovo.

25 Q. Right. And there's no example that you've seen of a written

Witness: Bislim Zyrapi (Resumed) (Private Session)

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Cross-examination by Mr. Roberts (Continued)

1 report that was sent between Mr. Selimi up to the general commander,
2 is there?

3 A. That's correct, yes.

4 MR. ROBERTS: Your Honour, I have to move into private session
5 for one question. I apologise, but there's no other way I can do it.

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

8 [Private session]

9 [Private session text removed]

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Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 [Open session]

2 THE COURT OFFICER: Your Honours, we're in public session.

3 Thank you.

4 PRESIDING JUDGE SMITH: Thank you.

5 You may proceed.

6 MR. ROBERTS: Thank you.

7 Q. And after this point from November onwards, obviously Mr. Selimi
8 was travelling around quite a lot, as you've indicated. You weren't
9 travelling with him at this stage, though, were you; is that right?

10 A. That's right, yes.

11 Q. So in terms of your personal knowledge about seeing what he did
12 on the ground, you can't give information on that like you could in
13 relation to the June, July period?

14 A. Correct.

15 Q. Now, there's just a couple of examples of Mr. Selimi's role as
16 inspector general that I want to discuss with you. First, it was in
17 relation to Brigade 121 and a document -- a report that was sent up
18 by Shaban Dragaj.

19 MR. ROBERTS: That's P1360. If we could just put that on the
20 screen in English and Albanian.

21 Q. Now, you had seen this document before, hadn't you? I think you
22 confirmed that to the SPO.

23 A. Yes.

24 Q. And it was suggested to you that this was serious and showed a
25 bad picture of the 121 Brigade, which you accepted.

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1 A. Correct, yes.

2 Q. And this report refers to a verbal order by the chief of the KLA
3 General Staff, and so it was you who had originally requested this
4 report from him because it's in relation to fighting around Recak, is
5 that right, in the middle of January 1999?

6 A. That's right, yes.

7 Q. And you wrote directly to Mr. Dragaj not via Commander Drini on
8 this one occasion, who would normally have been how that information
9 was shared or requested?

10 A. Correct. But let me explain it a bit more in detail. It's not
11 just the matter of the report itself. It's rather the use of part of
12 the 121 units to fight or to take part in the fight carried out by
13 other units in Recak as support. So it's not just the matter of the
14 report itself.

15 Q. Okay. And the information that was given by Mr. Dragaj about
16 the state of the 121 Brigade, that wasn't requested by you. That was
17 information that he provided by himself in this report?

18 A. Correct, yes.

19 Q. Then I think in your SPO interview you said that you called the
20 brigade commander and the zone commander, which I presume was
21 Haxhi Shala and Commander Drini; is that right?

22 A. Right.

23 Q. And then did you request them to investigate these issues or to
24 deal with them, or what did you request from them?

25 A. Upon receiving this report and the conversation with Mr. Dragaj,

1 I also asked the brigade and zone commanders to undertake measures in
2 this unit to -- disciplinary measures, and these two commanders took
3 measures. I know that the commander -- the battalion commander was
4 dismissed, and other disciplinary measures were taken against members
5 of this unit.

6 Q. Right. So that was the resolution of the issue between you and
7 the zone commander and the responsible brigade commander?

8 A. Correct, yes.

9 Q. Because in your SPO interview, you suggested that the inspector
10 general, Mr. Selimi, was somehow involved. Whereas it does appear to
11 have been something that was sorted out without him; is that right?

12 A. No. He was also involved to facilitate the taking of the
13 adequate measures, but he did not have any particular or specific
14 task in this issue.

15 Q. Okay. And, secondly, the other issue, which I think you were
16 shown by the SPO, was in relation to Mr. Selimi's role at the
17 boundary commission. Do you recall being shown documents by the SPO
18 and discussing that issue with them?

19 A. You are referring to the delineation commission; right?

20 Q. Yes, yes.

21 MR. ROBERTS: If we could put on screen P623 in English and
22 Albanian, that should help to just be very clear as to what we're
23 discussing. And this is the ordinance appointing members of the
24 commission.

25 Q. Now, first of all, under point 1 of the ordinance, it states:

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Mr. Roberts (Continued)

1 "I appoint in the Commission defining [operational zone]
2 boundary lines all over Kosovo the following" seven individuals.

3 Do you see that?

4 A. Yes.

5 Q. Now, to be clear, as this was something that Mr. Selimi had to
6 be, and others, specifically appointed to, this didn't come under his
7 general authority.

8 A. Yes.

9 Q. And it was felt that it was necessary to convene this commission
10 to undertake this task.

11 A. Yes. The commission was set up to delineate the areas of
12 responsibility of operational zones due to the problems from the
13 past, which I already explained in my previous testimony.

14 Q. Yes. We'll just get to one specific issue in relation to those
15 problems. But Mr. Selimi wouldn't have had the authority or the
16 responsibility to do this by himself. It was considered necessary to
17 appoint a commission to do so.

18 A. Correct.

19 Q. And you explained, I think, that the zone boundaries were
20 discussed and delineated earlier, and it was just in relation to
21 specific issues that may have arisen on the borders of these zones as
22 to why this commission was necessary.

23 A. That's correct, yes.

24 Q. And the zone boundaries, in general terms, were pretty
25 well-established, weren't they, by this stage? By January 1999, it

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 was pretty clear where in general terms those boundaries were?

2 A. Correct, yes. After that date.

3 Q. So to suggest that the responsibility of the commission was to
4 examine -- sorry, define the operational boundary lines all over
5 Kosovo, that's a bit of an exaggeration, isn't it?

6 A. I didn't say it was an exaggeration. If you followed me, the
7 boundaries were established by the operations directorate, and the
8 commission would try to overcome the problems between two zones where
9 there would be a problem in the boundaries, to move the line a bit
10 according to the needs of the parties in question so that it is
11 firmly established, the area of responsibility between the two zones.
12 So this was the role of the commission.

13 Q. Yes, yes, I understand the jurisdiction, if that makes sense,
14 that they could do that. But in reality, they only had to do that on
15 a very limited number of occasions, didn't they, because of the fact
16 that largely there were not issues in relation to the boundaries of
17 these zones because they'd been well-established for a long time?

18 A. Correct, yes.

19 MR. ROBERTS: And if we go to the report which deals with --
20 with the one that we've seen. This is P1108.

21 Q. Now, this is the only report that we've seen in relation to the
22 work of this commission, and this describes a very specific area, I
23 would suggest, around Llanishte between the Pashtrik and Nerodime
24 zones; is that right?

25 A. That's right, yes.

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 Q. And this was a very specific issue in relation to the Guri unit
2 and as to whether -- which area or zone it fell under; is that
3 correct?

4 A. Correct, yes.

5 Q. And this, as far as I'm aware, is -- well, there were no other
6 reports that you've seen, were there, of any similar issues that had
7 to be resolved? This is the only one that I have seen -- that we
8 have seen.

9 A. Correct, yes.

10 Q. Now, I'd like to take you to a new document and just to get your
11 view on it, and it had may well be that you can take the time over
12 the break to have a look at this if that assists.

13 MR. ROBERTS: So that is SPOE00226769. If we could put that on
14 the screen, please, in English and Albanian.

15 Q. Now, have you ever seen this document before?

16 A. No, I haven't.

17 Q. What I'd like to do now is just take you through it a little bit
18 so you can actually have a look at each page, and we can explain what
19 it is for the record.

20 MR. ROBERTS: So if we move to the next page, which is ERN
21 SPOE00226771. Sorry, it's the following page.

22 Q. This describes the subject of this concept, which is:

23 "The supervision of the organisation and functioning of combat
24 readiness and morale, and of management and command."

25 And then for the aim, it says:

1 "For the following to be supervised: The Operational Zones, the
2 level of combat organisation, the way in which military personnel are
3 posted and employed, skills-enhancement, combat morale, readiness,
4 the organising of logistics, of mobilisation and coordination, joint
5 operations with flanking and subordinate units as well as with the
6 civilian bodies involved in the war of liberation."

7 And then it lists various questions:

8 "Monitoring of combat readiness."

9 Number 2:

10 "Working procedures in headquarters."

11 MR. ROBERTS: If we just scroll down in the English version,
12 please.

13 Q. "3: Combat morale ..."

14 "4: Logistics."

15 And then if we move over the page, number 5:

16 "Mobilisation."

17 And then provides, like, an estimate of the task.

18 Looking at that document, does that provide any further
19 indication or information as to what that might be or where it may
20 have come from?

21 A. This document was translated from documents that came from
22 abroad, and it describes the duties and responsibilities of the
23 inspector; that is, of the inspectorate.

24 Q. Now, if I suggest that was maybe then provided in early 1999,
25 would that be consistent with your recollection?

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 A. Yes, it would, because all these documents were prepared later
2 on. We did not have such documents in 1998.

3 Q. So this is several months after Mr. Selimi was originally
4 appointed as the inspector general. This is when these documents are
5 coming in to try and understand what his role should be.

6 A. Correct, yes.

7 Q. And feel free to look at the document over the break, if that's
8 possible, but I can suggest that there's no reference to arrest or
9 detention of any individuals in that document. Would that be
10 surprising to you?

11 A. No, not at all, because an inspector would not undertake such
12 actions.

13 Q. Nor is there any specific or any requirement to be informed
14 about anything to do with detention of prisoners. Again, that
15 wouldn't surprise you either, then, with your understanding of what
16 the role of inspector general was?

17 A. According to the role and responsibilities of the inspector,
18 yes.

19 Q. And quite a lot, I would suggest, of these issues, these
20 questions relate to operational requirements, if I can suggest, or
21 operational questions - combat morale, combat readiness. They're
22 quite, as I said, quite -- they're closely related to the work of the
23 operations department, I presume. This is information that you would
24 be interested in.

25 A. This is of -- an information of interest to the operations

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 directorate and the staff, because with this inspection concept, you
2 can actually compare as to the level of the organisation of the army
3 in this -- of -- in this respect. So to what level the army is
4 professionally organised.

5 Q. And this would suggest, obviously, also if it's being provided
6 in, say, around January, February 1999, that the position or the
7 specific role of the inspector general up until that point wasn't
8 even particularly clear; is that fair?

9 A. Yes. Up until then it wasn't, because there was some tasks and
10 duties specified in bullet points, but this concept describes the
11 duties and responsibilities of the inspectorate in general which are
12 the same even today.

13 MR. ROBERTS: Thank you, Your Honour, that's actually a good
14 time. And if I could just tender that document before I do so.

15 PRESIDING JUDGE SMITH: Any objection to the document?

16 MS. LAWSON: No, thank you.

17 PRESIDING JUDGE SMITH: It appears that the document is
18 SPOE00226769 to SPOE00226772. Those -- you ran all those pages; is
19 that not correct?

20 MR. ROBERTS: Yes, it's a five-page document, yes.

21 PRESIDING JUDGE SMITH: Yeah.

22 MR. ROBERTS: Up until 226775.

23 PRESIDING JUDGE SMITH: 775?

24 MR. ROBERTS: Yes, it's a six- or seven-page document.

25 PRESIDING JUDGE SMITH: All right. It's admitted.

Witness: Bislrim Zyrapi (Resumed) (Open Session)
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1 THE COURT OFFICER: Your Honours, SPOE00226769 to SPOE00226775
2 will be assigned Exhibit 3D00027, and it's currently classified as
3 confidential. Thank you, Your Honours.

4 MR. ROBERTS: I don't think we have any objection to it being
5 public, but I'll just check and confirm after the break if that's
6 acceptable.

7 PRESIDING JUDGE SMITH: All right.

8 MR. ROBERTS:
9 Q. Thank you, Mr. Zyrapi. I think we're going to take a break now,
10 and I'll see you again in half hour. I think I have about an hour of
11 questions left.

12 PRESIDING JUDGE SMITH: Mr. Zyrapi, we'll give you the half-hour
13 morning break at this time. We'll reconvene at 11.30. Please don't
14 speak to anyone about your testimony outside of the courtroom.

15 [The witness stands down]

16 PRESIDING JUDGE SMITH: Yes, Mr. Misetic.

17 MR. MISETIC: Yes, Mr. President. I just wanted to raise one
18 procedural question and put it on the Panel's radar. On 4 July,
19 Mr. Roberts had inquired with the Panel about if the Defence would be
20 disclosed some information concerning the roadmap that the
21 Prosecution was to file by 21 June, and you then indicated that you
22 would try to deal with that by Monday.

23 Obviously, I know the Panel has it on its radar, but if you
24 could let us know at some point today if we could expect anything, I
25 would be grateful.

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 PRESIDING JUDGE SMITH: We are still considering it, but we will
2 make a decision on that shortly.

3 We're adjourned until 11.30.

4 --- Recess taken at 11.00 a.m.

5 --- On resuming at 11.29 a.m.

6 PRESIDING JUDGE SMITH: Please bring the witness in.

7 MR. ROBERTS: Your Honour, just to confirm, we don't have any
8 objection with the last exhibit being public. I don't know if the
9 Prosecution does, but we're fine with that being public.

10 MS. LAWSON: No, we've no objection.

11 PRESIDING JUDGE SMITH: The last document, 3D00027 --

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: -- is reclassified as public.

14 THE COURT OFFICER: Thank you, Your Honours. That's noted.

15 PRESIDING JUDGE SMITH: All right. Mr. Zyrapi, we will continue
16 with the Selimi cross-examination.

17 Go ahead, Mr. Roberts.

18 MR. ROBERTS: Thank you, Your Honour.

19 Q. And hello again, Mr. Zyrapi. I'm hopeful that we'll finish my
20 questions of you by lunchtime with a bit of luck.

21 The next section I'd like to speak to you about is General Staff
22 meetings and starting off in November and December 1998.

23 Now, actually, we'll start early on. You've confirmed, I think,
24 that before 15 July you didn't attend any General Staff meetings
25 because you weren't a member of the General Staff; that's right?

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Mr. Roberts (Continued)

1 A. Correct, yes.

2 Q. So you don't know which meetings occurred, who was at them, and
3 what was discussed in those meetings before that date?

4 A. Correct, yes.

5 Q. And over the summer, and I know you've said this various times,
6 there was difficulty scheduling General Staff meetings. And I think
7 in your interview, Part 3, page 3, so that's P1355.3, you stated
8 that:

9 "... when I took over this department and these attacks began,"
10 so this is July 1998, "the General Staff was not able to get together
11 because they were spread out to all the areas when there were attacks
12 and movements and it was difficult for us to get together and discuss
13 about this issue."

14 So that's correct, isn't it? There were difficulties in
15 scheduling any General Staff meetings between the time that you took
16 over as head of the operational department up until you left for
17 Albania in mid-September.

18 A. Yes, that's right.

19 Q. And when you were in Albania, you don't know what meetings, if
20 any, took place back in Kosovo, and I think you mentioned that --
21 confirmed that to me earlier today.

22 A. Yes, that's correct. I don't know.

23 Q. And you never saw a list of meetings or of participants in those
24 meetings. If they did occur, there was no record of any of those
25 that you're aware of that you saw when you came back into Kosovo.

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 A. That's right.

2 Q. And when you returned into Kosovo, were you, in your position
3 as -- at that point, at the end of November, were you largely
4 responsible for scheduling the meetings from that point onwards in
5 your role as chief of staff?

6 A. Yes, the meetings of the internal directorates as well as
7 meetings that involved the commanders of the zones.

8 Q. And you would schedule, therefore, the time and date and
9 location as to where those meetings would take place largely?

10 A. Yes, upon consultation with the commanders or their deputies as
11 to the timing of these meetings.

12 Q. Okay. And sometimes you might do it with not much notice. I
13 think there was -- if we look at P621, and we'll look at it in detail
14 in a minute, but that was a scheduling of a meeting for 29 December
15 and that was issued on 28 December. So there's only one-day notice,
16 for example, that you provided in relation to scheduling that
17 meeting?

18 A. Yeah, yes.

19 Q. So even if someone was in Kosovo and a member of the
20 General Staff, like Mr. Selimi, that doesn't mean that he necessarily
21 would have been able to attend all of these meetings, does it?

22 A. Correct, yes.

23 Q. And as you confirmed various times, he was often travelling
24 around to different locations, and also, as you explained, it could
25 often take a long time to get from one part of Kosovo to another,

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 even if there was a relatively short distance, theoretical distance,
2 between them?

3 A. That's correct, yes.

4 Q. Now, we have supposed notes of a meeting in Divjake on
5 29 December 1998.

6 MR. ROBERTS: So that's P1408. Can we just put that on the
7 screen please in English and Albanian.

8 Q. Now, it lists -- this the meeting on 29 December, and it lists
9 the participants as yourself, Mr. Luzha, Mr. Grabovci, Mr. Limaj,
10 Rame Buja, and Sali Veseli. Can you see that?

11 A. Yes, I can.

12 Q. So presumably Mr. Selimi was not present at this meeting, for
13 example, on 29 December?

14 A. If his name is not here, it means he wasn't.

15 Q. And you don't recall him being at that meeting?

16 A. No, I can't recall it.

17 MR. ROBERTS: And if we can go now also now to P621, which is
18 your request to -- or order to convene this meeting. If we could
19 just put that on the screen.

20 Q. So was this a kind of standard or template order to convene
21 meetings that you would issue?

22 A. This is an order on the method of reporting before the
23 General Staff and what the report should be based on. It's an order
24 to the directorates, and the same would have gone to the zones too.

25 Q. But point 1 there, for example, states:

1 "On [this date] at 12:00 at the GS headquarters there will be a
2 meeting of the Heads of Directorates of the [General Staff] of the
3 KLA."

4 Do you see that under paragraph 1?

5 A. Yes, I do see it.

6 Q. And when you're scheduling a meeting, that would be a standard
7 phrase that you would have used, is that right, to schedule these
8 meetings?

9 A. Yes, every single time.

10 Q. So the heads of directorates of the General Staff were invited,
11 but there was no directorate of the inspector general, as we talked
12 about earlier, was there?

13 A. Correct. The inspector was not under my auspices. Just the
14 directorate.

15 Q. So formally he wouldn't have been required to attend that
16 meeting or invited to that meeting, is that right, pursuant to this
17 order?

18 A. Correct. He was not duty-bound to attend this meeting.

19 Q. And that was presuming, obviously, if you're using the same
20 terminology whenever you convene meetings, that would apply to all
21 the meetings over that period between November 1998 and April 1999?

22 A. Yes, every single time directors were invited. Yes.

23 Q. Now, in terms of specific meetings, on 12 November -- or 12th
24 and 13th November 1998, that was the first meeting you attended when
25 you came back into Kosovo, wasn't it?

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 A. Yes, correct.

2 Q. And you started to discuss the restructuring of the KLA at that
3 meeting as you told us on 1 July?

4 A. Yes, correct.

5 Q. And it was only existing directorates who were involved in that
6 stage at the meeting; is that right?

7 A. Yes.

8 Q. And that's why, for example, Mr. Limaj wasn't there, because the
9 military police directorate wasn't formed at that stage?

10 A. Yes, correct.

11 Q. And as I think you've confirmed, but I'll ask again just for the
12 record, the restructuring was only formalised at the end of November
13 1998; is that right?

14 A. That's right.

15 Q. Now, in terms of other meetings in November, you were shown the
16 order to stamp out the negative phenomena and abuse against persons
17 and private property.

18 MR. ROBERTS: I believe this is 1D29.

19 Q. Do you remember that order from 28 November 1999? And you said
20 that pursuant to this -- I believe this was after discussions you
21 said that you'd had; is that right? Now --

22 A. Yes, correct.

23 Q. Sorry, I was not waiting for your answer. Were those
24 discussions, do you recall, on the day that you issued the order, on
25 the 28th; is that right?

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 A. When that order was issued, it came upon request by the zones to
2 discuss these problems. But we have discussed these issues with the
3 directors all the time, and at the end of that exercise we issued
4 this order.

5 Q. But you don't know if it was from discussions on that specific
6 day, 28 November, do you?

7 A. It was not only confined to this meeting but on previous
8 meetings as well, because commanders had other complaints, and that
9 led to the issuance of this order.

10 Q. Okay. You were also shown a document relating to a meeting on
11 29 December 1998 in which you were described as giving a sort of
12 presentation on the General Staff structure and the functions of
13 different directorates. Do you remember being asked those questions
14 by the Prosecution on 2 July?

15 A. Yes.

16 Q. And this was the meeting that Mr. Selimi was not in attendance
17 at, as we just discussed, because it's the one after 28 December
18 order that you issued, and his name wasn't listed on the participants
19 at that meeting.

20 A. If his name wasn't there, he most certainly wouldn't have been.
21 That meeting was attended by directors only.

22 Q. Now, to be clear, there are other notes that -- sorry, in your
23 SPO interview, you mention that the issue of Mr. Kuqi, Blerim Kuqi,
24 was discussed at some point, and I'm trying to work out when that may
25 have been. But if I suggest that it may have been at that meeting,

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 is that something that's consistent with your understanding?

2 A. I cannot say that it was during this meeting in particular.

3 MR. ROBERTS: If we could put on the screen P1104 in English and
4 Albanian. Or, sorry, actually, my apologies, if we could put on the
5 screen 1109. Sorry, wrong one. And if we go to ERN U002-2865.

6 Q. So if we can just see halfway down, that appears to be notes
7 of -- or at least purports to be notes of this meeting on the 29 --

8 MS. LAWSON: Objection, Your Honour. Characterisation.

9 PRESIDING JUDGE SMITH: Overruled.

10 Go ahead.

11 MR. ROBERTS: Sorry, I'll start again.

12 Q. That purports to be notes of a meeting on 29 December 1998, this
13 General Staff meeting that we've talked about, and appears to refer
14 to Mr. Kuqi as an agenda item in that document. Do you see that?

15 A. Yes, but this is not the meeting we mentioned earlier that -- on
16 the 29th is another meeting.

17 Q. It's another meeting?

18 A. Yes, it's not on the 28th. You asked me about the 28th, and
19 this one is on the 29th. It's a different date, meaning another
20 meeting.

21 Q. No, my apologies. The -- I'll be very clear. The order that
22 you issued was on 28 December for people to attend a meeting on the
23 29th, the following day. We can go back and have a look at that if
24 you would like. But this is the meeting that I'm talking about, the
25 29 December one which Mr. Selimi was not present at.

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 A. Okay.

2 Q. So would you accept that if these documents or if this agenda is
3 correct, that that would suggest that it was discussed at that
4 meeting?

5 A. Yes, it is accurate that it was discussed during this meeting.

6 Q. But it's very clear, and I want you to confirm, that there was
7 certainly no decision taken at that General Staff meeting about
8 anything that would happen to Mr. Kuqi, was there?

9 A. Yes, that's correct.

10 MR. ROBERTS: And if we could just -- just bear with me for one
11 second, Your Honour. I'm just going to have a quick look.

12 [Microphone not activated].

13 Q. Sorry. If we can now move to the 5 January meeting, and this is
14 the next one you were asked about in court, which is P1352.

15 MR. ROBERTS: If we could put that up on the screen, please.
16 No, my apologies -- oh, well, actually, no. Yes. If we can just see
17 here, this is -- no, okay. Sorry. It's wrong document. My
18 apologies.

19 If we can go to document SPOE00226468. Apologies to the
20 Court Officer.

21 Q. Now, if we just look at the first page of that document. So
22 that purports to have an agenda for a meeting on 5 January 1999.
23 Point 1, it states:

24 "Remarkable report and full of activities."

25 And talking about who is reporting at that meeting including

Witness: Bislim Zyrapi (Resumed) (Open Session)
Cross-examination by Mr. Roberts (Continued)

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1 Mr. Limaj, Rexhep Selimi, Sokol Bashota, Jakup Krasniqi,
2 Adem Grabovci, and yourself, and Rame Buja. Do you see all of that?

3 A. Yes.

4 Q. And there's a couple of issues in this. Obviously, there's
5 various complaints that are being or comments that are being made.
6 Under point 2, it states that:

7 "The directorates should become operational ..."

8 So this is another month or so after the restructuring had been
9 completed, but the directorates at that stage were still not
10 operational; is that right?

11 A. Yes, that's correct.

12 Q. And it's actually specifically explained there that they should
13 have the proper staff, including administrator, driver, and vehicles.
14 Did that mean that there were still lots of gaps in the logistics
15 available to any of those directorates at that point?

16 A. Yes.

17 Q. And to be very clear, so when you say that the restructuring was
18 completed at the end of November, you're saying the formal creation
19 of those positions but not necessarily that they were substantively
20 able to exercise their responsibilities; is that fair?

21 A. Yes, correct.

22 Q. Now, throughout the rest of this meeting --

23 MR. ROBERTS: Actually, if we go to the next -- another meeting
24 on 14 January, and that's at page 226470. So only two pages further
25 on.

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Mr. Roberts (Continued)

1 Q. And, again, that appears to be, the fourth line from the bottom,
2 again another complaint that the "Operations Directorate should be
3 staffed properly."

4 Again, obviously, at that point, as chief of staff -- of the
5 General Staff, you were aware that the operations department still
6 had severe shortages and limitations at that point; is that fair?

7 A. Yes, it is. And it's not only the operations directorate but
8 all the other directorates suffered from these kinds of issues.

9 Q. And that presumably continued well after this date?

10 A. Yes.

11 Q. And just at that stage, who was heading the operations
12 directorate?

13 A. There was no one appointed. I did both jobs as head of the
14 operations department and chief of staff. We did not have enough
15 officers. There were just three people in this operations department
16 and a number that we managed to increase to six by March. So talking
17 of shortages, they existed all along.

18 Q. So, yes, if we can compare that to the Bosnian army that we
19 talked about yesterday with the 50 or 60 very extremely experienced
20 officers, it's still vastly under that even right up to the end of
21 March. That's fair, isn't it?

22 A. Entirely true, yes.

23 Q. And those three were yourself, Sali Veseli, and who else then?

24 A. Naim Maloku was there, too. Mensur came in May. Dilaver Goxhaj
25 came later, Bardhyl Tahiri too.

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Mr. Roberts (Continued)

1 Q. But basically throughout the entire war it was never more than a
2 handful of individuals; is that fair?

3 A. Yes, correct.

4 MR. ROBERTS: Now, if we move on now to a meeting on 21 January
5 1999, which, sorry, is at page SPOE00226473. Yes, sorry.

6 Q. And this appears to be a meeting attended by some of the zone
7 commanders. Do you recall this meeting?

8 A. Yes.

9 Q. So you were at it? You attended it, sorry?

10 A. Yes.

11 Q. And there's a lot of complaints that are being given at that
12 point:

13 "More frequent consultations should take place."

14 "Finances should be centralised."

15 And:

16 "Logistics should be centralised."

17 And I think at the bottom point:

18 "Some of the Zone commanders should have a place in the [General
19 Staff]."

20 You see all of those in those notes?

21 MR. ROBERTS: And if we could just scroll up in the Albanian so
22 that can be visible.

23 THE WITNESS: [Interpretation] Yes.

24 MR. ROBERTS:

25 Q. So this is recording, without any comment, the opinions and

1 positions of the zone commanders, isn't it?

2 A. Yes.

3 Q. And the point of this was to be able -- from your recollection,
4 to be able to transmit that information to other people, just to keep
5 a record of what the zone commanders' concerns were, an accurate
6 record?

7 A. Correct, yes.

8 Q. And from your recollection, were you trying to -- you weren't
9 trying to argue with the zone commanders at that point, were you?
10 You were merely recording their concerns.

11 A. Most of the opinions and complaints have not been recorded here
12 in writing.

13 Q. So there were other complaints as well that they also expressed?
14 Without going into detail, but there are other ones as well?

15 A. Yes. Things to do with the logistics, finances, the completion
16 of personnel, and so on.

17 Q. Now, Mr. Selimi was at this meeting as well?

18 A. I can't recall exactly, but most certainly yes.

19 Q. Okay. And his role, as you understood it at the time, is it
20 fair to suggest that he was a liaison in a way between the zone
21 commanders and other people on the General Staff?

22 A. Whose role?

23 Q. Mr. Selimi, Rexhep Selimi's.

24 A. If we're referring to this period of time, he was inspector
25 general.

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Cross-examination by Mr. Roberts (Continued)

1 Q. Yes. And he was on the General Staff, a member of the
2 General Staff, but he also had a good relationship with the zone
3 commanders, didn't he, generally?

4 A. That's correct.

5 Q. And in large part that was for all the reasons that we talked
6 about at the beginning of my questions yesterday and just also the
7 way that he interacted with them since then?

8 A. Yes. Correct, yes.

9 Q. So they would trust him to deal with their complaints or listen
10 to their complaints and then liaise with other members of the
11 General Staff; is that fair?

12 A. Yes, correct.

13 Q. Okay. I just have a couple more topics now, a bit more discrete
14 topics that I want to address, and one I think you've partially
15 addressed already, which is the military police directorate in the
16 General Staff.

17 Now, you were asked about the SPO -- sorry, asked by the SPO
18 about the role of the military police directorate. And you said its
19 function was to provide security for the General Staff and to escort
20 members of the General Staff through its movements in Kosovo.

21 Do you recall giving that evidence? That's transcript page
22 reference T17436.

23 A. Yes, I said this with reference to the military police that was
24 within the General Staff. Whereas the directorate itself had to
25 develop and establish policies with regard to military police at the

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1 time.

2 Q. Understood. Thank you. Now, just to be clear, the military
3 police directorate in the General Staff, and I know you've said this
4 before, it was not a pre-existing directorate before the
5 restructuring. It was created during the restructuring and
6 formalised at the end of November, beginning of December.

7 A. That's correct, yes.

8 Q. And if I can take you to your 2016 statement.

9 MR. ROBERTS: So that's SPOE0067195.

10 Q. And I believe that's to the SPRK. And I'll just read, for the
11 record, what you said:

12 "When was the Directorate of the Military Police of the KLA
13 formed and what were the competencies of this police force?"

14 Your answer was:

15 "The Directorate of the Military Police was formed at the end of
16 November or at the beginning of December 1998. This police had the
17 assignment to train the military police and to supervise its
18 development."

19 And that's consistent with what you've told us just today, isn't
20 it?

21 A. Yes, correct.

22 Q. And nothing has changed your mind since then as to when it was
23 created and what its role was?

24 A. Correct.

25 Q. If I could just take you to a document.

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1 MR. ROBERTS: This is reference 043862. If we could put that up
2 on the screen, please. Now, I know there are various articles on
3 that newspaper. I'm interested in the following page in the English,
4 but the Albanian stays the same. At least I hope it's the following
5 page. Yes.

6 Q. So do you see a newspaper article there or a press release in
7 the Albanian in the top right-hand corner.

8 MR. ROBERTS: If we could just focus on that in the Albanian.

9 Q. And this is entitled: "Two LDK officials were arrested by the
10 KLA Military Police Directorate."

11 A. Yes, I see it. Yes.

12 Q. Thank you.

13 A. I see it.

14 Q. Thank you. Now, you've been asked about this before, in 2016,
15 and I'll read what you said before. Okay.

16 MR. ROBERTS: So this, for the record, is the record of your
17 interview dated 21 September 2016, ERN SPOE00067185 at SPOE00067188.

18 Q. Now, you're shown -- the prosecutor:

19 "The witness is shown the communiqué from the newspaper '*Zeri i*
20 *Kosove/s/*' /Voice of Kosovo/ from the date of 5 November 1998. The
21 witness is asked whether he has knowledge of this communication and
22 whether there was a KLA Directorate of Military Police at that date."

23 Your answer:

24 "First of all, on the date of 1 November 1998 the KLA
25 Directorate of Military Police did not exist. I have never seen this

1 communiqué in a newspaper. I don't know who issued this communiqué."

2 Do you recall telling the SPRK that about this press statement?

3 A. Yes.

4 Q. And that's still correct and still your evidence today, isn't
5 it?

6 A. Yes.

7 Q. And even when the military police directorate was in existence,
8 it was never based in Prishtine, was it, up until the end of the war,
9 obviously?

10 A. Correct.

11 Q. And in this document, it makes a reference to people being
12 detained at investigative prison number 3. You've never heard of
13 that, have you?

14 A. Never. I've never heard about it.

15 Q. Thank you.

16 MR. ROBERTS: Now, if we can just move to a similar document.
17 This is Statement no. 3. This is ERN 043858.

18 THE COURT OFFICER: Your Honours, if I may, just to clarify for
19 the record, the ERN is already admitted as P00300. Thank you.

20 MR. ROBERTS: Thank you very much to the Court Officer. I
21 believe it may be at the bottom of the Albanian, if we can scroll
22 down, or -- yes, there we go.

23 Q. In the bottom left-hand corner, we have statement number 3. And
24 this is in relation to an incident, according to this statement, that
25 occurred on 18 October of that year, 1998. Again, this is

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1 purportedly issued in the name of the Military Police Directorate of
2 the Kosovo Liberation Army. And I believe the Kosovo -- *Zeri i*
3 *Kosoves's* date is 29 October 1998.

4 Just to be perfectly clear, your evidence is again that this was
5 issued over a month before the military police directorate actually
6 came into existence; is that right?

7 A. That's right, yes.

8 Q. Now, in terms of the authority of Mr. Limaj, when he was
9 appointed, sorry, from that date, you were asked some questions by
10 the SPO about that issue in your interview.

11 And to be clear, he maintained that position up until April
12 1999; is that right?

13 A. Yes, correct.

14 Q. And in your SPO interview, you were very clear, and I just want
15 to remind you of what you said in relation to military police within
16 a zone. This is, sorry, Part 5 of your interview, P1355.5, at page
17 24:

18 "So just to be clear, so the zone level military police, they
19 had no reporting line to the military police directorate?

20 "A. From what I know, according to the structure, the military
21 police of the zone reported to the zone commander.

22 "Q. Did the zone commander report the military police matter to
23 the directorate of the military police?"

24 Your answer:

25 "No."

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1 And just to be clear, that's right, isn't it?

2 A. Yes, that's right.

3 Q. And so Mr. Limaj, as head of this directorate of military
4 police, was not allowed to issue orders to military police units at
5 the zone level or the brigade level directly?

6 A. It is true that the military police in zones and brigades were
7 under the orders of zone commanders and brigade commanders. He could
8 have, for example, summoned them for training and for instructions
9 but not give them orders.

10 Q. So his role was more administrative, if I can use that
11 expression, in relation to military police, not substantive?

12 A. Yes, it was administrative. Also for development of policies
13 and training.

14 MR. ROBERTS: And you were also shown a document - if we could
15 put this on the screen, this is P9 - which purports to list military
16 police and its tasks, general rules. So the ERN, for the record, is
17 U000-3206.

18 I'll just wait for the Albanian version to come up on screen.

19 Q. So you remember being shown this document in your interview?

20 A. Yes.

21 Q. And you confirmed you hadn't seen this document before and
22 didn't recognise the signature.

23 MR. ROBERTS: And for the record, that's your interview, Part 6,
24 1355.6, pages 1 to 2 or 1 to 3.

25 THE WITNESS: [Interpretation] Yes.

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1 MR. ROBERTS:

2 Q. And to be clear, it has no stamp, no protocol number, and I
3 believe no date as well; is that right?

4 A. Yes.

5 Q. And it's not an order or an ordinance or an instruction, is it?

6 A. Correct. It's a part of rules specifying the tasks of the
7 military police directorate. It's in that context, this document.

8 Q. But you don't know who it was sent to or when or even if it was
9 sent to any of the military police units of the KLA?

10 A. Correct. I didn't see this document, and I don't know about it.

11 Q. Right. There's just one question I did want to ask you and I
12 won't ask any more than that. There's a reference in paragraph 9 -
13 if we can just go over the page in the English - to the civilian
14 police --

15 MR. ROBERTS: Sorry, it's paragraph 9.

16 Q. "The Civilian Police Sector of the Military Police
17 Directorate ..."

18 Now, did that even exist or not?

19 A. As far as I know, it didn't.

20 Q. Okay. And I just want to move on to one last topic. And just
21 for your information, this will be the last topic of my questions,
22 and that's Mr. Kuqi, Blerim Kuqi.

23 Now, Mr. Kuqi left Kosovo for Albania round about 10 September
24 1998. That's right, isn't it?

25 A. That's right, yes.

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1 Q. And you saw him in Albania because you were there, presumably,
2 at the same time?

3 A. Yes, after I left for Albania.

4 Q. And when you talked with the SPO about this, you explained as
5 follows in your interview.

6 MR. ROBERTS: This is Part 6, page 28.

7 Q. So:

8 "... Mr. Blerim Kuqi, in September, beginning of September, as
9 the commander of the 123 Brigade, left the unit in Kosovo without
10 notifying anybody, without arranging or sorting the issue of the unit
11 that was inside -- the unit inside Kosovo, and without asking anyone
12 and without seeking permission from anyone he'd left. And he left at
13 the most difficult point while the fighting was taking place. He
14 left and went to Albania without any permission at all."

15 Do you recall telling that to the SPO and is it accurate?

16 A. Yes, it's accurate.

17 Q. And you later stated in relation to Mr. Kuqi -- this is pages 29
18 to 30 in the English, and 33 in the Albanian, talking about the
19 reasons Mr. Kuqi gave:

20 "... the reason was that he felt some sort of fear and pressure
21 from the population -- that the population had withdrawn or had moved
22 away from certain regions, including Pagarushe. And the other reason
23 that he stated was that he went to Albania to get more professional
24 fighters, officers. And these were -- my advice to him was that
25 these are reasons that can happen in any war situation in the world,

1 could happen anywhere in the world in a war situation. It can happen
2 that somebody is scared and ... can feel the pressure. But because
3 of these actions, he had to have been replaced so that the unit could
4 have continued to operate, and he should have notified the staff of
5 the operational zone and the reasons why he was going ..."

6 Again, that's right, isn't it, and accurate?

7 A. Yes, it's accurate.

8 Q. And so at that time, as you've told us, Muse Jashari was the
9 zone commander of the Pashtrik zone?

10 A. Correct.

11 Q. And so he didn't obtain the authorisation of Mr. Jashari
12 before -- according to your evidence, before going to Albania?

13 A. Correct.

14 Q. Now, there is evidence that we've heard that he was given
15 supposed authorisation to leave by his subordinate. But as a
16 military officer, you would accept, wouldn't you, that a subordinate
17 cannot give a superior that authorisation to leave?

18 A. Correct. You need to seek authorisation from superiors.

19 Q. And Mr. Kuqi was unable to contact you to obtain your
20 authorisation or to request authorisation from you, and there is
21 evidence the Court's heard that he tried for three days to do so.

22 So just on that issue. Obviously, in mid-September 1998, if
23 that information is correct, there was no way that you could have
24 been -- there was no way that Mr. Kuqi could have communicated with
25 you directly to request this information or request this

1 authorisation on a very, very important topic. That's fair, is it
2 not?

3 A. Yes, let me explain you why. At this time, we, as staff, or
4 part of the staff, were in Dukagjini area. It is true that we were
5 not close to where he was.

6 Q. Right. So physically you weren't close, but there was no way
7 that he could have communicated to you by communication system of
8 whatever sort even though it was fundamentally important for him to
9 have sought your authorisation, presumably?

10 A. He could not communicate with us as staff, but there was a zone
11 commander and he could communicate with him and ask for authorisation
12 from him, not from us.

13 Q. Yes, yes. And we know from your answer that he didn't do that,
14 obviously, in relation to Mr. Jashari.

15 As a military officer with a lot of experience, the laws in
16 relation to desertion can be quite severe, can't they, in terms of
17 prescribing a punishment, and I presume in the Bosnian army that
18 would be the same -- sorry, that would the same?

19 A. Yes. Desertion in every army is a serious offence and it's
20 severely punished.

21 Q. Do you know what the punishment was under the army of the --
22 under the Bosnian army, actually, for that during -- desertion during
23 the time of conflict?

24 A. To assess the situation, it was the legal sector that dealt with
25 this issue, and they would rely on articles dealing with laws and

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1 customs of war and also national laws, and based on that the verdict
2 would be reached in relation to a soldier or an officer that had
3 deserted. I'm not an expert in legal issues to know exactly what the
4 punishment involves.

5 Q. Understood. But it wouldn't surprise you to know that the
6 potential sentence that was available under the Yugoslav code
7 applicable would have been between -- imprisonment of between five
8 years and the death penalty. Is that something that would be
9 consistent with your understanding?

10 A. Yes, that's correct, based on former Yugoslav laws.

11 Q. Now, in relation to exactly what happened to Mr. Kuqi. You were
12 shown a document by Prosecution counsel, which is titled "Ordinance,"
13 and states that the Pashtrik operational zone commander, who was
14 Commander Drini, and the 123 Brigade commander, who is Nexhmedin
15 Kastrati, as well as Blerim Kuqi "shall report to the KLA
16 General Staff on 16 January 1999." Do you recall seeing that
17 document?

18 A. I saw this document during the preparation session. Not before
19 that.

20 MR. ROBERTS: It's P1105.

21 Q. We don't need to put it up on the record for now. But you
22 remember there was this ordinance for these three individuals to go
23 to the General Staff on 16 January?

24 A. I saw this ordinance in the preparatory phase, not earlier.

25 Q. Okay. And your evidence that you gave the Panel was that when

1 these individuals, the three individuals arrived - Mr. Drini,
2 Mr. Kastrati, and Mr. Kuqi - you went with, sorry, Commander Drini
3 and Nexhmedin Kastrati to discuss related matters. It -- was that in
4 a different location; is that right?

5 A. The same location.

6 Q. Okay. And in terms of what you then said in relation to this
7 situation, you explained the following in relation to Mr. Kuqi. So
8 this is your transcript, page T17446, and we'll start:

9 "And were you present when Blerim Kuqi did report to the staff?"

10 Your answer:

11 "Yes, when he came together, Blerim Kuqi, that is, as -- the
12 zone commander and the brigade commander.

13 "Can you give their names just for clarity?"

14 "The zone commander was Ekrem Rexha, and the brigade commander
15 was Nexhmedin Kastrati.

16 "Q. And do you recall what happened when they reported to the
17 staff?"

18 "A. From what I remember at the time, when they arrived, the
19 zone commander, Commander Drini, came with me in the operational
20 directorate office. We discussed operational matters. Nexhmedin
21 Kastrati went to Brigade 121 to discuss their related matters. And
22 Blerim Kuqi was left in the command.

23 "Who was in the command with Blerim Kuqi?"

24 "A. Jakup Krasniqi, Rexhep Selimi, and Fatmir Limaj."

25 And then finally:

1 "Was there a decision to detain Blerim Kuqi?

2 "A. Yes. After this, the decision was issued to detain him."

3 So just to be clear, you were in a different office than
4 Mr. Kuqi and those other individuals that you mentioned; is that
5 right? You were with Mr. Drini in one office, and you left Mr. Kuqi
6 in a different location, different office?

7 A. Yes, that's correct.

8 Q. And when you say that there was a decision issued to detain
9 Blerim Kuqi afterwards, you don't know who issued that decision
10 specifically, do you?

11 A. At that moment, I didn't know.

12 Q. And you don't know when it was issued specifically either?

13 A. The decision was issued on that day.

14 Q. Well, if we look to the decision or the purported -- only
15 documents -- sorry, I'll start again.

16 If we look at the specific documents that are supposedly
17 relating to this.

18 MR. ROBERTS: If we go to P1106, please. So that's
19 SPOE00232828.

20 Q. And, again, this purports to be a report against the accused
21 Blerim Kuqi. And I just want you to look at the name at the bottom.
22 And I note this is an unsigned document, obviously. But, again,
23 that's in the name of Fatmir Limaj, isn't it?

24 A. Yes.

25 MR. ROBERTS: And, similarly, if we could look at document

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1 P1344. For the record, that's SPOE00232264. And if we go to the
2 second page of that document.

3 Q. This purports to be dated 4 June 1999. Again, this is issued in
4 the name of the General Military Prosecutor, Arben Sejdiu. Do you
5 see that?

6 MR. ROBERTS: If we could just go to the bottom of the second
7 page of the Albanian so you can see that on screen. Yes.

8 THE WITNESS: [Interpretation] Yes, I can see it.

9 MR. ROBERTS:

10 Q. So the point I'm making, and I just want you to confirm this, is
11 that, obviously, there's nothing in either of these documents which
12 suggests that Mr. Selimi had anything to do with either -- with the
13 decision to detain Mr. Kuqi, is there?

14 A. Yes, it's clear from this document.

15 Q. And you never heard a specific order from Mr. Selimi or believe
16 in any way that he -- or have evidence, sorry, that he was
17 specifically involved in the decision to detain Mr. Kuqi; is that
18 correct?

19 A. That's correct. I never saw any order.

20 Q. Thank you very much, Mr. Zyrapi. That comes to the end of my
21 questions.

22 MR. ROBERTS: Thank you, Your Honours.

23 PRESIDING JUDGE SMITH: Thank you.

24 Mr. Ellis or Ms. Alagendra.

25 Cross-examination by Ms. Alagendra:

1 Q. Good afternoon, Mr. Zyrapi.

2 A. Good afternoon.

3 Q. I am Venkateswari Alagendra, and I will be asking you some
4 questions on behalf of Mr. Jakup Krasniqi. Yes? And I'll say that
5 up front, there might be some questions that you think have already
6 been asked of you, but I will still have to ask you similar questions
7 in order to get to the point that I need to. Yes? So there might be
8 some overlap, but I guarantee you I'm not going to be repetitious.
9 Yeah?

10 Now, between 2005 and 2018 you testified in several cases before
11 ICTY and the EULEX courts; is that correct?

12 A. Yes, correct.

13 Q. And in those cases you were summoned as a witness, weren't you,
14 Mr. Zyrapi?

15 A. Yes.

16 Q. And between 5 August 2019 and 8 August 2019, you were
17 interviewed by the Prosecution in this case -- in the investigations
18 in this case; correct?

19 A. Yes.

20 Q. And that was the first time you were interviewed as a suspect in
21 a case; am I correct?

22 A. Yes.

23 Q. And I'd like to now move to your background. You've confirmed
24 with Mr. Roberts yesterday that you were in the Yugoslav Army, the
25 JNA, from 1981 until the beginning of the Bosnian war in 1992; is

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1 that right?

2 A. Yes, it's right.

3 Q. And you reached the rank of sergeant in the JNA; would that be
4 correct?

5 A. Yes, correct.

6 Q. And in 1992, you left the JNA and joined the Bosnian army?

7 A. Forgive me, would you kindly repeat it?

8 Q. In 1992, you left the JNA and joined the Bosnian army?

9 A. Just a sec. There was a mistake in the earlier response. We
10 talked about this grade of -- the rank of a sergeant. At the end, I
11 was a --

12 Q. Colonel.

13 A. -- lieutenant. I then finished the military academy and then
14 became an officer. So there is quite a wide range of distinction
15 here.

16 Q. Thank you for clarifying that. And in 1992, you joined the
17 Bosnian army; is that correct?

18 A. Correct.

19 Q. And you remained in the Bosnian army until January 1995?

20 A. Correct.

21 Q. So by the time you joined the KLA in May 1998, you'd agree with
22 me that you had about 15 years of military experience; is that
23 correct?

24 A. Correct.

25 Q. And you held senior ranks in professional armies; yes?

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1 A. Correct, yes.

2 Q. Now, when you entered Kosovo, you say you met Sokol Bashota in
3 Drenoc, didn't you?

4 A. Yes.

5 Q. And you understood that Sokol Bashota was heading the
6 operational department; yes?

7 A. Yes.

8 Q. And that you were being placed under him?

9 A. That's correct.

10 Q. Yes. And he issued you orders and sent you to locations, didn't
11 he?

12 A. Correct, yes.

13 Q. And in June, July, and August 1998, you were reporting to
14 Sokol Bashota; is that correct?

15 A. From June to July, yes.

16 Q. Right. And it was Sokol Bashota who also told you that you were
17 going to be the director of the operational department; is that
18 right?

19 A. Yes.

20 Q. And he also told you to introduce yourself to the operational
21 zones and that this was your role from now on. That's what you've
22 said. Is that correct?

23 A. Yes, correct.

24 Q. And at that time, your role was to make proposals about the
25 structure and about appointments?

1 A. Yes, to submit proposals.

2 Q. Yeah. And when you made proposals for restructuring the units,
3 your proposals would go to Mr. Azem Sylja through Sokol Bashota;
4 correct?

5 A. Most likely I gave them to Sokol Bashota. As to how he
6 proceeded from there onwards, I don't know. My suggestions went to
7 Bashota.

8 Q. Right. And just so I can refer you back, it's in Part 2,
9 page 11 of your evidence.

10 MS. LAWSON: Your Honour, I wish to remind counsel that there
11 was a clarification on this point in the preparation note.

12 MS. ALAGENDRA: My apologies. I'll withdraw that then. Thank
13 you.

14 Q. Now, you knew in the summer of 1998 that Azem Sylja was the
15 general commander of the KLA; correct?

16 A. Yes.

17 MS. ALAGENDRA: If I could have on the screen P847, please.

18 Your Honours, this document has been tendered by the Prosecution
19 through bar table filing number 01268, and it has been admitted in
20 Trial Panel decision 1983 together with its English version. But we
21 note that there is an updated English translation of the document,
22 and that appears at SITF00243000 till 243003-ET Revised 1.

23 If we could have that version of the English up, please. We
24 would be asking for the ET Revised 1 version to substitute the
25 previous version that was admitted, Your Honours.

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1 PRESIDING JUDGE SMITH: Madam Prosecutor?

2 MS. LAWSON: We've no objection.

3 PRESIDING JUDGE SMITH: That substitution will take place.

4 MS. ALAGENDRA: Thank you.

5 PRESIDING JUDGE SMITH: So SITF243000 to 243003-ET Revised 1
6 will be part of P847.

7 THE COURT OFFICER: Thank you, Your Honours.

8 MS. ALAGENDRA: Yeah.

9 Q. Witness, this is the *Zeri i Kosoves* interview with Mr. Syla,
10 Azem Syla, titled, "The KLA is a Creation of the Military Wing of the
11 LPK," and it's dated 2 October 1999.

12 MS. ALAGENDRA: If we could move to page ending 3001, please.

13 Q. And in the middle of the page, Mr. Syla is asked who the first
14 General Staff members of the KLA were. Do you see that?

15 A. Which part of it, please?

16 Q. It's on the left. It appears to be on the left, the second
17 question.

18 A. Yes --

19 Q. Yes, if you take a moment to read that, please.

20 A. -- I can see it now, yes. I have read it, yes.

21 MS. ALAGENDRA: The English needs to move to the next page,
22 please. Yeah.

23 Q. Let me know when you've read it, Mr. Zyrapi. You've read it?

24 A. Yes, I have.

25 Q. Yes. Now, Mr. Syla identified the first members in that answer,

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1 didn't he?

2 A. He did.

3 Q. And he did not list Jakup Krasniqi as part of the first
4 General Staff of the KLA, did he?

5 A. Correct, yes.

6 Q. And in relation to Sokol Bashota, Azem Sylja said:

7 "... my deputy Sokol Bashota was placed at the head of the
8 General Staff, who carried out both duties until the period [until]
9 the two meetings in Rambouillet."

10 Do you see that?

11 A. Yes, I can read it.

12 Q. Right. And according to Azem Sylja, Sokol Bashota acted in this
13 role as deputy commander until the period between the two meetings in
14 France, and that is when Azem Sylja was replaced by Sylejman Selimi as
15 the general commander; correct?

16 A. Yes.

17 Q. I'd like to now ask you some questions about Mr. Jakup Krasniqi.

18 MS. ALAGENDRA: If I can have on the screen 110500, please.

19 It's the same in the Albanian.

20 Q. You're aware, aren't you, Witness, that Jakup Krasniqi was a
21 history teacher between 1972 and 1981?

22 A. Yes, he worked as such.

23 Q. And he was in prison for his political activities between 1981
24 and 1991, wasn't he?

25 A. I have heard about it, yes.

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1 Q. Yes. And after his release in 1991, he was again a history
2 teacher between 1991 and 1994; is that right?

3 A. Most likely, yes.

4 Q. Yes. And he was involved in the parallel education system set
5 up by the LDK in the early 1990s, wasn't he?

6 A. Yes.

7 Q. And on Monday, you told us that Jakup Krasniqi was a member of
8 the LDK; yes? You recall that?

9 A. Yes, I did say it.

10 Q. Now, between 1991 and 1998, he was a member of the LDK
11 chairmanship and the head of the LDK branch in Drenas; yes?

12 A. Correct.

13 Q. Mr. Zyrapi, Jakup Krasniqi does not have any military background
14 or experience, does he?

15 A. Correct.

16 Q. And you first met Jakup Krasniqi in June 1998 when he was
17 appointed as the spokesperson of the KLA?

18 A. Yes, correct.

19 Q. And you would remember, wouldn't you, that at the time when you
20 entered Kosovo, hardly any person in the KLA was publicly known by
21 their name, by their real name? That's correct, isn't it?

22 A. Yes.

23 Q. Under the initial appearance in mid-June 1998, Jakup Krasniqi
24 was known publicly as the KLA spokesperson by his first and last
25 name; correct?

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1 A. That's correct.

2 Q. He never used a pseudonym; yes?

3 A. Correct.

4 Q. And the appearance of Professor Jakup Krasniqi as the
5 spokesperson of the KLA was very important for the members of the KLA
6 as well as the Albanian public at that time; correct?

7 A. Yes, that's correct.

8 Q. One of the reasons being that the general public would be able
9 to associate the KLA with a name that was already well known in
10 Kosovo, especially the Drenica region; yes?

11 A. Yes, correct.

12 Q. And you would also agree with me that announcing publicly
13 Mr. Krasniqi as the KLA spokesperson with his first and last name
14 brought great risk not only to him but also to his family members;
15 yes?

16 A. Yes, correct.

17 Q. And it exposed him and his family to being targeted by the
18 Serbian military and paramilitary forces; correct?

19 A. Yes, yes.

20 Q. Are you aware, Mr. Zyrapi, that in November 1998 Mr. Krasniqi's
21 family was attacked and Abedin Bujupi was murdered on the road
22 outside the Krasniqi family home?

23 A. Yes.

24 Q. Right. Now, you have testified in the Bellanice case before the
25 EULEX courts. Do you recall that?

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1 A. Yes.

2 Q. And in your evidence in that case, you've said that the
3 locations where the spokesperson stayed was in Berisha, Nekoc, and
4 Negroc; is that correct?

5 A. Yes.

6 Q. Yes. And these were villages around the Berisha mountains where
7 Mr. Krasniqi was staying until November 1998; would that be correct?

8 A. Yes.

9 Q. And Negroc is where Mr. Krasniqi comes from, isn't it?

10 A. Yes, his birthplace.

11 Q. Yes. And his family was living there at the time?

12 A. Yes.

13 Q. Yeah. And you've personally visited Mr. Krasniqi in his home in
14 Negroc, haven't you?

15 A. Yes.

16 Q. And you were treated well, hospitably, and hosted to meals at
17 the house by Mr. Krasniqi and his family?

18 A. Yes. Most certainly, yes. I wasn't on my own.

19 Q. Yes. You met Blerim Kuqi and Kurtesh Fondaj in Negroc in June
20 1998, didn't you?

21 A. Yes, correct.

22 Q. And you're aware, then, that they also had meals and were hosted
23 to the hospitality of Mr. Krasniqi and his family?

24 A. Yes, that's right.

25 Q. And would you also have been there in July 1998 on the day when

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1 Agim Qelaj was killed?

2 A. Agim Qelaj was killed in Rahovec in 1998.

3 Q. Yes, but were you in Negroc at the time?

4 A. No.

5 Q. Right.

6 MS. ALAGENDRA: If I could now have on the screen P00775,

7 please. And if we could move to page SPOE00068083, please.

8 Q. Do you see on that page where you are asked:

9 "Do you know what status Jakup Krasniqi had ..."

10 MS. ALAGENDRA: If you could scroll down, please, on both of

11 them. Yeah.

12 Q. And further down you are asked:

13 "What was his role ..."

14 Do you see that, Mr. Zyrapi?

15 A. Yes, I read it. Yes.

16 Q. Right. You told the Basic Court of Gjakove in this Bellanice
17 trial that the duties of the spokesperson were to inform the public
18 about the KLA developments; is that correct?

19 A. Yes.

20 Q. And you were also asked, and that's just below that:

21 "Does that mean that he also had a role in issuing communiqués?"

22 And your answer was:

23 "No, I don't know about this."

24 That's accurate, isn't it?

25 A. Yes, it is.

1 Q. From your military experience, being a career officer, you will
2 agree with me that the duties of the spokesperson are the same in any
3 army; correct?

4 A. Yes.

5 Q. But in the KLA there were issues, weren't there? The flow of
6 information was hard to control; yes?

7 A. Yes, correct.

8 Q. And one of the issues at the time was that local staff, in
9 Dukagjin, for instance, and Drenica, or Llap, the local staff was
10 speaking to the medias; am I correct?

11 A. Yes, there were occasions.

12 Q. Yes. And it was impossible for the spokesperson or the
13 General Staff to follow all of that media or react to communiqués or
14 interviews that were being released in the name of the KLA; am I
15 correct?

16 MS. LAWSON: Speculative, Your Honour.

17 PRESIDING JUDGE SMITH: Sustained.

18 MS. ALAGENDRA:

19 Q. Witness, in any army you'd agree with me that propaganda is
20 important, especially in a volunteer army like the KLA; yes?

21 A. Yes, it applies to every army.

22 Q. And you'll agree with me that the duties of the spokesperson
23 included using propaganda in favour of the KLA?

24 A. Yes, correct.

25 Q. And the Serbian regime at the time was calling the KLA a

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1 terrorist group and falsely accusing the KLA of committing crimes,
2 wasn't it?

3 A. Yes.

4 Q. The target of the KLA's propaganda wasn't only the local
5 Albanian population, but the KLA was also seeking international
6 support at the time, wasn't it?

7 A. That's correct.

8 Q. And to do that, the spokesperson was trying to portray the KLA
9 as an organisation, a liberation force, not a terrorist group as
10 Serbia was trying to portray it; correct?

11 A. Yes, correct.

12 Q. And to gain the Western support, you and the General Staff
13 understood that the KLA should avoid any actions which could be
14 portrayed as being terrorists; is that correct?

15 A. Yes.

16 MS. ALAGENDRA: If I could call up DRS00098 to 99. It's the
17 same in the Albanian version.

18 Q. Now, this is a media article titled "The prisoner in the Panda
19 case: The Serbian aggressor committed the crime wearing a KLA
20 uniform."

21 This was one of the examples of such actions, wasn't it,
22 Mr. Zyrapi, the Panda case, which was denied by the KLA at the time
23 and was only much later confirmed to be a false flag operation;
24 correct?

25 A. Yes, it is.

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1 MS. ALAGENDRA: Looking at the time, Your Honours, is it
2 appropriate for me to stop here now?

3 PRESIDING JUDGE SMITH: We'll take the lunch break now.

4 Thank you for your attendance this morning. Please do not talk
5 to anyone outside the courtroom about your testimony. And we'll see
6 you back here at 2.30.

7 [The witness stands down]

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

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

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

11 PRESIDING JUDGE SMITH: Please bring the witness in.

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: Mr. Zyrapi, we will continue with
14 Ms. Alagendra's questioning.

15 MS. ALAGENDRA:

16 Q. Good afternoon, Mr. Zyrapi.

17 MS. ALAGENDRA: Your Honours, before I move to the next
18 question, we were referring to the document DRS00098 before the lunch
19 break. I seek to tender that document, Your Honours.

20 PRESIDING JUDGE SMITH: Any objection?

21 MS. LAWSON: No, Your Honour.

22 PRESIDING JUDGE SMITH: I believe you included two pages?

23 MS. ALAGENDRA: Yes, Your Honour.

24 PRESIDING JUDGE SMITH: DRS00098 to 00099 plus the Albanian
25 translation is admitted.

1 THE COURT OFFICER: It will be assigned Exhibit 4D00067, and
2 it's currently classified as public.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 Oh, is it already public?

5 MS. ALAGENDRA: It's public.

6 PRESIDING JUDGE SMITH: Okay. Sorry.

7 Go ahead.

8 MS. ALAGENDRA: Yeah.

9 Q. So, Mr. Zyrapi, you're aware, aren't you, that in July 1998
10 there were public statements that the KLA was ready to attack
11 Prishtine?

12 A. I heard about them, yes.

13 Q. The KLA did not have the capacity to attack any city, let alone
14 Prishtine; am I correct?

15 A. Yes, correct.

16 Q. And this was just propaganda to depict the KLA as being
17 organised than it actually was; am I right?

18 A. Yes.

19 MS. ALAGENDRA: If I can have SPOE -- I believe it's P775,
20 Exhibit 775, on the screen, please. And the specific page would be
21 SPOE0068083, please. It's in the middle of the page.

22 Q. So in the middle of the page you were asked about
23 Jakup Krasniqi's role in 1998 and 1999. And if I can read you your
24 evidence:

25 "From the beginning of June to November 1998 he was spokesman of

1 the KLA General Staff. After November, as part of the restructuring
2 of the General Staff, he was appointed deputy commander of the
3 General Staff for political affairs."

4 That's accurate, isn't it?

5 A. Yes, accurate.

6 Q. And you confirmed to the Prosecution in the preparation session
7 last month that, to your knowledge, the deputy commanders were
8 appointed in November 1998; yes?

9 A. Correct.

10 MS. ALAGENDRA: And if I could call up 4D00011, please.

11 Q. And you recall being shown this document by the Prosecution
12 earlier on; yes?

13 A. Yes.

14 Q. Right. You'll agree with me, Mr. Zyrapi, that this document
15 shows that in the restructuring there were two deputy commanders;
16 yes? One for operations and one for support.

17 A. In this context, it's not in the sense of logistics support.
18 It's another type of support because logistics had its own base.
19 Support refers to both the political aspect and other aspects that
20 are supposed to be supported by this deputy commander.

21 Q. Yes, I'll come to that in due course. But for the moment,
22 according to this document, it defines operations -- there's one
23 deputy commander for operations and one for support based on these
24 notes ; yes? And I take it that it doesn't refer to logistics; am I
25 correct?

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1 A. Yes, the --

2 Q. And Jakup Krasniqi --

3 A. -- operations and --

4 Q. Sorry, carry on. My apologies for interrupting.

5 A. Yes, for operations and support.

6 Q. Right. And Jakup Krasniqi was appointed as the deputy commander
7 for support; correct?

8 A. Yes.

9 Q. And Sokol Bashota was the deputy commander for operations;
10 correct?

11 A. Not for the operative. For operations.

12 Q. Yes, for operations. Now, between June and September 1998, as a
13 member and then head of operations, you travelled around the zones
14 and the local staffs to meet the commanders and assess their level of
15 organisation and readiness; correct?

16 A. Correct, yes.

17 Q. And with your military knowledge and expertise, you helped them
18 to build a better structure and develop organisation, didn't you?

19 A. I did, yes.

20 Q. And last week you told Mr. Misetic that when you visited the
21 local staff, you did not have the authority of a commander but had
22 the authority of an officer with the objective to help them, assist
23 them, and reorganise them; yes?

24 A. Yes, correct.

25 Q. And you were doing that acting on the instructions from the

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1 operations directorate. That's right, isn't it?

2 A. Yes.

3 Q. It's true, isn't it, Mr. Zyrapi, that as a former military
4 officer, the zone and local commanders turned to you for advice and
5 guidance on issues of structure, organisation, and military issues?

6 A. Correct, yes.

7 Q. And during your preparation session and direct examination last
8 week, you were shown another document.

9 MS. ALAGENDRA: And if I can call up P01383.

10 Q. Right. You recall being shown this document?

11 A. Yes.

12 Q. Right. And this is an unsigned report from the zone commander
13 of the Dukagjin zone dated 28 July; correct?

14 A. Correct.

15 Q. You did not recall receiving this document at the time, but you
16 did tell the Prosecution that you had visited the Dukagjin zone prior
17 to the date of this report; yes?

18 A. Yes, correct.

19 Q. And you also said you had helped Ramush Haradinaj build up
20 assault brigades and organise the command; yes?

21 A. I mentioned that I helped him with the structuring of the
22 brigades, because the command was already organised.

23 Q. Yes. And what Ramush Haradinaj is doing in this document is
24 informing you about the progress in implementing what you had
25 discussed together with him; correct?

1 A. When I was there, yes, but not in this document. I did not
2 receive such reports.

3 Q. Yes. But if you had to look at the content of the document,
4 he's actually informing you -- if you could take a moment to read the
5 document, please.

6 "Three assault brigades have been formed at the rear, have been
7 inaugurated, and they have taken the oath. The fourth is in the
8 process of formation. Six officers have been appointed to each
9 brigade."

10 Yes?

11 PRESIDING JUDGE SMITH: Counsellor, you asked him to read the
12 document. You have to give him a chance to do it.

13 MS. ALAGENDRA: Sorry, my apologies.

14 THE WITNESS: [Interpretation] Yes.

15 MS. ALAGENDRA:

16 Q. So although the document is addressed to the General Staff, it's
17 essentially a document that's directed to you as the head of
18 operations on the progress of what was being implemented at the time;
19 yes?

20 A. It is correct that it is directed to the operations directorate
21 to inform it, but that doesn't mean that this report reached me. As
22 for the information contained here, we discussed it when I was there,
23 when we exchanged information on the developments with the zones and
24 the brigades.

25 As a report, I did not receive it. During this period, there

1 was fighting going on and it was impossible for us, and I'm talking
2 about the staff here, to receive reports of this kind.

3 Q. Fair enough. I'll move now to the Llap zone. You told the
4 Prosecution that the first time you went to Llap was after Agim Qelaj
5 was killed, when you met with Rrustem Mustafa, the zone commander,
6 and his deputy Kadri Kastrati; yes? Do you recall that?

7 A. Yes.

8 Q. And on that occasion, you had a chance to assess and discuss the
9 level of organisation in that zone, didn't you?

10 A. Correct, yes.

11 Q. And those discussions you had with Kadri Kastrati because, like
12 you, he was a former military officer so it was easier for you to
13 discuss it with him; am I correct?

14 A. Correct.

15 Q. And on that occasion, you also received a number of requests
16 concerning weapons and technical equipment. Would that be correct?

17 A. Correct.

18 Q. And, Mr. Zyrapi, you're aware that Mr. Mustafa has testified
19 before this Panel; yes?

20 A. Yes, I've heard about it.

21 Q. Yeah. Did you follow his testimony?

22 A. Not all of it.

23 Q. Right. But you agree -- well, let me know if you're aware that
24 Mr. Mustafa has accepted that he looked to people like Kadri Kastrati
25 and yourself as experienced people who helped him in the efforts at

1 his zone.

2 A. Yes.

3 Q. Right. Now, Witness, you'll recall testifying in the Limaj case
4 at the ICTY, at the ICTY, that in mid-July 1998 you went to Dukagjin
5 with Hashim Thaci, Rexhep Selimi, and Jakup Krasniqi, and others;
6 correct?

7 A. Yes, correct.

8 Q. And at that time Ramush Haradinaj was the commander of the area,
9 wasn't he?

10 A. Yes.

11 Q. And at that meeting, Ramush Haradinaj briefed you on the
12 structure of the local headquarters at the time; yes?

13 A. Yes, correct.

14 Q. And he also told you Nazmi Brahimaj was the deputy commander and
15 Sali Veseli was the chief of staff; yes?

16 A. Yes, correct.

17 Q. And the positions of the Dukagjin regional staff had been
18 decided prior to that visit to Dukagjin, and that was in a meeting on
19 23 June 1998; yes?

20 A. Yes, correct.

21 MS. ALAGENDRA: Now if I could call up P1364, please.

22 Q. Could you have a look at the document.

23 MS. ALAGENDRA: Please can you scroll down.

24 THE WITNESS: [Interpretation] Yes.

25 MS. ALAGENDRA:

1 Q. And you'll agree with me that, based on this document, it shows
2 that members of the operative staff are present at the meeting and
3 they have appointed people to the positions of commander, deputy
4 commander, assistant for moral guidance and political affairs, chief
5 of staff, logistics assistant, assistant for intelligence and
6 counter-intelligence. They were all voted and -- they were proposed
7 and voted by the local staff; yes? [Microphone not activated] ... of
8 the document, I'm sorry.

9 A. Yes, correct.

10 Q. And the minutes of the meeting also confirm that the discussion
11 was centred on having people that will work in key positions,
12 according to that report. Would you agree?

13 A. Yes.

14 Q. So it follows, doesn't it, that it wasn't the General Staff who
15 decided on who should be the commander of the zone. Ramush had been
16 elected as a zone commander, wasn't he?

17 A. Yes.

18 Q. Now I'd like to ask you a few questions about the
19 General Staff's visit to Dukagjin following the change of command.

20 Witness, you wouldn't know or you don't know how the
21 General Staff was informed of the change of command; is that correct?

22 A. Yes, correct.

23 Q. You went to Dukagjin and met with Tahir Zemaj and Haradinaj;
24 correct?

25 A. Excuse me, which meeting are you referring to?

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1 Q. It's the second meeting. It's the second meeting.

2 A. Yes, the second meeting.

3 Q. And Jakup Krasniqi was not on that visit with you, was he?

4 A. No, he wasn't during the second meeting.

5 MS. ALAGENDRA: Now if I can take you to Part 3 of your SPO
6 interview, page 27. That's 1355.3.

7 Q. Now, you were asked, and that's your evidence on this page, you
8 were asked:

9 "Do you know who had contacted [Azem Syla]?"

10 And your response at lines 11 to 12 was clearly:

11 "No."

12 Correct?

13 And you then added:

14 "I think it was Jakup Krasniqi who was in contact with
15 [Azem Syla]."

16 That's what it reads here. You agree?

17 A. Yes, I fully agree.

18 Q. Right. But when you were asked that question directly if you
19 knew, you said you did not know who contacted Azem Syla. We'll break
20 it down into parts, Witness. Yes? You did not know who had
21 contacted Azem Syla; yes?

22 A. Yes, correct.

23 Q. And when you said, "I think it was Jakup Krasniqi who was in
24 contact with him," that was just you simply guessing, wasn't it?

25 A. It depends on which period you're referring to, 1998 or 1999.

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1 Q. It's around the change of command in 1998.

2 A. With a change of command, the deputy commander should --

3 Q. No, I'm talking about --

4 A. -- maintain contact with the commander.

5 Q. -- the change of command in that area.

6 A. And now --

7 Q. In the Dukagjin area.

8 A. -- how that was done, that I don't know. In Dukagjini area --

9 Q. Yes, yes. That's in 1998. Earlier.

10 A. No.

11 Q. I'm just looking at what's in your interview, Witness, you said:

12 "I think it was Jakup Krasniqi who was in contact with
13 [Azem Sylja]."

14 You weren't sure, put it that way; correct?

15 A. For that period of time, yes, correct.

16 Q. Now, you have also said that Mr. Krasniqi signed an order to
17 appoint the zone commander on Azem Sylja's behalf. Now, Mr. Krasniqi
18 was not present during the visit to Dukagjini. You'll agree? I
19 mean, you've told us he wasn't there on that visit; yes?

20 A. Correct.

21 Q. And at that time Jakup Krasniqi was simply the spokesperson,
22 wasn't he?

23 A. Yes.

24 Q. Right. And you've not shown us a written order signed by
25 Mr. Krasniqi appointing Mr. Haradinaj? You can confirm that?

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1 A. Yes, that's correct.

2 Q. And nor were you shown such a document signed by Mr. Krasniqi by
3 the Prosecution, have you?

4 A. Correct.

5 Q. I'm going to move now to the case of Cen Desku and
6 Jakup Kastrati. Now, you were outside Kosovo when Cen Desku and
7 Jakup Kastrati were arrested on 30 October 1998; correct?

8 A. Correct.

9 Q. And at Part 3 of your interview --

10 MS. ALAGENDRA: If we could have -- well, let's see if you can
11 recall first.

12 Q. At Part 3, page 34 and 35 of your interview in 2019, you say
13 that you heard about their arrest when they were released; is that
14 accurate?

15 A. That's accurate, yes.

16 MS. ALAGENDRA: Could we have on screen P00093 at timestamp
17 00:00. I just need the still of the start of the video, please. I
18 don't think that's the right video. [Microphone not activated] ...
19 sorry. P00093. And if it helps, it's 061427-12. All right. Yeah.

20 Q. For your information, Mr. Zyrapi, this is a footage of the
21 release of Cen Desku and Jakup Kastrati. Do you recognise the person
22 on the screen? Can you just confirm for us who is the person on the
23 screen?

24 A. Yes, it's Sokol Bashota.

25 Q. Right. And Sokol Bashota was representing the KLA at that

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1 release; correct?

2 A. From what you can see, yes.

3 Q. Yes. You weren't in Kosovo at the time of the arrests, so you
4 wouldn't know who ordered the arrest; is that correct?

5 A. Yes, correct.

6 Q. And you don't know why they were arrested either, do you?

7 A. I don't.

8 Q. And in 2019, you've told the Prosecution, and this is at Part 3,
9 page 35:

10 "I don't know who could have issued the order, whether it was
11 the commander or the deputy commander. I don't know."

12 That's what you've said in your interview. Now, clearly, you
13 were telling the Prosecution that you did not know who issued the
14 order; correct?

15 A. Yes.

16 Q. And when you said "whether it was the commander or the deputy
17 commander," you were simply guessing. You just didn't know; right?

18 A. Yes, certainly.

19 Q. Also on page 35, you've told the Prosecution that:

20 "On the level of the General Staff, the higher level. It was
21 issued through that body. It would have been the commander or the
22 deputy commander, if it had come [to] that," you go on to say in your
23 statement.

24 Now, again, when you say "if it had come [to] that," again, you
25 didn't know; correct?

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1 A. I did not know. However, the way the question was asked, the
2 answer was that it would have been either the commander or his deputy
3 as per the rules.

4 Q. But just so we are clear, Mr. Zyrapi, you do not know who
5 ordered the arrest and why they were arrested?

6 A. I have been very, very clear every single time. No, I did not
7 know.

8 Q. Right. And at that time, one of the issues was that you were
9 receiving information that there were also other incidents in other
10 areas where soldiers were arresting civilians, confiscating their
11 items, and not behaving correctly; yes?

12 A. Yes, afterwards.

13 Q. And these instances of alleged incorrect behaviour of the KLA
14 soldiers towards the civilians was certainly not on orders of the
15 zone commanders or the General Staff, were they?

16 A. That's correct, yes.

17 Q. So you issued an order, to put it in your own words, to everyone
18 to cover everything on how they were to behave themselves. Those are
19 your words; correct?

20 A. Yes.

21 Q. Now, as we've seen earlier in the document that I showed you
22 earlier, P775, Jakup Krasniqi was appointed deputy commander for
23 support on 12 November 1998 in the restructuring meeting; yes?

24 A. Yes.

25 Q. Right. And his role as spokesperson was to inform the public of

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1 the KLA developments?

2 A. Yes --

3 Q. And at the time of the arrest --

4 A. -- he had that task as well.

5 Q. And at the time of the arrest of Cen Desku and Jakup Kastrati,
6 Mr. Krasniqi was the spokesperson; correct?

7 A. The restructuring had not been completed by then. It was done
8 later, yes.

9 Q. Yes. Are you also aware, Witness, that Mr. Shaun Byrnes from
10 the US KDOM in Kosovo has given evidence that he was dealing with
11 Sokol Bashota on the release of Cen Desku and Jakup Kastrati? Are
12 you aware of that?

13 A. I wasn't aware of it at the time. However, we learned later
14 through testimonies.

15 Q. All right. Now, at Part 3, page 5 of your 2019 interview, you
16 also said that after fighting in Rahovec you made inquiries with
17 local units. Is that accurate? This is on Rahovec now. We have
18 moved to Rahovec. This is at Part 3, page 5 of your interview.

19 A. So have we moved on to Rahovec now? Can you clearly state what
20 the question is?

21 Q. My apologies. So we've moved now to Rahovec. And you've said
22 that after the fighting in Rahovec you made inquiries with the local
23 units; yes?

24 A. I do not understand the question. What inquiries are we talking
25 about?

1 MS. ALAGENDRA: Can I take you to Part 3 of your interview,
2 page 6. It starts at page 5 and goes on to page 6, I believe.

3 Q. After the events in Rahovec, Witness, you went there, you spoke
4 to the local staff; am I correct?

5 A. Yes. I kept speaking to local staffs during the fighting, too,
6 because without that, it wouldn't have been able to organise the
7 defence line from Rahovec to Malisheve.

8 Q. Absolutely.

9 A. If that is what you're inquiring about, that is.

10 Q. Yes.

11 A. Or is there another question? Because I'm having --

12 Q. No, no, that's what I was asking you.

13 A. I'm having difficulty understanding the question. Are we
14 talking about inquiries or an investigation here?

15 Q. No, inquiries. Right? Now, Sokol Bashota was also one of them
16 who gave you some information when you arrived there; am I correct?

17 A. Yes.

18 Q. And you've said that you did not report the information that you
19 received about Rahovec to anyone else in the General Staff at the
20 time; correct?

21 A. It is correct that the staff members were there present when the
22 information was coming from the local staffs, so they were fully
23 aware. There was no need to report.

24 Q. Right. But you didn't keep any written record of the
25 information that you had been receiving at the time, did you?

1 A. No, most definitely not. I wasn't able to look after myself
2 during those offensives let alone note down reports.

3 Q. Right. And at page 6 of your interview, if I can read, you were
4 asked:

5 "... did the General Staff receive later retrospective reports
6 on what had unfolded in Rahovec?"

7 And your answer is:

8 "From what I know, no. Because I only -- I then had to deal
9 with other attacks and I had to address issues in other -- in other
10 zones."

11 Do you recall saying that?

12 A. Yes, it is correct.

13 Q. Right. And you go on to say that the information that you had
14 was given to Sokol Bashota as well as yourself; correct? From the
15 local staff.

16 A. Yes.

17 Q. Right. And you wouldn't know if Sokol Bashota had informed
18 anyone else of the information that he had received. You wouldn't
19 know that?

20 A. I wouldn't.

21 Q. Now, in Part 2 of your interview in 2019 - and I'm at Part 2,
22 page 24 for the Court's reference - you've said that it was the zone
23 commanders' responsibility to inform the spokesperson,
24 Jakup Krasniqi, about the success of attacks.

25 I'm going to put it to you, Mr. Zyrapi, that the zone commanders

1 did not report to Jakup Krasniqi. Do you agree with that?

2 A. Can you ask the question again because I did not understand it
3 fully.

4 Q. Right. In your interview in 2019, you have told the SPO that
5 the zone commanders' responsibility was to inform the spokesperson,
6 Jakup Krasniqi, about the success of attacks; right? So I'm going to
7 put it to you that the zone commanders did not report to
8 Jakup Krasniqi. Would you agree with that?

9 A. The reports by zone commanders were sent on. They also reported
10 when they came up to report in person, and that was given to the
11 spokesman.

12 Q. I'm talking about the summer 1998 period when Jakup Krasniqi was
13 still the spokesperson. I'm still in that period, Mr. Zyrapi.

14 A. Yes, I understand it now. If you mention the dates, then I can
15 be more specific. At that time he was not a spokesman --

16 Q. Not? Or he was?

17 A. He was not a deputy. He was a spokesman.

18 Q. Yes. So he was a spokesperson at the time?

19 A. Yes.

20 Q. [Microphone not activated].

21 MS. ALAGENDRA: I believe there's a transcript error,
22 Your Honours. Can we have that corrected, please? He says he was a
23 spokesperson at the time, not the deputy commander.

24 PRESIDING JUDGE SMITH: Why don't you just ask it over again and
25 that will correct it.

1 MS. ALAGENDRA: Right.

2 Q. In that period, Mr. Zyrapi, you'll agree with me that
3 Jakup Krasniqi was a spokesperson, not a deputy commander; yes?

4 A. Yes, correct.

5 Q. So the zone commanders were not reporting to the spokesperson,
6 Jakup Krasniqi; correct?

7 A. That's right.

8 Q. Right.

9 MS. ALAGENDRA: And if I can go to page 24, Part 2, of your
10 interview.

11 Q. When asked if it would have been the responsibility of the
12 operational zone commander to communicate the results to the
13 General Staff and would have done so at the time through the
14 spokesperson, your response was:

15 "That must have been like this. Because at the time the zones
16 couldn't quite communicate with the staff ..."

17 Now, that's a mistake, isn't it?

18 A. It was true that particularly during the summer of 1998 it
19 wouldn't have been able to have those kinds of contacts or that kind
20 of reporting, because staff members were dispersed all over the place
21 and not concentrated in one single location that would enable them to
22 receive reports.

23 Q. Yes. My question is more focused on you saying that -- or at
24 least agreeing "that must have been like this," in the sense that it
25 was the zone commanders reporting through the spokesperson. That

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1 didn't happen, did it, at the time?

2 A. Correct, yes.

3 Q. All right. Now I'm going to move on to what you've said on
4 investigations when you were interviewed by the Prosecution, and this
5 is at Part 3, page 18 of your interview. Again we're talking about
6 that period. Yes, Mr. Zyrapi?

7 Now, what you say here is:

8 "I personally didn't have any time to deal with this issue or to
9 investigate every incident that had happened earlier on."

10 Do you recall saying that?

11 A. Yes.

12 Q. And that's accurate; yes?

13 A. It is.

14 Q. And further down you say:

15 "At that time it was difficult. For me, it was difficult,"
16 talking about you investigating.

17 Yes?

18 A. Yes.

19 Q. Now, you've explained the difficulties that you had to
20 investigate the incidents that you had been informed of, but you'll
21 agree with me you did not say to the Prosecution that it wasn't your
22 responsibility at the time to investigate. Looking at the two
23 answers you've given. Yes?

24 A. I explained it earlier that it was not up to the operations
25 directorate to investigate.

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1 Q. Right. I'll move on. Now we -- this is now 28 November. We're
2 now at the 28 November period when you say you have issued the order.

3 At Part 4, page 15, you've said that you were visiting the zones
4 in person, you received the complaints about arrests of civilians;
5 yes? I'm now coming back to that period. And you say these
6 complaints from the zones should have been reported to the commander,
7 Azem Sylja. Do you recall saying that?

8 A. Yes.

9 Q. Right. So you were receiving these complaints from the zones
10 when you were going from location to location; right? But that
11 should have been rightly communicated to the commander, Azem Sylja; am
12 I correct?

13 A. Yes.

14 Q. And you personally, Mr. Zyrapi, would not know whether the zones
15 ever reported these same complaints to anyone else. Do you agree?

16 A. I agree, yes.

17 Q. Now, at Part 4, page 19 of your interview with the SPO, you then
18 say that you reported those concerns to the commander and also to the
19 spokesperson. Do you recall saying that?

20 A. Yes.

21 Q. But you'll agree with me that in November 1998 it was you who
22 issued that order of 28 November 1998.

23 MS. ALAGENDRA: And the reference is 1D00029.

24 Q. Do you want to see the document, Mr. Zyrapi?

25 A. There is no need for me to see it. But, yes, I signed it.

1 Q. All right. And on 3 July, you've told this Court that it was
2 the general commander, Azem Syla, that you consulted as chief of
3 staff before issuing this order. That's correct; yes?

4 A. That's correct.

5 Q. And you were very clear when you spoke to the Prosecution,
6 weren't you, that it was only the general commander that you had
7 consulted before you had issued that document, Azem Syla, not
8 Jakup Krasniqi; correct?

9 A. Yes, yes, and I stated it very clearly, and I'm repeating it
10 again today.

11 Q. Thank you. Moving on to Part 5 of your interview.

12 MS. ALAGENDRA: And we're at Part 5, page 12, for the record.

13 Q. Speaking of the situation on collaborators. You've given some
14 evidence on that, you will recall, Mr. Zyrapi. Yeah.

15 Now, at Part 5, page 12, what you say here is that you discussed
16 the situation with Azem Syla, and you then communicated the order to
17 other members of the General Staff at a meeting in November 1998. Is
18 that accurate?

19 A. Yes. After this order had been written up, it was communicated
20 to the others.

21 Q. Right. And you called for a meeting for that purpose, didn't
22 you?

23 A. Not for this purpose alone. There were other issues, issues of
24 reporting, but most of it was reporting on other issues.

25 Q. And you were asked by the Prosecution:

1 "Did everybody concur with you or did you have opposition at
2 this meeting?"

3 And your response was:

4 "I don't recall remember this part."

5 I just want to be sure, Mr. Zyrapi, that after 25 years you'll
6 agree that you also cannot be sure today who was at the meeting, who
7 concurred and who did not; yes?

8 A. Correct, yes.

9 Q. And you'll agree with me that at such meetings, not this meeting
10 alone in particular, but at such meetings you were the professional
11 military expert. You had the military experience and the background
12 in such meetings; yes?

13 A. Yes. From a military point of view, yes.

14 Q. And after you consulted with the general commander - and I'm now
15 at page 11, Part 5 of your interview - you have said that after you
16 consulted with the general commander, you gave instructions how
17 things had to go forward and how they had to act in the future; yes?

18 A. Yes.

19 Q. And the members of the General Staff, Mr. Zyrapi, you'll agree
20 with me, generally relied on you as the high-ranking military
21 professional in such matters; correct?

22 A. On military matters, yes.

23 Q. Yes. And after the order was issued, you go on to say that you
24 had a follow-up meeting with the zone commanders to explain the
25 order, yes, and also to discuss other matters like staff needs,

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1 requests, and organisation of the army; correct?

2 A. Yes. We met the zone commanders during which we discussed a
3 number of other requests. Amongst them it was this one, too.

4 Q. Yes. Now, on 3 July last week, Mr. Misetic showed you a
5 document, the FARK-KLA agreement, a document that was signed on
6 behalf of the KLA. Do you recall that document?

7 MS. ALAGENDRA: If I could call up DHT03873 to 3877.

8 THE COURT OFFICER: Your Honours, if I may clarify for the
9 record, that document has been assigned Exhibit 1D00166. Thank you,
10 Your Honours.

11 PRESIDING JUDGE SMITH: Thank you.

12 MS. ALAGENDRA: And the specific page reference would be
13 DHT03876 in the English, and the Albanian is at page 061170, please.
14 That's page 44 of the PDF. Not 44, page 4, my apologies.

15 Q. Yes. You recall being shown this document, Mr. Zyrapi?

16 A. Yes.

17 Q. Right. Now, this document shows the composition of a new
18 structure for the General Staff of the KLA which was agreed by you in
19 those negotiations. Do you agree?

20 A. Yes, correct.

21 Q. And according to the document, it proposed Agim Ceku as
22 commander; two deputy commanders, Sokol Bashota and Ismet Alija.
23 That's right, isn't it?

24 A. Yes, it is correct.

25 Q. And Jakup Krasniqi's name does not appear on this document, does

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1 it?

2 A. Correct.

3 Q. And it appears that no role was envisaged for Jakup Krasniqi in
4 the General Staff in October 1998. Would that be correct?

5 A. Yes. Through this sort of negotiation, yes. However, at that
6 time he did have his own role as spokesman.

7 Q. Correct. He was spokesperson at the time. And he remained the
8 spokesperson throughout, didn't he, Mr. Zyrapi?

9 A. Yes.

10 Q. Sorry, I think your answer was lost. Did we get the answer? We
11 got the answer. And the primary person --

12 A. Yes, not at this time.

13 Q. Okay. And the primary person, according to this document, who
14 was considered for the position of deputy commander was
15 Sokol Bashota; right?

16 A. Yes.

17 MS. ALAGENDRA: Your Honours, I see the time.

18 PRESIDING JUDGE SMITH: We'll give you a five-minute break now,
19 Witness. I'm sorry, it will be ten minutes.

20 [The witness stands down]

21 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

22 --- Break taken at 3.29 p.m.

23 --- On resuming at 3.40 p.m.

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

25 [The witness takes the stand]

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1 PRESIDING JUDGE SMITH: Ms. Alagendra will continue, Mr. Zyrapi.

2 MS. ALAGENDRA:

3 Q. Mr. Zyrapi, I'm now going to move to ask you a few questions on
4 Mr. Azem Syla. Yeah?

5 Now, you met Azem Syla in Tirana in the spring of 1998 before
6 you entered Kosovo; correct?

7 A. Yes, correct.

8 Q. And according to Preparation Note 2, paragraph 16 to 17, you've
9 said you were outside Kosovo in the period of September 1998 till
10 November 1998; is that correct?

11 A. Yes, that's correct.

12 Q. And you've said that whilst you were outside Kosovo you did not
13 have contact with General Staff members inside Kosovo, including
14 Jakup Krasniqi. That's accurate, isn't it?

15 A. That's accurate, yes.

16 Q. And at paragraph 17 of Preparation Note 2, and I'll read:

17 "For developments that were happening in Kosovo at the time,
18 [your] source of information was Azem Syla ..."

19 Correct?

20 MS. LAWSON: That's incomplete.

21 PRESIDING JUDGE SMITH: Overruled.

22 Go ahead.

23 MS. ALAGENDRA:

24 Q. Now, in answer to questions from Mr. Misetic on 4 July -- I'll
25 repeat my question because we don't have an answer on record,

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1 Mr. Zyrapi.

2 For the developments that were happening in Kosovo at the time,
3 your source of information was Azem Syla?

4 A. Yes.

5 Q. In answer to questions from Mr. Misetic on 4 July, you confirmed
6 that as chief of staff you reported to Azem Syla and received
7 instructions from him; correct?

8 A. Could you please repeat your question? Which period of time?

9 Q. Now this is you as chief of staff. The period when you were
10 chief of staff.

11 A. Yes.

12 Q. In answer to questions from Mr. Misetic on 4 July, you've said
13 that you reported to Azem Syla and received instructions from him.
14 Do you recall that?

15 A. Yes, I said for one part.

16 Q. Right. And in 2019, you told the Prosecution that Azem Syla was
17 in Kosovo in December 1998. Would that be correct?

18 A. Yes.

19 Q. And, again, he was in Kosovo in January 1999, around the time of
20 the Recak massacre; yes?

21 A. Yes, correct.

22 Q. And Azem Syla was also in Kosovo in February 1999 prior to the
23 Rambouillet negotiations?

24 A. February? I can't remember about February. When they came back
25 from Rambouillet, yes. But before that, I don't know.

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1 Q. Yes. But he left from Kosovo for the negotiations, didn't he,
2 Mr. Zyrapi?

3 A. When they came back from Rambouillet, when we commanders met,
4 yes, he went from there, because he came back with the delegation and
5 they left from Kosovo. But before that, I don't know.

6 Q. All right.

7 MS. ALAGENDRA: If I can take you to Part 14 of your interview,
8 that's 01355.14, page 9.

9 Q. I can read it to you. My apologies. What you say here is:

10 "He came again in February before the discussions began in
11 Rambouillet and then he went to Rambouillet and then came, if I'm not
12 mistaken, at the end of February, and after that he didn't come
13 back."

14 So you speak about him coming there before and after. Does that
15 refresh your memory?

16 A. Yes, before was also January.

17 Q. Right. I'd like to take you to some of the photographs that you
18 were shown on Tuesday, Mr. Zyrapi.

19 MS. ALAGENDRA: If we could have on the screen P01402, please.

20 Q. Now, you recall being shown this photograph and recognising
21 yourself, Mr. Thaci, and Mr. Selimi; yes?

22 Now, your evidence --

23 A. Yes, correct.

24 Q. Right. Your evidence is that this picture was taken in the
25 provisional government in Fshati i Ri village? Do you recall that?

1 A. Yes, in the facility in Fshati i Ri.

2 Q. Fshati i Ri. Thank you for correcting me. Now, behind them,
3 behind those seated, do you see a shelf with books behind them?

4 A. Yes.

5 Q. Right. And in front of the books, do you also see a Polaroid
6 photograph? There's a photograph in the middle; yes?

7 A. No. By the --

8 Q. Towards the left --

9 A. -- books, yes.

10 Q. -- of the photograph. Yes, yes, by the books. In front of the
11 books there's a photograph, yes.

12 MS. ALAGENDRA: If we could now have 1403 on the screen, please.

13 Q. Now, you were also shown this photograph and your evidence is
14 that it was taken in the same place; correct?

15 A. Correct. That's what I said as far as I remember.

16 Q. And we see the same bookshelf in the background? You'll agree?

17 A. Yes, we see books. Same.

18 Q. Now, I'd like to be a little bit more specific. It's the same
19 bookshelf, isn't it, as the previous photograph I showed you? The
20 same bookshelf with that photograph in front of it?

21 A. As --

22 Q. Yes.

23 A. -- far as I can see, yes.

24 MS. ALAGENDRA: If I can now have 1405 on the screen, please.

25 Q. Now, on 2 July when you -- first, do you recall being shown this

1 photograph, Mr. Zyrapi?

2 A. Yes.

3 Q. On 2 July, you've identified the location where this photograph
4 is taken as being the white house in Divjake. Now, you'll agree with
5 me that the same bookshelves with the same photograph appears behind
6 those seated; am I correct?

7 A. Yes.

8 Q. So when you said this photograph was taken in a different place,
9 could you have been mistaken?

10 A. First of all, when I described these photographs, I said this
11 could be those locations. I did not say that these are certainly
12 those locations. It is possible, yes.

13 Q. Okay. So it's possible that a mistake was made. Now, looking
14 at the --

15 PRESIDING JUDGE SMITH: Just a minute. He hasn't answered.

16 THE WITNESS: [Interpretation] It is possible. Even when I
17 described them, I said, "I think these are the places," but not that
18 I was 100 per cent sure.

19 MS. ALAGENDRA: Thank you.

20 Q. Just to confirm, there are no photographs -- there are no dates
21 on any of the photographs that have just been shown to you; correct?

22 A. Correct, yes.

23 Q. So you would not be in a position to confirm when specifically
24 these photographs were taken; yes?

25 A. As far as I remember, I said that these photographs could have

1 been taken somewhere in November or December, but I do not remember
2 the exact dates.

3 Q. Yes. Going back to your evidence that the restructuring of the
4 General Staff began around 12 November 1998. It's correct, isn't it,
5 that it was after this time that the General Staff settled in
6 Divjake?

7 A. Yes, that's correct.

8 Q. And this would be the first time the General Staff had a stable
9 location?

10 A. Yes.

11 Q. And before that, the General Staff members were always on the
12 move. Due to the Serbian offensive, it was impossible to have a
13 permanent location or headquarters; correct?

14 A. Yes, correct.

15 Q. And when you arrived in Divjake, there was no administration
16 system whatsoever, was there?

17 A. There wasn't, no. There was nothing.

18 Q. And in November 1998, due to the relatively calm period after
19 the cease-fire agreement, the General Staff had an opportunity to
20 work on its internal organisation. Do you agree with that?

21 A. Yes, that's true.

22 Q. And as this process progressed, everyone was doing what they
23 could without necessarily having a strict division of roles. Do you
24 agree with that?

25 A. Yes, up to this moment.

1 Q. Right. When you were interviewed in 2011, you gave a
2 description of the location in Divjake, the three houses. Do you
3 recall that?

4 A. Yes.

5 Q. And you've described there being a white house where
6 Jakup Krasniqi stayed together with Adem Grabovci and Rame Buja. Is
7 that accurate?

8 A. Yes, it is true. Jakup Krasniqi, Rame Buja, Adem Grabovci from
9 time to time, and Sokol Dobruna were at the white house.

10 Q. Yes. Then there was a separate building where you stayed
11 together with other members of the operational directorate; yes?

12 A. Yes, the next building was where I was stationed. Both the
13 operations directorate and the communications directorate were there.

14 Q. Right. And in that building, apart from yourself, there was
15 Naim Maloku; yes?

16 A. When I mentioned operations directorate, it means that he was
17 there. He was part of that directorate, Naim Maloku.

18 THE INTERPRETER: The interpreter did not get the second name.

19 MS. ALAGENDRA:

20 Q. Could you repeat the second name for the Court, please?

21 A. Naim Maloku and Sali Veseli were at the operations directorate.

22 Q. And so was Muse Jashari?

23 A. No. I mentioned earlier Muse Jashari was a director of the
24 communications directorate. As I mentioned earlier, in this house
25 both the operations directorate and the communication directorate

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1 were headquartered.

2 Q. Right. But he was in that building with you; yes?

3 A. Yes.

4 Q. And there was also someone by the name of Safet Sylja in that
5 building?

6 A. Yes. Yes, there was.

7 Q. And do you remember, Mr. Zyrapi, that there was a computer and a
8 printer in the white house?

9 A. Yes, a computer. Yes.

10 Q. And do you remember an individual named Ahmet Morina being in
11 Divjake at the time?

12 A. I can't remember other names. I know that there were many, but
13 I can't remember all of their names.

14 Q. If it helps you to remember, he was dealing with
15 administrations, typing out documents. Does that ring a bell? He
16 was the one who was mainly using the computer there?

17 A. It could be. But to tell you the truth, I don't remember. I
18 really don't.

19 Q. There were also people that were going in and out of the white
20 house quite often; correct?

21 A. Yes, correct.

22 Q. And to your knowledge, the computer there was not password
23 protected, was it?

24 A. Excuse me, could you please repeat --

25 Q. There was no password.

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1 A. -- the question.

2 Q. Anyone who came in and out could use the computer if they wanted
3 to. Do you agree?

4 A. I don't know. I cannot say yes or no. I wasn't there close by
5 to see who was using it and how it was used.

6 Q. Right. So you do not know specifically who was preparing what
7 document on that computer. Would that be correct?

8 A. Correct.

9 Q. But usually members of the operational directorate also used
10 that building, didn't they?

11 A. What do you mean "using it"?

12 Q. Initially, there was a period of time at the beginning when that
13 building was also being used by people from the operational
14 directorate. The same computer was being used in the white house.

15 A. Let us be clear. When you say "facility," that's a different
16 thing, and a computer is a different thing. I don't know.

17 Q. I'm speaking now about the use --

18 A. It is possible that it was used.

19 Q. -- of the computer. Let's be specific.

20 PRESIDING JUDGE SMITH: Counsellor, he's answered the question.

21 MS. ALAGENDRA: Right. Okay.

22 Q. And later on, the operational directorate, in the second house
23 that you were at, also had its own computer; correct?

24 A. No, I did not have a computer. I had a typewriter, a mechanical
25 typing machine.

1 Q. And that was operated by Safet Sylja?

2 A. That's a different thing with Safet Sylja. That was during the
3 training period. That comes later. That's when the computer was
4 used, when the training began of communications officers. During
5 that training period, yes, there was a computer.

6 Q. Could you tell us when that was, please?

7 A. When the training started from January, February, the
8 communications directorate had a computer where it organised the
9 trainings and kept notes of them, of its own documents.

10 Q. And was there also someone by the name of Shqipe Ahmeti [phoen]
11 there at the time?

12 A. Yes, Shqipe Ahmeti was at the staff.

13 Q. Right. And it would be correct, isn't it, that Safet Sylja and
14 Shqipe Ahmeti were the ones using that computer as well during that
15 period? We're in January, February 1999. Yes?

16 A. Yes, in January and February during the trainings.

17 Q. Now, is it possible, Mr. Zyrapi, prior to January or February
18 1999, that the computer at the white house were also used by people
19 from the operational directorate if they had a document to print?

20 MS. LAWSON: Speculative and asked and answered.

21 PRESIDING JUDGE SMITH: Sustained.

22 MS. ALAGENDRA:

23 Q. Put it this way, Mr. Zyrapi, are you aware of documents that had
24 to be printed and -- typed on a computer first and printed in the
25 period prior to January, February 1999 from the operational

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1 directorate? Are you aware of any of them?

2 A. It's during the time of the restructuring when we were
3 translating the duties and responsibilities of the directorates.

4 Yes, because we did not have another computer, and sometimes it was
5 used to type this material and distributed to the directorates.

6 Q. Right. And were you aware also if at the time they were using
7 floppy disks? Now I move to the period of January to February. Was
8 it possible that there was also the use of floppy disks to transfer
9 information between the two computers, the one at the operational
10 directorate as well as the one in the white house? It could have
11 happened, couldn't it?

12 A. I'm not aware, no. I don't know.

13 Q. Do you remember someone by the name of Isa Krasniqi being there?

14 A. Yes.

15 Q. He was from KosovaPress, wasn't he?

16 A. Radio Kosova e Lire or KosovaPress.

17 Q. Yes. And he was often in Divjake, wasn't he?

18 A. Yes, I saw him often enough.

19 Q. Yes. And he also had access to the computer and used that
20 computer, didn't he?

21 A. I don't know. It's not that I was keeping guard on who was
22 using the computer.

23 Q. Fair enough. Tuesday last week - and this is the transcript of
24 2 July, page 17460 for the Court's reference - you told the
25 Prosecution that when you re-entered Kosovo in November 1998, you

1 brought with you a number of stamps that you had made in Albania. Do
2 you recall that?

3 A. Yes, we had a few stamps that had been made in Albania upon our
4 return, which had in the meantime been made, and they belonged to the
5 General Staff.

6 Q. Right. And according to you, you had the stamp of the staff, of
7 the directorates, the zones, and of the operational directorate;
8 correct?

9 A. If I remember correctly, we did have a few but I can't recall
10 exactly what they were.

11 Q. I'm just looking at your answer on 2 July, Witness. That's
12 Tuesday last week. That's what you've said.

13 MS. ALAGENDRA: Anyway, can we have on screen P00622, please.
14 And if we could scroll to the bottom to the signature and stamp,
15 please. The next page, please.

16 Q. Now, you were shown this document on the -- last Tuesday, and
17 you have confirmed that it's an order that you signed with the stamp
18 of the General Staff; yes?

19 A. Correct, yes.

20 MS. ALAGENDRA: If we could now have on the screen P631, please.
21 Again if we could go to the bottom of the page, please -- or is it
22 the next page? No, it's at the bottom.

23 Q. Again this your signature, Mr. Zyrapi, and the stamp is that of
24 the General Staff; correct?

25 A. Yes, correct.

1 Q. Now I go to your 2019 statement.

2 MS. ALAGENDRA: And for the Court's reference, it's Part 6, page
3 3.

4 Q. You told the Prosecution in 2019, and I quote:

5 "I did not have the seal of the General Staff. The seal was
6 kept by the commander and the deputy commander."

7 Is it possible that you had made a mistake when you said that in
8 2019, Mr. Zyrapi?

9 A. No, not at all. What I said was accurate.

10 Q. Well, we can see documents have been signed and stamped with the
11 General Staff stamp by you, Mr. Zyrapi. So my question is when you
12 said you did not have the seal of the General Staff, that could have
13 been a mistake? Is it possible?

14 A. It is not a mistake. I stated it properly. It is the stamp of
15 the General Staff and signed up. But return back to the first -- to
16 the front page, to the front page of this document, please. If you
17 see the protocol number 105/111, that's a protocol that belongs to
18 the commander of the staff or his deputy. So for these orders had to
19 be done in coordination with the commander or his deputy which is why
20 they receive the stamp of the General Staff and receives a number of
21 protocol that belongs to the General Staff.

22 Q. Right. Thank you for clarifying.

23 A. If it had been mine and mine alone, it would have been
24 different. Please.

25 Q. Thank you for clarifying that. But you had access to that

1 stamp. That's what we see from the two documents just shown to you;
2 correct?

3 A. Only on those occasions where an order ought to be sent to the
4 zones and that had to go through the commander or his deputy.

5 Q. Right. My question is very simple, Mr. Zyrapi. It's we've seen
6 two documents. You've signed them. You've placed the General Staff
7 stamp on it. You had access to the General Staff stamp. That's to
8 put it very simply. Correct?

9 A. Having access is something else, but this is something done in
10 cooperation with the commander or his deputy and that he stamped.
11 And it is true it was used for these purposes, and I explained
12 clearly what those purposes were.

13 Q. Right. Now, during the preparation session, you were shown
14 several documents which you identified to have been signed by
15 Jakup Krasniqi. Do you recall those, Mr. Zyrapi?

16 A. Yes, some were shown.

17 Q. Yeah, I know it's an obvious answer, but you will agree with me
18 that you are no handwriting expert? You're not a handwriting expert,
19 are you?

20 A. Clearly not. I'm not.

21 Q. And you've just told us that you and Mr. Krasniqi were in
22 different buildings, and you were not there to see what was happening
23 in the other building; right?

24 A. I won't be able to personally witness everything that happens.
25 Yes, that's right.

1 Q. Right. And several of those documents you have told us you saw
2 for the first time here when they were shown to you by the
3 Prosecution; am I correct?

4 A. Yes, it's true.

5 Q. So would it be correct to say that you've seen them here for the
6 first time, you've seen the signature, you identify it to be
7 Jakup Krasniqi's, but you were not physically present when those
8 particular documents were signed?

9 A. I never claimed to have said that I was present when such
10 documents were signed.

11 Q. Absolutely. I'm just confirming that, Mr. Zyrapi. So when you
12 identified the signature of Jakup Krasniqi on the documents that were
13 being shown to you by the Prosecution, it was because either there
14 was a name typed Jakup Krasniqi or the signature spelt out
15 Jakup Krasniqi. Would that be correct?

16 A. First of all, I'm familiar with the signature because there were
17 numerous other documents, even documents authorising my free movement
18 had been signed by Jakup Krasniqi. Mr. Jakup Krasniqi's signature is
19 quite clearly identifiable for me. So I am identifying it based on
20 the knowledge that I had of the signature at the time, and that is
21 what I've said.

22 Q. But Mr. Krasniqi's signature, you say you are very familiar;
23 yes?

24 A. I'm referring to that time. I was able to identify it very
25 clearly because it was in the document that authorised me to move

1 around.

2 Q. Right. And just out of curiosity, that document for your
3 movement was not given to you at the time you were asked to identify
4 the signature to compare? Just to be sure. You're relying on a
5 document that was signed for your movement. Was that document given
6 to you to compare with the signatures of Mr. Krasniqi at the time the
7 Prosecution showed you these documents that you had just seen for the
8 first time?

9 MS. LAWSON: Your Honour, the witness has answered his basis.
10 This is very repetitive.

11 PRESIDING JUDGE SMITH: Sustained.

12 MS. ALAGENDRA: If I could have SPOE00225249 on the screen,
13 please.

14 THE COURT OFFICER: Your Honours, just to clarify for the
15 record, it has been -- this document was assigned Exhibit P00626.
16 Thank you, Your Honours.

17 MS. ALAGENDRA: Thank you. If we can scroll down to the bottom,
18 please.

19 Q. Now, in the preparation session, Mr. Zyrapi, you were shown this
20 document and you identified this to be the signature of
21 Mr. Jakup Krasniqi; correct?

22 A. Yes.

23 MS. ALAGENDRA: If I can now have on the screen, P11175, please.
24 Can we have for these purposes the Albanian version of both documents
25 side by side, please. So that's P11175 and P626, please. And if we

1 can scroll down to the signature, please.

2 Q. My question is a very simple one, Mr. Zyrapi, and you can answer
3 it with a yes or no. Would you agree with me that the two signatures
4 on these two documents are different?

5 A. Yes, they appear to be different.

6 Q. All right. I'd like to now move on to the restructuring period.
7 That's the 12 November 1998 period.

8 MS. ALAGENDRA: We can take the documents down. Thank you.

9 Q. Now, you've given evidence, Mr. Zyrapi, on Monday that the
10 restructuring process started on 12 November 1998, and it continued
11 through December, January, and February, but it was never completed.
12 Do you recall that?

13 A. Yes, it's accurate.

14 Q. And you'll agree with me that it would actually take time for
15 the General Staff to become a functional entity, wouldn't it?

16 A. Yes.

17 Q. And when you joined the General Staff in 1998, June, you were
18 the only member with such previous military experience on the staff.
19 Would that be correct?

20 A. Yes, it was myself and Agim Qelaj.

21 Q. Right. And just so we have the date, Agim Qelaj was -- and Agim
22 Qelaj was killed in July 1998; yes?

23 A. Yes.

24 Q. All right. And when the General Staff was restructured in
25 November 1998, again you were the only military professional on the

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1 staff; is that correct?

2 A. No, there was Sali Veseli, Naim Maloku and others who were
3 professional soldiers.

4 Q. Yeah. Let me be more specific then. It's besides you and the
5 officers in the operations directorate, you were the military
6 professionals in the operations directorate, the career officers; am
7 I correct?

8 A. Yes, correct.

9 Q. And if I can start with Azem Sylva, the general commander, he did
10 not have any military background, did he?

11 A. Correct, he did not.

12 Q. And Sokol Bashota, the deputy commander for operations, he
13 didn't have any military background either, did he?

14 A. Correct.

15 Q. And Mr. Thaci was not a trained officer, was he?

16 A. He was not.

17 Q. And he was a student before the war, wasn't he?

18 A. Yes.

19 Q. Jakup Krasniqi, he had no military knowledge whatsoever, did he?
20 He was a teacher. Yes?

21 A. Correct.

22 Q. And Mr. Rexhep Selimi, he also did not have a military
23 background, did he?

24 A. Correct.

25 Q. And he was also --

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1 A. Yes.

2 Q. -- a student before the war?

3 A. Yes.

4 Q. Sokol Dobruna, you've told us, was a lawyer by profession. He
5 had a legal qualification but no military background. Would you
6 agree?

7 A. Correct, yes.

8 Q. And without going through them one by one, I'll just mention
9 some names: Adem Grabovci, Kadri Veseli, Xhavit Haliti, Rame Buja,
10 they didn't have any military experience either, did they?

11 A. Correct, yes.

12 Q. And Fatmir Limaj, Lahi Brahimaj, Pal Luzha, and Ahmet Qeriqi,
13 none of them were trained military officers either, were they? They
14 had no military experience, did they?

15 A. They weren't career officers, no.

16 Q. And you'd agree with me that none of these individuals had the
17 experience or the qualification to hold any of these posts in a
18 regular army. Do you agree?

19 A. In a regular army, yes, that would be right.

20 MS. ALAGENDRA: Your Honours, I'm going to move to another
21 section. If we could continue tomorrow?

22 PRESIDING JUDGE SMITH: All right.

23 MS. ALAGENDRA: Thank you.

24 PRESIDING JUDGE SMITH: Witness, you will be excused today.

25 We'll see you tomorrow morning at 9.00. You'll be only one session

1 tomorrow, so you will be finished by 11.00.

2 Thank you for being with us today. Please remember not to speak
3 with anyone about your testimony in this courtroom. If someone tries
4 to talk to you, please let us know immediately.

5 You may now leave the courtroom with the Court Usher.

6 Thank you, Mr. Duty Counsel, as well.

7 [The witness stands down]

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 JUDGE BARTHE: Thank you, Judge Smith. I have a question for
10 the Krasniqi Defence.

11 Ms. Alagendra, the computer shown today in Exhibits P1402, 3,
12 and 5 seems to be very important to your case. Perhaps you can help
13 the Panel understand the importance of this particular computer to
14 your case, and the same goes for the standing objection on the basis
15 of what you called workstation and a potential connection between the
16 two.

17 It doesn't have to be today but maybe -- or we would be very
18 grateful if we could get an explanation on this soon. As I said, it
19 doesn't have to be today. I don't want to put you on the spot.

20 MS. ALAGENDRA: Certainly. I'll give it first thing in the
21 morning tomorrow.

22 JUDGE BARTHE: Thank you very much.

23 MS. ALAGENDRA: Thank you.

24 PRESIDING JUDGE SMITH: Thank you.

25 Now, Mr. Emmerson, yes.

1 MR. EMMERSON: Yes, I was just going to put down a marker. I
2 have a couple of short matters to raise at the end of Ms. Alagendra's
3 cross-examination and prior to re-examination. They're mainly in the
4 nature of housekeeping, but there's one document I want to seek
5 permission to ask a further question on.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 I thought that you wanted to talk about it at the end of today.

8 MR. EMMERSON: No.

9 PRESIDING JUDGE SMITH: Oh.

10 MR. EMMERSON: No. Oh, so there's something -- oh, I do
11 apologise. There's -- we have entirely separate submissions. There
12 is something apparently that needs to be brought up today.

13 PRESIDING JUDGE SMITH: [Microphone not activated] ... Ms. Rowan.

14 MS. ROWAN: Your Honour, yes. My apologies for the confusion.
15 We have sent an e-mail to CMU indicating there was a brief matter
16 arising out of this morning's oral order.

17 Your Honour this morning had made an oral order relating to two
18 previous filings, those being 2279 and 2312. It's right that both
19 our Defence and the Selimi Defence had previously requested from the
20 Trial Panel that there be scheduling in relation to arguments that
21 arise out of these issues. The reason we had requested scheduling is
22 because these two matters, in our view, are matters that require
23 dealing with sequentially.

24 In our submission, the motion that this Panel is primarily
25 seized with at present is a motion from the SPO to amend their

1 exhibit list. If the SPO succeed in that application, other matters
2 arise. If the SPO fail in that motion, no matters arguably arise
3 from that.

4 And what we were seeking to establish was an order from the
5 Panel in relation to any argument that would arise in the event that
6 the SPO are successful. So if this material is admitted and they are
7 allowed to amend -- pardon me. If this material is permitted to be
8 added to the exhibit list, questions of admissibility and/or
9 exclusion then arise.

10 In our submission, it's premature at this point for there to be
11 any motion under Rule 138 from the Defence to seek to exclude
12 material that is not yet admitted.

13 Now, Your Honour this morning had said that should the Defence
14 wish to add to submissions in light of the Court of Appeal ruling,
15 that that be done by Tuesday. So what we simply wanted to clarify is
16 that what the Panel had in mind was that the submissions to which
17 amendments are permitted at this stage is simply the response to the
18 application to amend the exhibit list as, in our submission, that is
19 the only live issue at the moment, and that the Panel does not
20 anticipate and is not requesting any independent motions from the
21 Defence seeking to exclude material not yet in evidence.

22 PRESIDING JUDGE SMITH: Ms. Rowan, we are simply asking if
23 anybody wants to respond to their motion to admit, do it under the
24 schedule. That's it.

25 MS. ROWAN: Excellent. Thank you. It was simply because Thaci

1 Defence has a motion separate which is in relation to exclusion and
2 that was mentioned by the Panel at the same time as the
3 Prosecution's, and we simply wished to clarify that we are not being
4 asked to deal with that.

5 PRESIDING JUDGE SMITH: You may file an argument about it if you
6 wish, but you're not required to do anything.

7 MS. ROWAN: Thank you.

8 MR. ELLIS: Your Honour, may I just update the Panel. There was
9 an exchange between us, I think some weeks or possibly months ago,
10 about the Krasniqi Defence's access to a number of the underlying
11 filings.

12 I just wanted to update the Panel that we did make the request
13 following, I think, the exchange with His Honour Judge Mettraux, and
14 I think on Monday we began receiving some 78 filings. Of course, by
15 Tuesday, we can supplement the application as it relates to the
16 exhibit list. That's not a problem. But I think we would struggle
17 to do anything very much more substantive. But as I understand the
18 last exchange, we're not required to at this stage.

19 PRESIDING JUDGE SMITH: We merely want to know what the position
20 of everybody is *vis-à-vis* their tendering of a group of exhibits, in
21 or out. We'll make the ruling following that.

22 MR. ELLIS: At this stage, they haven't been tendered. It's
23 just adding them to the exhibit list. Have I understood --

24 PRESIDING JUDGE SMITH: Right.

25 MR. ELLIS: -- correctly?

1 PRESIDING JUDGE SMITH: That's right. Yeah. I don't know how
2 you could make it more complicated.

3 MR. ELLIS: I'm trying not to, Your Honour.

4 MR. ROBERTS: Your Honour, I have one other issue, but it's much
5 more simple and hopefully doesn't require any intellectual curiosity.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. ROBERTS: It merely requires a response from the Prosecution
8 to what's happening next week and after the recess. You know, I've
9 -- I believe I've raised this a couple of times --

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 MR. ROBERTS: -- and so have my colleagues. I will leave it to
12 you, then, Your Honour. Thank you.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 Sorry. Could you respond to that? I wasn't on mic.

15 MS. LAWSON: Yes, certainly. But I'd just like to know if
16 there's any change in the Krasniqi Defence estimates first or if they
17 anticipate taking all of the session tomorrow, because that does
18 impact.

19 MS. ALAGENDRA: As I indicated, Your Honours, we will be taking
20 the whole of tomorrow's session. That's two hours. And we may need
21 to revert to the original estimate that I provided of eight hours
22 given the volume of material that we do have to go through with this
23 witness. So it would continue on Monday, most likely.

24 MS. LAWSON: Thank you. So on that basis, Witness 4260, just to
25 advise the Court, that's a shorter witness but is not available next

1 week. The two witnesses that would be available, based on current
2 estimates, we don't think would finish within one day. And we have
3 noted that the Shala judgment has been scheduled in the courtroom for
4 Tuesday afternoon. We had originally thought maybe we could start
5 the witness Tuesday afternoon and then finish.

6 Given that that's not the case, and we don't have certainty on
7 when the current witness will finish, our proposal would be not to
8 call a second witness next week because we don't want anyone to hang
9 over the block and not finish during the sessions that we have
10 available.

11 PRESIDING JUDGE SMITH: The next thing was to tell you that
12 Tuesday we have been pre-empted for the final session because of the
13 announcement of a decision in another case, and there's nothing we
14 can do about that.

15 So thank you very much. Does that clarify any?

16 MR. ROBERTS: It clarifies the first part, yes. That's clear
17 for next week. I believe last week I'd also requested information on
18 witnesses after the recess. And from my understanding, Ms. Lawson's
19 colleague had suggested that hopefully by this Wednesday they would
20 be able to give that information. I'm not sure if that was the
21 shared understanding, but any update for witnesses --

22 PRESIDING JUDGE SMITH: Perhaps tomorrow --

23 MR. ROBERTS: -- after the recess would be very much
24 appreciated.

25 PRESIDING JUDGE SMITH: -- we could have that. Perhaps tomorrow

1 we could have that since today is Wednesday.

2 MS. LAWSON: We'll be sending it by e-mail after this session.
3 We just needed to know what was happening next week before we could
4 give the answer on the next block. But we'll be giving the answer
5 for the next block this evening by e-mail, and then we'll be doing
6 the normal three-month filing next week.

7 PRESIDING JUDGE SMITH: One other thing as to the question about
8 the roadmap from this morning. You really have two options here. Do
9 you have objection -- are you going to okay the release of the entire
10 document to the Defence or are you going to redact some items? And
11 if so, how long will it take you to get the redactions completed?

12 MS. LAWSON: Yes, we received the Panel's instruction by e-mail.
13 We'll be filing a CRV in line with the timeline indicated in the
14 e-mail, which I believe was the 15th.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 We'll have something by the 15th and then we'll rule on it,
17 probably effective the end of the break.

18 [Microphone not activated].

19 --- Whereupon the hearing adjourned at 4.36 p.m.

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