

1 Thursday, 11 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: [Microphone not activated].

11 I note that all the accused are present in the courtroom today.  
12 We will continue hearing the evidence of Prosecution Witness W04752.

13 Madam Court Usher, please bring the witness in.

14 MR. ELLIS: Your Honour, do you wish me to respond to the  
15 question that was asked yesterday about the workstation before the  
16 witness comes in?

17 PRESIDING JUDGE SMITH: All right. I thought you were going to  
18 submit something in writing, but go ahead.

19 MR. ELLIS: Oh, I'm sorry. We can --

20 PRESIDING JUDGE SMITH: Go ahead.

21 MR. ELLIS: -- submit in writing.

22 Your Honour, thank you for the opportunity. As you know, in  
23 these proceedings a significant number of documents have been  
24 tendered which the Prosecution say were found on a workstation, as  
25 they described it, at Mr. Krasniqi's house.

1           The word "workstation" was, I think, first used by the  
2 Prosecution. To be clear about what we are talking about, we  
3 understand it was a CPU tower. By e-mail on 28 June of this year,  
4 the Prosecution confirmed that it was not connected to a monitor, it  
5 was not connected to a power supply. Indeed, we understand it was  
6 not in working order, and it was being used as a support for a rail  
7 to hang clothes to dry at the time it was seized.

8           Nonetheless, we've heard the assertion from the Prosecution that  
9 documents were found on this workstation as evidence of authenticity  
10 and reliability for the purposes of Rule 138(1), and at times the  
11 Prosecution has seemed to go further and suggest inferences about  
12 Jakup Krasniqi's authorship or that he had knowledge of these  
13 documents.

14           Our position in amplification of the objections that we made  
15 first in filing 1387 is that it's for the Prosecution to prove these  
16 matters, and some of the obstacles to that will be clear to  
17 Your Honours already. They have not established chain of custody.  
18 They have not established whether the seized workstation belongs to  
19 the computer that we've seen in the photographs of the Initial  
20 Appearance or in the photographs shown to Mr. Zyrapi or the computer  
21 in the white house at Divjake or the computer, as we heard yesterday,  
22 that was at some point in the operations directorate in the second  
23 building in Divjake.

24           If it is the same machine, it has not been proved how it got  
25 from Divjake in 1998 to 1999 to Mr. Krasniqi's house in November

1 2020. It has not been shown how many people had access to the  
2 workstation between 1999 and November 2020 or whether Mr. Krasniqi  
3 used the workstation at all during that period. It hasn't been  
4 proved whether the electronic documents actually ever left the  
5 workstation in 1998 or 1999 or whether they remained incomplete  
6 drafts. It hasn't been proved when the electronic documents were  
7 typed or created.

8 No inference, in our submission, can be drawn about authorship  
9 or knowledge. The evidence is that a range of people had access to  
10 each computer so that it cannot be proved that any particular person  
11 typed or, indeed, read any document from the workstation or had  
12 knowledge of its existence at any time before the computer was  
13 seized, it not being a functioning computer as we know in November  
14 2020.

15 So as to the standing objection, the standing objection is that  
16 the Prosecution has not proved that the documents are reliable or  
17 authentic. Several documents have been put to witnesses in this  
18 trial as documents seized from Jakup Krasniqi without specifying  
19 they're electronic documents from the workstation. Witnesses, like  
20 the present witness, have testified that it was the first time that  
21 they'd seen the documents, and in our standing objection such answers  
22 do not sufficiently authenticate the documents.

23 Our position is to put the Prosecution to strict proof on all of  
24 these matters. The burden rests squarely on their shoulders to  
25 establish all of these facts before any weight can be placed on any

1 of these documents.

2 As to the factual issues that we've explored in  
3 cross-examination. If the Prosecution is prepared to concede that no  
4 inferences can be drawn about authorship or knowledge from the fact  
5 that documents were found on the workstation, or if the Trial Panel  
6 confirms that no such inference can be drawn, then, of course, we can  
7 move more rapidly onto other issues in cross-examination. But whilst  
8 it remains a live issue, we'll continue to explore those in  
9 cross-examination, Your Honours.

10 PRESIDING JUDGE SMITH: Thank you very much.

11 If the Prosecution wishes to respond, perhaps it would be best  
12 to do that on Monday prior to the beginning of our proceedings.

13 MS. LAWSON: Yes, I can do so briefly now or I can do so on  
14 Monday, whichever you prefer.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MS. LAWSON: So certainly the fact that certain items were found  
17 in Mr. Krasniqi's possession, and, indeed, in what appears to have  
18 been a contemporaneously used device, we say is relevant, adds to  
19 their probative value and is relevant to the knowledge of the  
20 accused.

21 However, this is usually just one factor amongst many others,  
22 including, for example, the relationship between items found on the  
23 workstation and items found in hard copy in Mr. Krasniqi's  
24 possession, Mr. Krasniqi's prior admissions of authorship of certain  
25 items, and the testimony from witnesses.

1 Thank you.

2 PRESIDING JUDGE SMITH: Thank you.

3 Now you may bring the witness in.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 THE WITNESS: [Interpretation] Good morning.

7 PRESIDING JUDGE SMITH: Let me remind you once again to please  
8 try to answer the questions clearly with short sentences. If you  
9 don't understand a question, feel free to ask counsel to repeat the  
10 question or tell them you don't understand and they will clarify.  
11 Also please try to indicate the basis of your knowledge of facts and  
12 circumstances upon which you will be questioned.

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

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

18 And I remind you once again that you are still under an  
19 obligation to tell the truth as stated by you in your solemn  
20 declaration.

21 I also remind you that, as advised last week, you are not  
22 required to answer a question that is incriminating unless and until  
23 the Panel compels you to answer, and that if such a question arises,  
24 you or your assigned counsel may raise the issue to the Panel and we  
25 will proceed to determine whether or not and under what circumstances

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1 you might be compelled to answer.

2 Ms. Alagendra has more questions for you. We please ask you to  
3 give her your attention.

4 MR. ELLIS: Your Honour, very briefly. One transcript  
5 correction, if I may. Page 3, line 22. It currently says "do  
6 sufficiently authenticate." I hope I said "do not sufficiently  
7 authenticate."

8 PRESIDING JUDGE SMITH: Fine, thank you.

9 WITNESS: BISLIM ZYRAPI [Resumed]

10 [The witness answered through interpreter]

11 Cross-examination by Ms. Alagendra: [Continued]

12 Q. Good morning, Mr. Zyrapi.

13 A. Good morning.

14 Q. I'd like to now ask you some questions on the operational  
15 directorate.

16 Yesterday, you told us, Mr. Zyrapi, that Sali Veseli and  
17 Naim Maloku were at the operational directorate; yes?

18 A. Yes.

19 Q. And Sali Veseli was a former military officer, a colleague of  
20 yours, in the military academy and in the JNA; correct?

21 A. Yes.

22 Q. He was also your deputy in the operational directorate. Would  
23 that be correct?

24 A. Yes, correct.

25 Q. And Naim Maloku is also a former military officer, and he was

1 part of the operational directorate until he went back to Dukagjin  
2 zone in late January 1999; is that right?

3 A. Yes, correct.

4 Q. And we've mentioned Safet Sylja yesterday who was also in the  
5 same building as you, you mentioned. Now, he also attended the  
6 military academy and was a former --

7 A. [No interpretation].

8 Q. -- JNA officer, wasn't he?

9 A. Yes. Yes, correct.

10 Q. And in your preparation session last week, and this is point 39  
11 of Prep Note 2, you told the Prosecution that for the operational  
12 directorate, you were looking for people who had different skill sets  
13 within the military and had sufficient experience to join the  
14 directorate. Do you remember saying that?

15 A. Yes, that's right.

16 Q. Now, it's true, isn't it, that you needed people with military  
17 background and expertise to be able to carry out the functions and  
18 responsibilities of the operational directorate?

19 A. That's correct, yes.

20 Q. I'd like to now move to the tasks of the operational  
21 directorate.

22 At Part 7, page 8 of your interview in 2019, you have said that  
23 the tasks of the operational directorate included military attacks,  
24 defence lines, preparations, trainings, exercises, and the  
25 professional improvement of the army. Is that accurate?

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1 A. Yes, it is.

2 Q. And in addition to those responsibilities, you've also said that  
3 the duties of the operational directorate were the reorganisation of  
4 the army and its structure; is that correct?

5 A. Yes, correct.

6 Q. I'd like to now focus on two points, that's attack and defence.  
7 Now, that's strictly a military task, isn't it?

8 A. Yes.

9 Q. And the operational directorate was trying to coordinate its  
10 efforts of the KLA soldiers to expand the areas controlled by the  
11 KLA, defend its position, and defend the civilian population from the  
12 attacks on the Serbian forces; is that correct?

13 A. Yes, those tasks were included too.

14 Q. And you would agree with me that this task required considerable  
15 knowledge of military tactics and strategy; yes?

16 A. Correct, yes.

17 Q. Now, coming to preparations, that involved not only training the  
18 army but also a degree of logistics; is that correct?

19 A. Yes. In addition to the training of the foot soldiers and their  
20 superiors, logistics plays a part too. Logistics is what you need to  
21 have there. However, the operations directorate is not directly in  
22 charge of logistics.

23 Q. Preparations would include ensuring a regular supply of weapons,  
24 uniforms, and other military equipment, doesn't it?

25 A. That is part of the planning that the operations directorate is



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1 concerned with, while these things are dealt with by the logistics  
2 department.

3 Q. Yes. And to assess what weapons are needed for a certain  
4 operation and whether the KLA soldiers were properly equipped or not,  
5 you'd agree with me that one must have the expertise in military  
6 tactics; correct?

7 A. Yes, correct.

8 Q. Now, you've mentioned the professional improvement of the army  
9 and its structure as falling into the responsibilities of the  
10 operational directorate. When you joined the General Staff, you were  
11 an officer for the development and professionalisation of the KLA  
12 within the operational directorate; is that correct?

13 A. Yes, correct.

14 Q. And it was important for the KLA to have professionals in its  
15 ranks to help them organise; yes?

16 A. Yes.

17 Q. And for this reason, former officers, and you in particular,  
18 were appreciated and valued in the KLA; isn't that right?

19 A. Yes.

20 Q. And I know you've said in your preparation session that you --  
21 you've told us before that you have not read the book of  
22 Mr. Jakup Krasniqi, "The Great Turn"? You recall saying that? Yes.  
23 But just --

24 PRESIDING JUDGE SMITH: Just a second. You have to answer "yes"  
25 or "no."

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1 THE WITNESS: [Interpretation] I was waiting for the question to  
2 finish before giving my answer. And the answer is no, I haven't read  
3 it.

4 MS. ALAGENDRA:

5 Q. Yes. I'd just like to read a passage from the book, and this is  
6 at U015-8831. He says:

7 "This was done after the arrival of Agim Qelaj and  
8 Bislim Zyrapi, both of whom made invaluable contributions to the  
9 establishment of regular formations of the Kosovo Liberation Army."

10 Your contributions were invaluable, weren't they, Mr. Zyrapi?

11 A. Yes, to the best of our ability for the time we're referring to.

12 MS. ALAGENDRA: Right. If I can now have on the screen  
13 SPOE00226468. Yes, we have the document on the screen.

14 Q. Now, you were shown this document yesterday by Mr. Roberts. Do  
15 you recall?

16 A. Yes, I do --

17 Q. And these --

18 A. -- recall.

19 Q. And these appear to be minutes of a meeting dated 5 January  
20 1999; correct?

21 A. Yes, correct.

22 Q. And you've confirmed that as of 5 January 1999, these  
23 directorates were not operational; is that correct?

24 A. Which directorate, forgive me, are you talking about? Because I  
25 need to be accurate on it.

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1 Q. Right. We'll go through them. Now focusing on the middle of  
2 the page, the minutes read:

3 "Logistics ... /Directorate/ should start operating, and  
4 [logistics directorate] chief should be appointed."

5 Do you see that?

6 "[The] LD chief should be appointed."

7 A. Yes, I do. Yes, I do.

8 Q. And just below that, it reads:

9 "Finance Directorate chief and deputy should be appointed."

10 Correct?

11 A. Yes, I can read it.

12 Q. And then just below that, it says:

13 "Public Information Directorate chief and deputy should be  
14 appointed."

15 Yes?

16 A. Yes.

17 Q. So as of 5 January 1999, at least three directorates still had  
18 no chief or deputy or staff. Would that be correct?

19 A. Not entirely. It is true that the logistics department did not  
20 have one, not only at the time this meeting was held but later too.  
21 Whilst the finance department did have a director, Ibrahim, and he  
22 had been serving there since 1998. I don't know who took over later.

23 On the public information, that is true, and I think that Berat  
24 Luzha had been appointed to serve as director of this department at  
25 this point in time. Until then it had been vacant.

1 Q. Right. And if you go just below that, it reads:

2 "Operations Directorate should have more staff."

3 It's true, isn't it, that the directorate was not properly  
4 staffed as at 5 January 1999?

5 A. Correct, yes.

6 MS. ALAGENDRA: If we can move to page SPOE00226470, please.  
7 It's of the same document.

8 Q. Now, these appear to be the minutes of a meeting on 14 January;  
9 yes?

10 A. Yes.

11 Q. And this would be over two months since the restructuring  
12 exercise in November 1998?

13 A. Correct, yes.

14 Q. And it's almost ten days since the previous meeting of 5 January  
15 1999; correct?

16 A. Yes.

17 Q. And again at number 2, we see:

18 "Work of directorates and staffing with personnel."

19 Do you see that?

20 A. Yes, I do.

21 Q. And below that, there is another point 2, another number 2, and  
22 it reads:

23 "... /Information Service/ Directorate should be staffed  
24 urgently and the information network should be extended."

25 Correct?

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1 A. Yes, I --

2 Q. So over two months --

3 A. -- can read it.

4 Q. My apologies for crossing. So over two months after the  
5 reorganisation efforts of the General Staff, there were still  
6 directorates with no chief. That's what it suggests here. Do you  
7 agree?

8 A. Yes, I agree in respect of this directorate because Sali Veseli  
9 was not in the country, and there was no one inside to be able to  
10 handle matters related to this directorate. That is accurate, yes.

11 Q. Yes. And if we can move to the next bullet point on personnel  
12 directorate, it says:

13 "[The] Personnel Directorate should cooperate with other  
14 directorates, especially the ISD. There is not sufficient evidence  
15 about staffing. The directorate should get the proper personnel  
16 immediately."

17 Do you see that?

18 A. Yes, but generally speaking the directorates were never fully  
19 staffed. The General Staff has done its best, and we did what we  
20 could and with the available staff under the circumstances.

21 Q. I now move to --

22 MS. ALAGENDRA: Your Honours, I seek to tender these two  
23 documents.

24 PRESIDING JUDGE SMITH: Any objection?

25 MS. LAWSON: No objection, Your Honour. I believe part of this

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1 range, 477 to 479, has already been admitted as 1D00167.

2 MS. ALAGENDRA: We can have them admitted to the same exhibit  
3 number, Your Honour. We can have them admitted to the same exhibit  
4 number if that's convenient.

5 PRESIDING JUDGE SMITH: SPOE00226468, Madam Prosecutor, you're  
6 saying to 6477?

7 MS. LAWSON: I believe counsel was just tendering the two  
8 pages --

9 MS. ALAGENDRA: The two pages.

10 MS. LAWSON: -- that she used, and there are three pages of this  
11 entire range which have previously been admitted under that exhibit.

12 PRESIDING JUDGE SMITH: These will -- just for clarity's sake,  
13 they will have separate exhibit numbers.

14 MS. ALAGENDRA: Thank you.

15 PRESIDING JUDGE SMITH: So SPOE00226468 is admitted.

16 THE COURT OFFICER: Thank you, Your Honours. To clarify, my  
17 understanding is that we are admitting pages SPOE00226468 and  
18 SPOE00 --

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 Just an exhibit number for the first one.

21 MS. ALAGENDRA: [Microphone not activated].

22 They are separate exhibit numbers, I believe. That's my  
23 understanding.

24 THE COURT OFFICER: Thank you, Your Honours. If my  
25 understanding is well, we have shown two pages of the SPOE00226468 to

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1 SPOE00226480, which is the range -- full range, and we have shown the  
2 pages 68 and 70. Should we admit the full range or only these two  
3 pages?

4 MS. ALAGENDRA: We are seeking admission of only these two  
5 pages. And if they be given separate exhibit numbers, please.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 [Trial Panel and Court Officer confers]

8 THE COURT OFFICER: Thank you, Your Honours. The SPOE00226468  
9 and the SPOE00226470, both English and Albanian, will be admitted  
10 as -- assigned Exhibit 4D00068, and it's classified currently as  
11 confidential. Thank you, Your Honours.

12 MS. ALAGENDRA:

13 Q. I'd like to now move on to the General Staff directorates that  
14 you've spoken about, Mr. Zyrapi.

15 Now, at Part 7, page 9 to 10 of your interview in 2019, you have  
16 said that the General Staff directorates reported at the  
17 General Staff meetings to the deputy commander Jakup Krasniqi and  
18 through him to the general commander. Do you recall saying that?

19 A. Yes.

20 Q. And would you agree with me that in the few meetings the  
21 General Staff held with the directorates, the reporting was only  
22 about the incomplete structure of the directorates and requests for  
23 personnel? Would that be correct?

24 A. In the few meetings the staff had were -- those meetings were  
25 for the staffing issues, financial requests, problems with

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1 infrastructure. These sorts of issues.

2 Q. All right. So you will agree with me that they were not  
3 functional enough to provide reports on other issues?

4 A. Yes, these were the problems we had at the time.

5 Q. And, Mr. Zyrapi, you've told us that you worked on improving the  
6 structure of the KLA because you had the professional military  
7 experience, and that included managing the directorates as well,  
8 didn't it?

9 A. Yes, correct.

10 Q. And that also meant receiving reports on their level of  
11 readiness and functionality and to intervene when necessary. Would  
12 that be correct?

13 A. Yes.

14 Q. In a regular army, Mr. Zyrapi, to put it very simply, the  
15 directorates would report to the chief of staff, don't they?

16 A. It depends on the system of organisation. When you report only  
17 to the chief of staff, that is a system that has only a chief of  
18 staff, no overall commander. That is when you directly report to the  
19 chief of staff or its deputy.

20 However, in our case we had a different organisation. We had a  
21 commander, the deputy commander. The reports always went to the  
22 commander and his deputy, during the meetings and depending on the  
23 situation.

24 Q. Right. In the KLA, however, the reporting was more of an  
25 informal nature, wasn't it, not as an ordinary army would? Would you



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1 agree with that?

2 A. Informing at the time, as I've explained earlier, and as you can  
3 see from the meetings, were mainly on supply problems, procurement.  
4 In addition, of course, the aspect of staffing, training, and  
5 enabling lower units of these sectors to carry out their tasks. But  
6 we did not manage to complete all this work. We did, however, manage  
7 to prepare some of the sectors but not all of them.

8 MS. ALAGENDRA: If we can have on the screen P00621, please.

9 Your Honours, just to note that on the provisional transcript  
10 yesterday, I noticed it was P261 that was being reflected, but it  
11 should have been 621 when Mr. Roberts addressed the document.

12 Q. You were shown this document yesterday by Mr. Roberts,  
13 Mr. Zyrapi. Do you recall that?

14 A. Yes.

15 Q. And you've told us yesterday that this is an order on the method  
16 of reporting before the General Staff and what the report should be  
17 based on; correct?

18 A. Yes.

19 Q. And the heads of directorates are instructed by this order to  
20 prepare their contribution in writing on a list of issues; correct?

21 A. Yes, correct.

22 Q. And I'd like to focus on the list of issues to be discussed, and  
23 it was leadership and command, morale, improvement, logistics,  
24 defence, and security. These were all operational issues; am I  
25 correct?

1 A. Of course, operations includes these aspects, but this goes to  
2 all other aspects.

3 Q. Now looking at the bottom of the document, we see the initials  
4 SV to the left. Would that be a reference to Sali Veseli?

5 A. Yes, correct. Sali Veseli and Shipe Ahmeti --

6 Q. Yes, who we --

7 A. -- the initials.

8 Q. -- mentioned yesterday.

9 A. Yes, that's correct.

10 Q. And would his initials appear on the left, Sali Veseli, SV,  
11 because he drafted that document?

12 A. At every occasion, the person who drafted the document would  
13 have his or her initials on the document.

14 Q. Right. And the second initial, would that reflect the person  
15 who prepares the document? In this case, Shipe Ahmeti. So one  
16 person drafts it and another person types it? No?

17 A. Yes.

18 MS. ALAGENDRA: And if we can have on screen P01408, please.

19 Q. You will recall being shown this document on 2 July and again  
20 yesterday, Mr. Zyrapi; yes?

21 A. Yes, correct.

22 Q. And these are meeting notes of the meeting with the directorates  
23 on 29 December 1998; correct?

24 A. Yes, correct.

25 Q. Now, if I could once again refer you to the list of attendees.

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1 Present at the meeting were Bislim Zyrapi, Adem Grabovci,  
2 Fatmir Limaj, Berat Luzha, Rame Buja, and Sali Veseli.

3 Now, you'll confirm that Jakup Krasniqi's name does not appear  
4 on that list of attendees; yes?

5 A. Yes, correct. He was not present at this meeting.

6 Q. Yes. Now, just below that, the meeting notes say:

7 "The meeting was chaired by Mr. [Bislim] Zyrapi, who spoke about  
8 [the]leadership and command structure."

9 Now, you summoned this informal meeting and chaired it to  
10 discuss the roles and features of each directorates. Would that be  
11 correct?

12 A. Yes. This meeting was convened to explain the work, the  
13 organisation, and the activities of the directorates in -- to the  
14 lower levels, starting from the operational zone level and below.

15 Q. Yes, instructing them on how to act and what was expected of  
16 them; yes?

17 A. What is expected from them and how they should help the sectors  
18 below them to develop further in the operational zones. This was  
19 what the meeting was about at the time.

20 Q. I'd like to now take you -- to refer you to your evidence in the  
21 Sainovic case at the ICTY in November 2006.

22 MS. ALAGENDRA: And for the reference, it is P1356, page 6268,  
23 lines 1 to 4.

24 Q. Do you recall testifying in that case about the role and  
25 functions of the chief of staff, Mr. Zyrapi?

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1 A. Yes.

2 MS. ALAGENDRA: If we could have page 6268 on the screen,  
3 please.

4 Q. It's a short passage. I could read it to you in the meantime.  
5 You were asked to describe the role of the chief of staff, and your  
6 evidence is:

7 "The function of the Chief of Staff was to manage and lead the  
8 General Staff and the directorates within the General Staff."

9 Would that be accurate?

10 A. The directorates within the General Staff.

11 Q. I'm going to move on to the appointments, Mr. Zyrapi. Yes.  
12 You'll agree with me that it was important to get the best people in  
13 the right positions; correct?

14 A. I agree, yes.

15 Q. And when you visited the local staffs in the spring and summer  
16 of 1998, you've said at Part 2, page 11 of your 2019 interview, that  
17 one of your first tasks included making proposals for appointments.  
18 Do you recall that?

19 A. Yes.

20 Q. And when you became the chief of staff, you continued to make  
21 sure that the positions at zone and brigade levels were filled in;  
22 yes?

23 A. Yes.

24 Q. You were shown P1385 by the Prosecution.

25 MS. ALAGENDRA: If we could have that on the screen, please.

1 And if we could scroll down, please.

2 Q. Now, we can see here that by 11 July 1998, Sali Veseli was the  
3 chief of operations in Dukagjin; correct?

4 A. Yes, correct.

5 MS. ALAGENDRA: If I could now have P1384 on the screen, please.

6 Q. Now, for your information, Mr. Zyrapi, this is a document that  
7 has been printed from a workstation by the Prosecution. Just for  
8 your information, so you know the background of the document.

9 Now, looking at this document you would not know who prepared  
10 this document; is that correct?

11 A. Correct. I wouldn't know because it's not completed. It  
12 doesn't have a protocol number, doesn't have a date, doesn't have a  
13 signature and initials who prepared it.

14 Q. And you would not know if this document was ever printed,  
15 signed, and sent out in July 1998; is that correct?

16 A. Correct. Considering the date you mentioned, 24 July, at the  
17 time, we were involved in severe fighting in the territory of  
18 Rahovec, and during that time it was impossible for us to prepare  
19 these kinds of documents. At least I'm speaking on my behalf and on  
20 behalf of members of the General Staff.

21 Q. So it would be correct, looking at this document, to say then,  
22 based on your answer, that there was no General Staff meeting on  
23 24 July 1998, to the best of your recollection?

24 A. To the best of my recollection, these were days when we were  
25 involved in fighting. It wasn't possible to hold meetings with

1 agendas and reporting.

2 Q. And the battle of Llapushnik was also ongoing at the time,  
3 wasn't it?

4 A. No. At the time the battle had already started, the fightings.  
5 I and Rexha went to Llapushnik to assist the units there, and we  
6 stayed there. I cannot remember the exact days, whether it was 24th  
7 or 25th, but it was within this period. Once the fighting in Rahovec  
8 ended, that's when the battle in Llapushnik started. So we had to  
9 interrupt all our activities and go and help in Llapushnik.

10 Q. But you'd agree with me that looking at the date on this  
11 document, or the meeting date that's suggested on the document, it is  
12 at least two weeks after Sali Veseli was already carrying out his  
13 duties as chief of operations in Dukagjin; yes?

14 A. Yes, correct. I explained that during my visit in Dukagjin at  
15 the time, he was already holding that position, position of chief of  
16 staff of the operational zone staff at the time, and we went to  
17 inspect the area together.

18 Q. Right. So if I understand you correctly, these appointments  
19 came from the zones, they were made by the zones, and if at all there  
20 was any formalisation of it by the General Staff, it was purely a  
21 formalisation exercise. Would you agree with that?

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

23 Q. Now, by mid-November 1998, the personnel directorate headed by  
24 Adem Grabovci was created, at least on paper; correct?

25 A. Correct. From November, with the restructuring, the personnel

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1     directorate began to be formed. But up until then, there wasn't any.

2     Q.    Right. And you used the word "began," so that was the creation  
3     of it. It was not fully functional at the time. It was a one-man  
4     directorate, wasn't it?

5     A.    Yes, correct. I have mentioned and explained this earlier, that  
6     the personnel directorate began to be formed in November. There was  
7     one person. And depending on how many staff were available to  
8     complete the staffing of this directorate, that's how it evolved  
9     later. And this goes to all other directorates.

10    Q.    Right. So appointments at brigade and zone levels at the time  
11    were still done by the zones. We are talking about the mid-November  
12    period; correct?

13    A.    Yes, correct.

14    Q.    And would you agree with me that it was important to have  
15    military expertise, someone like yourself, to assess whether a person  
16    was fit for specific military positions?

17    A.    It is true, to assess persons at commanding posts. To have  
18    someone who will lead a sector, you would have to assess his  
19    abilities, military abilities and experience. You need people who  
20    are able to lead and command such sectors.

21           MR. MISETIC: Mr. President, I'm sorry to interrupt. There just  
22    seems to be a translation error on the document in English that I  
23    wanted to just put on the record. I don't know if it's relevant or  
24    not, but the header in the top left has a word in the third line down  
25    that does not appear in the original document.

1           So I don't want to speak in front of the witness, but third line  
2           down in the header doesn't appear in the original, if it -- to the  
3           extent it's relevant, I just wanted to put it on the record. Thank  
4           you.

5           PRESIDING JUDGE SMITH: Thank you.

6           MS. ALAGENDRA:

7           Q.    And once Adem Grabovci was appointed in November 1998, was it  
8           the case that his role was to receive information or recommendations  
9           from the zones, coordinate with you, and then send them back to the  
10          zones? Would that be correct?

11          A.    The personnel directorate, which also is in charge of human  
12          resources, gets -- collects information from the zones, from the  
13          staff, from other directorates as well, mostly from the intelligence  
14          directorate because you have to know who will be in commanding  
15          position, whether such a post and responsibility can be given to a  
16          person, to see whether that person is fit for the post. However, we  
17          could not do all of this at the time. Since the directorates were  
18          not fully staffed, they lacked the resources to carry out all this  
19          work. And the zone commanders and the brigade commanders would then  
20          propose people for assignment who could be then appointed to such  
21          positions.

22          MS. ALAGENDRA: Your Honours, I note the time. Are we taking a  
23          ten-minute break?

24          PRESIDING JUDGE SMITH: Please use the balance of the time till  
25          10.00.



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1 MS. ALAGENDRA: Right.

2 Now, if I could have on the screen document 12005, please. I  
3 believe there's no English translation of this document, but we can  
4 put the Albanian version.

5 Q. Mr. Zyrapi, you will see on the left -- upper left corner of the  
6 document the date 13 December 1998?

7 A. Yes, I can see it.

8 Q. And the document appears to be a written appointment signed by  
9 the Dukagjin zone commander Ramush Haradinaj. [Microphone not  
10 activated].

11 MS. ALAGENDRA: If you can scroll down, please.

12 Q. Appointing Maliq Ndrecaj as 132 brigade commander; correct?

13 A. Correct, according to the document.

14 MS. ALAGENDRA: Right. And if I can now have U000-3635 on the  
15 screen, please.

16 THE COURT OFFICER: May I kindly ask Madam Counsel to indicate  
17 the full ERN range. Thank you so much.

18 MS. ALAGENDRA: U000-3635. And if we can scroll down to the  
19 signature, please.

20 PRESIDING JUDGE SMITH: It's time for the break now.

21 We'll give you -- Mr. Zyrapi, we'll give you a ten-minute break  
22 at this time.

23 [The witness stands down]

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

25 --- Break taken at 10.02 a.m.

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1 --- On resuming at 10.11 a.m.

2 PRESIDING JUDGE SMITH: Please bring the witness in.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: Go ahead, Ms. Alagendra.

5 MS. ALAGENDRA: Thank you.

6 Q. So just before the break, Mr. Zyrapi, you saw the earlier  
7 document and that was a document dated 13 December; yes?

8 A. Yes.

9 MS. ALAGENDRA: If we could scroll down in the Albanian version,  
10 please.

11 Q. This is another document from the Dukagjin operational zone, and  
12 you'll agree with me that it's dated 15 January 1999; yes?

13 A. Yes.

14 Q. We'll have to go up -- okay. All right. And the signature  
15 block at the bottom of the page says 132nd Brigade Commander Maliq  
16 Ndrecaj, do you see that, with a signature?

17 A. Yes, I do.

18 Q. So it appears from this document and the document that you were  
19 shown earlier dated 13 December that Maliq Ndrecaj was appointed by  
20 the zone commander in December 1998 and was already performing his  
21 duties as of the date of this document, that's 15 January 1999; yes?

22 A. Yes. From what you can see on the documents, yes. However,  
23 from what I know is not that he had been appointed in November. In  
24 fact, he had been in that post since June, July 1998, when the first  
25 brigades -- the time when the first brigades were formed in the

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1 Dukagjin area.

2 So this order may have been issued, of a repetitive nature  
3 though it is, as part of the reorganisation that happened in the KLA  
4 from November.

5 Q. Yes.

6 MS. ALAGENDRA: And if I could now have on the screen P1430,  
7 please. I believe that's the wrong document. Maybe I will read the  
8 ERN number. It's 00225268.

9 Q. You were shown this document on 2 July by the Prosecution, and  
10 your evidence is that you did not recall these appointments being  
11 made. Do you recall that evidence?

12 A. Yes, I do.

13 Q. Now, this document is dated 4 February 1999; yes?

14 A. Yes, that's the date.

15 Q. And your evidence on this was that this appointment could have  
16 been made by the personnel directorate. Do you recall that?

17 A. Yes.

18 MS. ALAGENDRA: If we can scroll down, please.

19 Q. And on the left corner at the bottom, we see the initials AG.  
20 That would be Adem Grabovci, wouldn't it, the head of the personnel  
21 directorate?

22 A. Yes, from the initials, Adem Grabovci, the chief of the  
23 personnel department.

24 Q. And going by your earlier evidence, it would appear to have been  
25 typed or prepared by someone with the initials AM, looking at this

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1 document; correct?

2 A. Yes.

3 Q. And does this help you to recall if the person Ahmet Morina  
4 could have assisted Mr. Grabovci to prepare this document?

5 A. It may. I can't remember, though, but it could very well be.

6 Q. Now, going to the content of the document, it appears to appoint  
7 two people in the Dukagjin zone. That's Daut Hilmi Haradinaj and  
8 Maliq Ndrecaj; yes?

9 A. Yes, correct.

10 Q. Maliq Ndrecaj is being appointed as the commander of 132 Brigade  
11 according to this document?

12 A. Correct.

13 Q. And point number 4 of the document says:

14 "These appointments come into force immediately."

15 Yes?

16 A. Correct.

17 Q. But as at 4 February 1999 -- and you've already told us he was  
18 already in that appointment or in that position from around July, did  
19 you say? Yes?

20 A. Yes. Yes, correct. From July, when the first brigades were  
21 formed in the zone and when the zone began taking shape militarily,  
22 131, 132, 133, and these were serving as commanders from that time.

23 Q. So this document, which is dated nearly seven months after, is a  
24 clear example of the General Staff just doing paperwork, isn't it,  
25 just to have a formal written document for the purposes of an

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1 appointment; correct?

2 A. I explained it briefly earlier that following the reorganisation  
3 of the Kosovo Liberation Army, documents were rewritten on the  
4 brigade commanders that had already been in place. It is true that  
5 zone commanders do propose the brigade commanders for an appointment,  
6 which is then approved by the General Staff. It is very possible  
7 that this document was rewritten after that organisation,  
8 re-certifying these two commanders of these two units.

9 Q. But on 3 July 2024, your evidence is that such appointments  
10 were -- brigade-level appointments were for the zone command to make;  
11 am I correct?

12 A. The zone commanders would appoint positions downwards. When we  
13 refer to 1998, they made all the appointments. The staff had no role  
14 to play therein as far as these positions are concerned, because the  
15 whole situation had not been regulated as such and remained so until  
16 the reorganisation.

17 Q. Right.

18 MS. ALAGENDRA: If we could now have P01411 on the screen,  
19 please.

20 Yes, before I move on to this document, Your Honours, I seek to  
21 tender the documents that have been shown to the witness.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MS. ALAGENDRA: It would be starting with 112005. The next one  
24 would be U000-3635. Yeah, these two documents. I believe the third  
25 one has already been marked as an exhibit, 1430.

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1 PRESIDING JUDGE SMITH: Any objection?

2 MS. LAWSON: We have no objection, and I think they can also be  
3 public.

4 PRESIDING JUDGE SMITH: Document 112005 is admitted. Please  
5 give it a P number.

6 THE COURT OFFICER: It will be assigned Exhibit 4D00069,  
7 currently classified as confidential.

8 PRESIDING JUDGE SMITH: And then document 00225268 is admitted.  
9 Assign a number, please.

10 THE COURT OFFICER: Your Honours, if I may come back on that  
11 one, please.

12 PRESIDING JUDGE SMITH: All right. No problem.

13 MS. LAWSON: And, Your Honours, just for the record, I believe  
14 there was not an English translation of 112005, so we may need to --  
15 someone may need to produce one.

16 PRESIDING JUDGE SMITH: All right.

17 MS. ALAGENDRA: And the second document, Your Honours, is  
18 U000-3635. We seek admission.

19 PRESIDING JUDGE SMITH: Any objection to 3635?  
20 Madam Prosecutor, any objection to that?

21 MS. LAWSON: Sorry, no objection, Your Honour.

22 PRESIDING JUDGE SMITH: U000-3635 is admitted.

23 THE COURT OFFICER: Thank you, Your Honours. U000-3635 to  
24 U000-3635 will be assigned Exhibit 4D00070 and is currently  
25 classified as confidential. Thank you, Your Honours.

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1           PRESIDING JUDGE SMITH: All three of them can be reclassified as  
2 public.

3           THE COURT OFFICER: Thank you, Your Honours.

4           MS. ALAGENDRA: If we could now have P1411 on the screen,  
5 please.

6           PRESIDING JUDGE SMITH: I believe that's already on the screen.

7           MS. ALAGENDRA: [Microphone not activated] ... I believe it's a  
8 different document I'm asking for now. That's not the one on the  
9 screen. That's the previous document.

10          PRESIDING JUDGE SMITH: [Microphone not activated].

11          MS. ALAGENDRA:

12          Q. You've been shown this document, Mr. Zyrapi, on 2 July. Do you  
13 recall that?

14          A. Yes.

15          Q. And on 1 July, your evidence was that you had appealed for a  
16 number of experienced officers from the Dukagjin zone to join the  
17 operational directorate, but only Naim Maloku responded to that  
18 appeal and came. Do you recall that evidence?

19          A. Yes, correct.

20          Q. Naim Maloku then remained a member of your operational  
21 directorate in Divjake; am I correct?

22          A. Yes.

23          Q. And in 2019, at Part 11, page 10, you told the SPO that  
24 Naim Maloku was transferred back to the Dukagjin zone upon a request  
25 by Ramush Haradinaj. Is that accurate?

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1 A. Correct, yes.

2 Q. And Naim Maloku was consulted and he himself agreed to move back  
3 to Dukagjin, didn't he?

4 A. Yes, correct.

5 Q. And as the head of operations you agreed to this transfer,  
6 didn't you?

7 A. Yes.

8 Q. And the document we see on the screen now was another  
9 formalisation exercise of an operational decision that had already  
10 been made, am I correct, between Ramush Haradinaj, Naim Maloku, and  
11 yourself?

12 A. Yes, correct.

13 MS. ALAGENDRA: And if we can scroll down to point 8, please.

14 Q. And here it says that the:

15 "KLA [General Staff] Operations Department shall be in charge of  
16 its execution."

17 Yes?

18 A. Yes, correct.

19 Q. And at the bottom left corner of this document, it has the  
20 initials AG/AM. Again, for the record, AG refers to Adem Grabovci,  
21 doesn't it?

22 A. Yes.

23 Q. And he authored this document as head of personnel directorate;  
24 yes?

25 A. Yes.



1 MS. ALAGENDRA: If I could now have on the screen P1175, please.

2 If we can scroll to the bottom of the document, please.

3 Q. Now, Mr. Zyrapi, you were shown this document during your  
4 preparation session. Do you recall that?

5 A. Yes.

6 Q. At the bottom of the document, it says:

7 "Pristina, 19 November 1998."

8 The General Staff was not based in Prishtine in November 1998,  
9 was it?

10 A. Correct.

11 Q. And on Thursday last week, you were asked by Mr. Miseti about  
12 the appointment of Mr. Dobruna in November 1998, and you stated that  
13 the decision to appoint Mr. Dobruna was made by the general  
14 commander, Azem Sylja. Do you recall that?

15 A. Yes.

16 Q. And a document such as this, if it was signed by Mr. Krasniqi,  
17 he was only formalising a decision already made by the general  
18 commander; am I correct?

19 A. Yes, correct.

20 [Trial Panel and Court Officer confers]

21 JUDGE BARTHE: Excuse me for interrupting, counsel, but the  
22 Panel would like to see the entire English translation. Ah, there it  
23 is. Thank you.

24 MS. ALAGENDRA: Can I move on, Your Honours? Yes.

25 Q. Now, in your preparation session, Mr. Zyrapi, you were shown

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1 three unsigned documents with your name on them which appeared to  
2 contain a series of appointments at zone and brigade level. Do you  
3 recall them?

4 MS. ALAGENDRA: For the record, they are P00633, 635, and 637.  
5 If we could call up P633 on the screen, please.

6 Q. As I mentioned earlier, you were shown three documents. This is  
7 one of them. And on all three occasions, you said that you had  
8 refused to sign these documents because appointments within the zone  
9 command or a brigade command or at brigade or battalion level were  
10 the prerogative of the zone commander and were outside your  
11 responsibilities. Just so you know what your evidence has been on  
12 this. Yeah?

13 Now, on 3 July you were shown this document --

14 PRESIDING JUDGE SMITH: He did not respond.

15 MS. LAWSON: And, Your Honour, that was an incomplete summary as  
16 well.

17 PRESIDING JUDGE SMITH: Yes. Could you please restate your  
18 question and give him time to answer.

19 MS. ALAGENDRA: Right.

20 Q. Now, when you were shown a series of documents, one of which is  
21 the one on the screen at the moment, you said that you refused to  
22 sign these documents because the appointments within the zone command  
23 or at brigade or at battalion level were the prerogative of the zone  
24 commander and were outside your responsibilities; right?

25 A. Yes, correct.

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1 Q. Now, this document appears to contain a series of appointments  
2 within the command of the Pashtrik zone and at brigade level;  
3 correct?

4 A. No. From what I can see here ...

5 PRESIDING JUDGE SMITH: Go ahead, Witness. Go ahead.

6 THE WITNESS: [Interpretation] It's a document which lists the  
7 entire zone command, all the sectors. This is not up to the chief of  
8 staff or the general commander. I have explained it clearly that the  
9 rules state that the commanders and their deputies are proposed by  
10 the zones and certified by the general commander. This is -- the  
11 procedure is very clear. It goes via the directorate of personnel as  
12 we saw from the preceding documents. Whereas the appointments  
13 downwards the chain of command are done by the zone commander based  
14 on the -- on his needs.

15 MS. ALAGENDRA: If we could scroll down, please, to the  
16 signature block.

17 Q. And you did not sign this document; correct?

18 A. Correct, I haven't.

19 Q. Your evidence on this, Mr. Zyrapi, was that battalion commanders  
20 and officers within the zones were not to be appointed by the  
21 commander or the chief of the General Staff. They were appointed by  
22 zone commanders; is that accurate?

23 A. Yes, it is accurate, and that is exactly what I explained  
24 earlier.

25 Q. And the appointments at zone or brigade level fell outside the

Witness: Bislim Zyrapi (Resumed) (Open Session)  
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1 role and responsibilities of the command of the General Staff, and  
2 that included the deputy commanders. Do you agree to that?

3 A. The deputy commanders of the zones were proposed by the zone  
4 commanders, and the appointment was done at the General Staff level.  
5 Whereas the others are neither proposed nor approved by the  
6 General Staff. They are proposed and then appointed by the zone  
7 commanders based on the range of responsibilities that they have.  
8 That is what it used to be like.

9 Q. Okay. Thank you. Now, from November 1998, as part of your role  
10 as head of operations and then chief of staff, you continued to work  
11 with the zone commanders to improve the organisation of the zones;  
12 correct?

13 A. Yes.

14 Q. And when you became the chief of staff in November 1998 in the  
15 restructuring of the General Staff, contact with the zone commanders  
16 became more frequent -- your contact with the zone commanders became  
17 more frequent, didn't it?

18 A. We can say more frequent, not that frequent, to be frank with  
19 you, depending on the situation on the ground. I may say here that  
20 we met the commanders over -- three or four times over this entire  
21 period.

22 Q. And when circumstances allowed it, you issued orders to the  
23 zones to come to Divjake for meetings and provide reports; am I  
24 correct?

25 A. Yes, they were summoned to come to the staff headquarters. It

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1 was not in the form of an order.

2 Q. Right.

3 MS. ALAGENDRA: Can we have on the screen, please, P615.

4 Now if we can scroll to the bottom so the witness can have a  
5 good view of the document, please. Right.

6 Q. Now, in the preparation session you confirmed the accuracy of  
7 this document, Mr. Zyrapi. Do you recall that?

8 A. Yes.

9 Q. But the document we have in front of us is not signed. And, for  
10 your information, it was a document that was printed from the  
11 workstation that the Prosecution say they seized. Was that -- were  
12 you told of that at the time you were asked to speak on this  
13 document?

14 A. Yes.

15 Q. My question is, at the time the Prosecution showed you this  
16 document during the preparation session, were you informed that this  
17 document was printed from a workstation seized from Jakup Krasniqi?  
18 Were you informed of that during the preparation session?

19 A. Yes, that had been taken from Jakup Krasniqi.

20 Q. My question is not whether it had or it had not been taken from  
21 Mr. Krasniqi, Mr. Zyrapi. My question is did the Prosecution inform  
22 you when they showed you this document during the preparation session  
23 that it was printed from a workstation?

24 A. I can't remember, but I know that it's -- where it had been  
25 taken from was explained to me.

Witness: Bislim Zyrapi (Resumed) (Open Session)  
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1 Q. Right. Now, were you shown a signed copy of this document,  
2 Mr. Zyrapi?

3 A. Quite a number of documents were shown to me and I cannot recall  
4 them all.

5 Q. Now, according to this document, you instructed the zone  
6 commanders to prepare a written report on a number of issues, and  
7 that included leadership and command, morale, training, mobilisation,  
8 logistics, defence and security, and the military situation in the  
9 operational zones, including an analysis of enemy forces, KLA forces,  
10 and coordination with other zones. Do you see that?

11 A. Yes.

12 Q. And at point 7 of the document, it appears that the zone  
13 commander is being informed that:

14 "The reporting session will be followed by a written order for  
15 combat actions ..."

16 Do you see that?

17 A. Yes, I do.

18 Q. And at the bottom left of the document the initials SV appear.  
19 Is it correct that Sali Veseli drafted this document, Mr. Zyrapi?

20 A. Yes.

21 Q. And would you know who the initials of VG belong to?

22 A. I cannot recall -- I cannot recall.

23 Q. Right. But you'll agree with me that, at the time, zone  
24 commanders were not always able to come to these meetings because of  
25 the situation on the ground?

1 A. Yes, that's right.

2 MS. ALAGENDRA: Now, if we could move into private session,  
3 Your Honours.

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 [Private session]

6 [Private session text removed]

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Witness: Bislim Zyrapi (Resumed) (Private Session)

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Cross-examination by Ms. Alagendra (Continued)

1 [Private session text removed]

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Witness: Bislim Zyrapi (Resumed) (Private Session)

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Cross-examination by Ms. Alagendra (Continued)

1 [Private session text removed]

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25 [Open session]

1 THE COURT OFFICER: Your Honours, we are back in public session.

2 Thank you.

3 PRESIDING JUDGE SMITH: You may proceed.

4 MS. ALAGENDRA: If we can have on the screen P228, please. If  
5 we can scroll down to the bottom of the document, please. The last  
6 page, please, for the signature. Yes.

7 Q. And you recall this document, Mr. Zyrapi?

8 A. Yes, I do, fully.

9 Q. Yes. And you'll agree with me it's a report signed by you on  
10 the basis of reports you had received from the zone commanders?

11 A. Yes, it's a summary of the reporting, submitted -- reports  
12 submitted by the zone commanders. This summary was forwarded to the  
13 deputy commander.

14 Q. Right. Let's go through that document. You will see that it's  
15 divided into topics, leadership and command.

16 MS. ALAGENDRA: Can we go up please, sir. Can we go to the  
17 [Microphone not activated] ... take the document from top down,  
18 please, now. I'll go through the questions with him. Can we start  
19 on the first page, please. Right.

20 Q. So we can see that it's divided into topics, Mr. Zyrapi; yes?  
21 The first being leading and commanding; yes?

22 A. Yes, correct.

23 Q. Then you have combat morale?

24 A. Yes, correct.

25 Q. Then it goes to training, mobilisation and matters of personnel,

Witness: Bislim Zyrapi (Resumed) (Open Session)  
Cross-examination by Ms. Alagendra (Continued)

Page 18094

1 logistics. It then moves down to defence and safety, combat  
2 situation. And we have proposals for the use of tactical and  
3 operational units for combat activities, and then requests from the  
4 KLA General Staff; yes?

5 A. Yes, correct.

6 Q. You will agree with me, Mr. Zyrapi, that the topics we see here  
7 fell within the roles and responsibilities of the operational  
8 directorate of the General Staff. Do you agree?

9 A. They are part and parcel of everyone's roles. This is a summary  
10 of a report submitted by the commanders regarding the situation in  
11 their own zones. This belongs to all, not just to the operational  
12 department.

13 When they come to report, they report on everything, not only  
14 the operational preparedness and operations as such but everything.  
15 Finance, personnel, everything.

16 Q. If I can just summarise the content of this report. It  
17 describes the lack of proper command; yes?

18 A. Yes, correct.

19 Q. Lack of communication and equipment; yes?

20 A. Yes, correct.

21 Q. Vacant positions at zone level; yes?

22 A. Yes, correct. We have described it in detail, the issues of  
23 proper staffing, the resources, and so on.

24 Q. And that included the morale of the soldiers, improvements to  
25 training and readiness, lack of proper armament and weapons, defence

Witness: Bislim Zyrapi (Resumed) (Open Session)  
Cross-examination by Ms. Alagendra (Continued)

Page 18095

1 lines issues, and issues concerning the number of enemy forces and  
2 their movements as opposed to the KLA forces; yes?

3 A. Yes, correct.

4 PRESIDING JUDGE SMITH: Counsellor, it's time to take the  
5 morning break.

6 MS. ALAGENDRA: Yes, Your Honours. If I can just finish my last  
7 sentence with the witness.

8 PRESIDING JUDGE SMITH: Go ahead.

9 MS. ALAGENDRA:

10 Q. And these are all issues, Mr. Zyrapi, that required a certain  
11 degree of military tactics knowledge. Would you agree? The ones  
12 I've just read out to you.

13 A. These are issues that are not confined to tactical and military  
14 matters but matters of -- belong to the logistics, to finance, and so  
15 on. However, we are speaking here about military units and the  
16 problematics are the same. Every single time we had reporting of  
17 this nature similar issues were raised because the resources were not  
18 there, the resources being of a technical or human nature, and the  
19 discussion was on how to try to overcome these the issues and move  
20 forward. That's all.

21 Q. Thank you very much.

22 PRESIDING JUDGE SMITH: Witness, it is time for the morning  
23 break. We'll excuse you for a half hour.

24 MS. ALAGENDRA: Your Honours, I believe that for this witness  
25 the session ends now.

1           PRESIDING JUDGE SMITH: I'm sorry. [Microphone not activated].  
2           I'm sure you'll be glad to know you get to leave after all. So  
3 thank you for being with us today. We'll see you on Monday. Have a  
4 good weekend.

5                               [The witness stands down]

6           PRESIDING JUDGE SMITH: Ms. Alagendra, can you give us an  
7 estimate of your time left?

8           MS. ALAGENDRA: I anticipate being another two hours, if I am to  
9 say, two, two and a half hours.

10          PRESIDING JUDGE SMITH: All right.

11          MS. ALAGENDRA: Thank you.

12          PRESIDING JUDGE SMITH: [Microphone not activated].

13          We're adjourned until 9.00 a.m. Monday.

14                               [Trial Panel confers]

15          PRESIDING JUDGE SMITH: [Microphone not activated].

16          MS. LAWSON: We do. Next week we don't have a second witness.

17          PRESIDING JUDGE SMITH: [Microphone not activated].

18          MS. LAWSON: This afternoon we have -- apologies for the  
19 confusion, we do have another one today.

20          PRESIDING JUDGE SMITH: [Microphone not activated].

21                               --- Recess taken at 11.04 a.m.

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

23          PRESIDING JUDGE SMITH: Mr. Emerson.

24          MR. EMMERSON: I'm just checking we're in private session.

25          PRESIDING JUDGE SMITH: Yes.

1 MR. EMMERSON: We are?

2 PRESIDING JUDGE SMITH: Please, into private session,

3 Mr. Court Officer.

4 [Private session]

5 [Private session text removed]

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25 [Open session]



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

3 PRESIDING JUDGE SMITH: All right. I'll repeat just for the  
4 public session purposes. We will proceed with the evidence of  
5 Prosecution Witness W04501. He will be appearing by videolink. As  
6 you can see, the screen is already set up.

7 Madam Court Officer, you may bring the witness into the room.

8 [The witness entered court via videolink]

9 THE COURT OFFICER: [via videolink] Your Honours, for the record,  
10 at the remote location present are Witness W04501 and myself, the  
11 Court Officer.

12 PRESIDING JUDGE SMITH: Thank you very much,  
13 Madam Court Officer.

14 Good morning, Witness. Can you hear me?

15 THE WITNESS: [via videolink] [Interpretation] Yes, good morning.

16 PRESIDING JUDGE SMITH: The CMU staff member at your location  
17 will now provide you with the text of the solemn declaration which  
18 you are asked to take. Please look at it and then read it out loud.

19 THE WITNESS: [via videolink] [Interpretation] All right.

20 PRESIDING JUDGE SMITH: You may read it out loud now.

21 THE WITNESS: [via videolink] [Interpretation] Conscious of the  
22 significance of my testimony and my legal responsibility, I solemnly  
23 declare that I will tell the truth, the whole truth, and nothing but  
24 the truth, and that I shall not withhold anything which has come to  
25 my knowledge.

Witness: W04501 (Open Session)  
Procedural Matters

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1 WITNESS: W04501

2 [The witness answered through interpreter]

3 [The witness testified via videolink]

4 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated  
5 now.

6 Witness, today we will start your testimony, which is expected  
7 to last approximately three and a half hours. As you may know, the  
8 Prosecution will ask you questions first. Once they are finished,  
9 Victims' Counsel will ask questions of you, and then the Defence also  
10 has the right to ask questions of you. In addition, members of the  
11 Panel may also ask questions of you.

12 The Prosecution estimate for your examination is one hour.  
13 Victims' Counsel will take approximately 15 minutes for questions.  
14 The Defence estimates that it will need around two hours. As regards  
15 each estimate, we hope that counsel will be judicious in the use of  
16 their time. The Panel may also allow redirect examination if  
17 conditions for it are met.

18 Witness, please try to answer the questions clearly with short  
19 sentences. If you don't understand a question, feel free to ask  
20 counsel to repeat the question or tell them you don't understand and  
21 they will clarify. Also please try to indicate the basis of your  
22 knowledge of facts and circumstances that you will be asked about.

23 In the event you are asked by the SPO to attest to some  
24 corrections made regarding your statements, you are reminded to  
25 confirm on the record the written statement -- on the record that the

1 written statement, as corrected by the list of corrections,  
2 accurately reflects your declaration. Please also speak into the  
3 microphone and wait five seconds before answering a question and  
4 speak at a slow pace for the interpreters to catch up.

5 During the next days while you are giving evidence in this  
6 court, you are not allowed to discuss with anyone the content of your  
7 testimony outside of the courtroom. If any person asks you questions  
8 outside the court about your testimony, please let us know.

9 Please stop talking if I ask you to do so, and also stop talking  
10 if you see me raise my hand. These indications mean that I need to  
11 give you an instruction.

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

14 So we begin now with the questions from the Prosecution, so  
15 please give them your attention.

16 Madam Prosecutor, you have the floor.

17 MS. IODICE: Thank you, Your Honour.

18 Examination by Ms. Iodice:

19 Q. Good morning, Witness. My name is Vega Iodice, and today I will  
20 be asking you questions on behalf of the SPO. As explained during  
21 our last meeting, rather than asking you questions about every  
22 relevant issue you may have information about, it may be possible to  
23 admit some of your prior statements containing such information into  
24 evidence. There are a number of procedural steps to follow in order  
25 to do so. Before turning to these, I will first establish your

1 identity.

2 MS. IODICE: And, Your Honours, if we could please move into  
3 private session.

4 PRESIDING JUDGE SMITH: For the protection of the witness,  
5 please move into private session, Mr. Court Officer.

6 [Private session]

7 [Private session text removed]

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25 [Open session]

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

2 Thank you.

3 PRESIDING JUDGE SMITH: Thank you.

4 You may proceed.

5 MS. IODICE:

6 Q. Witness, you have given statements in the past, including to the  
7 SPO, and you were allowed to review your statement in preparation of  
8 your testimony. Today we will seek to tender your statement into  
9 evidence.

10 MS. IODICE: Could the Court Officer please bring up  
11 068516-TR-ET Part 1 RED2, not for public broadcast, and its Albanian  
12 translation.

13 Q. Sir, do you recall being interviewed by the SPO in 2019?

14 A. Yes.

15 Q. Do you remember reading this statement in your language two  
16 weeks ago?

17 A. Yes.

18 Q. Do you recall that you had an opportunity to make corrections  
19 and clarifications to your statement?

20 A. Yes.

21 Q. Do you recall that those corrections were written down in a note  
22 and read back to you?

23 A. Yes.

24 Q. Do you confirm what was read back to you in that note reflects  
25 your changes fully and accurately?

1 A. Yes.

2 Q. Now, if we include all the corrections and clarifications you  
3 made, is the information in your statement accurate and truthful to  
4 the best of your knowledge and belief?

5 A. Yes. Whatever I stated in my statements is all contained in all  
6 the statements. And this is not the first statement that I've given.

7 Q. Yes. And what's in your statement --

8 PRESIDING JUDGE SMITH: Yes, go ahead.

9 THE WITNESS: [via videolink] [Interpretation] And one more  
10 thing. I did not give a statement which would be illegitimate or a  
11 statement forced, somebody forced me to give a statement, or it was  
12 not a statement as a response to a call. I gave that statement  
13 because I wanted it to end up in a place where I can testify.

14 MS. IODICE:

15 Q. Thank you for that --

16 A. This is one of the statements of 2019, for example.

17 PRESIDING JUDGE SMITH: Thank you, Witness. Just -- just -- for  
18 now, just answer the questions, please.

19 [Microphone not activated].

20 MS. IODICE: Thank you.

21 Q. Thank you, Witness. And just going back to my question. Is the  
22 information in your statement that you gave in 2019 and with the  
23 clarifications that we made two weeks ago accurate and truthful to  
24 the best of your knowledge and belief?

25 A. Whatever I stated in my statement, I stand by it legally and

Witness: W04501 (Open Session)

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Examination by Ms. Iodice

1 from a human point of view.

2 Q. Thank you. If you were asked the same questions today about the  
3 same events, would your answers be the same?

4 A. Maybe I'm more emotional at this moment, but everything would be  
5 the same, yes.

6 Q. Thank you.

7 MS. IODICE: Your Honours, having fulfilled the Rule 154  
8 criteria, and in accordance with decision F02415, paragraph 19(a) and  
9 (b), we hereby tender 068516-TR-ET Parts 1 through 4 RED2, and the  
10 Albanian translation Revised RED2, along with the preparation note,  
11 and that is ERN 121914 to 121921.

12 PRESIDING JUDGE SMITH: Any objection?

13 MS. MENEGON: No objection beyond what's stated in our written  
14 submissions. Thank you.

15 PRESIDING JUDGE SMITH: No other objection heard.

16 MS. IODICE: There is --

17 PRESIDING JUDGE SMITH: Document 068516-TR-ET Parts 1 through 4  
18 RED2, plus the Albanian translation, and prep note ERN 121914 to  
19 121921 is admitted.

20 THE COURT OFFICER: Thank you, Your Honours.

21 The statement and -- the first part of the statement, which is  
22 068516-TR-ET Part 1 RED2, in both English and Albanian, will be  
23 assigned Exhibit P01441.1, and is classified as confidential.

24 For the Part 2 of the same ERN, the assigned exhibit number will  
25 be P01441.2 for both Albanian and English version, classified as

1 confidential.

2 Part 3 of the same ERN for both languages will be P01441.3,  
3 classified as confidential.

4 And for Part 4 of the same ERN, in both Albanian and English,  
5 will be assigned Exhibit P01441.4, classified as confidential.

6 As for the Preparation Note 1, which is 121914 to 121921, it  
7 will be assigned Exhibit P01442, classified as confidential. Thank  
8 you, Your Honours.

9 MS. IODICE: There's three associated exhibits we would like to  
10 tender. It's ERN 068510 to 068512.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MS. MENEGON: No objection.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 ERN 068510 to 068512 is admitted. Please assign an exhibit  
15 number.

16 THE COURT OFFICER: Thank you, Your Honours. Could I just get a  
17 clarification if we are talking about three different sketches, so  
18 three different exhibit numbers should be assigned or one will  
19 suffice?

20 MS. IODICE: One exhibit number is sufficient, and it should be  
21 confidential.

22 THE COURT OFFICER: Thank you. In that case, 068510 to 068512  
23 will be assigned Exhibit P01443, classified as confidential. Thank  
24 you, Your Honours.

25 PRESIDING JUDGE SMITH: Thank you.



Witness: W04501 (Private Session)

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Examination by Ms. Iodice

1 Go ahead.

2 MS. IODICE: Thank you.

3 Your Honour, with your leave, I would like to read a short  
4 public summary.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MS. IODICE: Thank you.

7 In 1998, W04501 was arrested by KLA soldiers and taken to a KLA  
8 headquarters. Other relatives were also arrested.

9 W04501 was detained and heard the sounds of beatings and  
10 questioning coming from outside his room.

11 W04501 was questioned by KLA members before being released.

12 Your Honour, my supplemental questions concern details that  
13 would be identifying, so I'd like to move into private session.

14 PRESIDING JUDGE SMITH: Back to private session, please,  
15 Mr. Court Officer.

16 [Private session]

17 [Private session text removed]

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Examination by Ms. Iodice

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Witness: W04501 (Private Session)

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Questioned by Victims' Counsel

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Witness: W04501 (Private Session)  
Questioned by Victims' Counsel

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Witness: W04501 (Private Session)

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Questioned by Victims' Counsel

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Witness: W04501 (Private Session)

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Questioned by Victims' Counsel

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Witness: W04501 (Private Session)

Page 18133

Procedural Matters

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15 [Open session]

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

17 Thank you.

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

19 --- Luncheon recess taken at 12.55 p.m.

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

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

22 MR. TULLY: Your Honour.

23 PRESIDING JUDGE SMITH: Oh.

24 MR. TULLY: Just very briefly. Just a matter of clarification.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

Witness: W04501 (Private Session)  
Procedural Matters

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1 MR. TULLY: Sorry.

2 PRESIDING JUDGE SMITH: Okay.

3 MR. TULLY: Okay. Just for clarity of record. On page 72 of  
4 today's transcript, it relates to the Exhibit P00709. It may just  
5 have been a mistake, but it says -- it records you as saying:

6 "The document is sufficient under Rule 154 and 138. It is not a  
7 statement."

8 I presume it's admitted only under 138 and not also under  
9 Rule 154.

10 [The witness takes the stand via videolink]

11 MR. MISETIC: Mr. President, we didn't get your answer on the  
12 transcript.

13 PRESIDING JUDGE SMITH: Yes.

14 MR. MISETIC: Thank you.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 Witness, we will proceed now with cross-examination. We begin  
17 with the Defence team for Mr. Thaci.

18 Ms. Menegon, you have the floor.

19 MS. MENEGON: Thank you, Your Honour. Can we go in private  
20 session for the protection of the witness, please.

21 PRESIDING JUDGE SMITH: Into private session, please.

22 [Private session]

23 [Private session text removed]

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Witness: W04501 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04501 (Private Session)

Page 18136

Cross-examination by Ms. Menegon

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Witness: W04501 (Private Session)

Page 18137

Cross-examination by Ms. Menegon

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Witness: W04501 (Private Session)

Page 18138

Cross-examination by Ms. Menegon

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Witness: W04501 (Private Session)

Page 18139

Cross-examination by Ms. Menegon

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Witness: W04501 (Private Session)

Page 18140

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18141

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18142

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18143

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18144

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18145

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18146

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18147

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18148

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18149

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18150

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18151

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18152

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18153

Cross-examination by Mr. Baiesu

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Witness: W04501 (Private Session)

Page 18154

Re-examination by Ms. Iodice

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Witness: W04501 (Private Session)

Page 18155

Re-examination by Ms. Iodice

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Witness: W04501 (Private Session)

Page 18156

Questioned by the Trial Panel

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Witness: W04501 (Private Session)

Page 18157

Questioned by the Trial Panel

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Witness: W04501 (Private Session)

Page 18158

Questioned by the Trial Panel

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Witness: W04501 (Private Session)

Page 18159

Questioned by the Trial Panel

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9 [Open session]

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

11 Thank you.

12 JUDGE GAYNOR: Thank you very much.

13 These questions are for the Krasniqi Defence also. This is not  
14 to be answered today. It's just for you to reflect on over the  
15 weekend, and I'd invite you to answer on Monday if you wish.

16 Two points have arisen in the course of the cross-examination of  
17 Mr. Zyrapi. First, we've seen a number of documents that appear to  
18 bear the signature of Jakup Krasniqi. It appears that the Krasniqi  
19 Defence is contesting the authenticity of that signature on some  
20 documents, but it is not contesting the authenticity of  
21 Mr. Krasniqi's signature on other documents.

22 Now, is that a correct understanding of the position? And if it  
23 is correct, what distinguishes signatures that appear to be of  
24 Mr. Krasniqi whose authenticity you dispute from signatures by him  
25 where you do not dispute the authenticity? As I said, there's no

1 need to answer now, but you're welcome to do so.

2 MS. ALAGENDRA: I'll take Your Honours up on that. I'll respond  
3 to you on Monday, Your Honours.

4 JUDGE GAYNOR: That's fine.

5 The second point concerns intercepts, and I'll keep it general  
6 so that we can stay in open session.

7 It appears that you are generally contesting the authenticity of  
8 intercepts, but you are also relying on at least one of those  
9 intercepts for the truth of the matters discussed in the intercepted  
10 conversation.

11 So my question is this: Is this a correct understanding of your  
12 position; and if it is, do you consider that at least some of the  
13 intercepts are reliable records of the underlying conversations?

14 MS. ALAGENDRA: I'll also respond to that on Monday.

15 JUDGE GAYNOR: Very well. Thank you.

16 MS. ALAGENDRA: Would Your Honours like that in writing?

17 JUDGE GAYNOR: As you wish, orally or in writing.

18 MS. ALAGENDRA: Thank you.

19 PRESIDING JUDGE SMITH: Unless I'm once again mistaken, that's  
20 everything. So we will break until Monday morning at 9.00. We're  
21 adjourned until then.

22 --- Whereupon the hearing adjourned at 3.45 p.m.

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