

1 Monday, 15 July 2024

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.01 a.m.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

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 are present in the courtroom today -- all the
12 accused are present in the courtroom today.

13 Before we continue hearing the evidence of Prosecution
14 Witness W04752, there are some preliminary matters the Panel wishes
15 to address.

16 First, I remind everyone that the sitting schedule for this week
17 is adjusted as done last week. W04752 will testify all of Monday,
18 until the lunch break on Tuesday, all of Wednesday, and the first
19 session on Thursday. There is no other witness scheduled for this
20 week.

21 Second, the Panel wishes to inquire with the SPO whether it
22 intends to tender page U015-8879 of U015-8743 to U015-9047, which is
23 page 136 of Mr. Krasniqi's book. The Panel observes that both the
24 page before and the page after page 136 have been tendered and
25 admitted into evidence but not page 136. As a result, there's a page

1 missing in the range of pages.

2 Madam Prosecutor, you don't have to answer this question right
3 now, but if you would look into this further and report to the Panel,
4 we would like to know.

5 And we would also like to know whether Defence has any objection
6 to the possible tendering of this page.

7 Third, on Thursday, 11 July 2024, Judge Gaynor asked two
8 questions of the Krasniqi Defence regarding Mr. Krasniqi's signature
9 and regarding intercepts. The Krasniqi Defence agreed to respond
10 today either orally in writing. Therefore, if the Krasniqi Defence
11 wishes to respond orally, you have the opportunity to do so now. And
12 if -- it is going to be oral?

13 MR. ELLIS: Your Honour, yes.

14 PRESIDING JUDGE SMITH: All right. Then we need to be into
15 private session because of the intercept.

16 MR. ELLIS: Very well.

17 PRESIDING JUDGE SMITH: Please, into private session.

18 [Private session]

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1 [Private session text removed]

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13 [Open session]

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

15 Thank you.

16 PRESIDING JUDGE SMITH: We will continue now hearing the
17 evidence of Prosecution Witness W04752.

18 Madam Court Usher, please bring the witness in.

19 MS. ALAGENDRA: Your Honours, while I wait for the witness to
20 come in, I'd indicated that I may be around two to two and a half
21 hours on the last occasion, but I previously had indicated that we
22 may need to revert to the eight-hour time limits that we had
23 originally estimated. I aim to be finished before lunch, and I'll
24 endeavour to do so, Your Honours.

25 PRESIDING JUDGE SMITH: Thank you.

1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: Good morning, Mr. Zyrapi. Welcome back.

3 THE WITNESS: [Interpretation] Good morning.

4 PRESIDING JUDGE SMITH: I remind you, as I have in the past, to
5 try to answer the questions clearly with short sentences. If you
6 don't understand a question, feel free to ask counsel to repeat the
7 question or tell them you don't understand and they will clarify.
8 Also please try to indicate the basis of your knowledge of facts and
9 circumstances upon which you will be questioned.

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

13 If you feel the need to take a break, please make an indication
14 and we will make an accommodation.

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

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

23 We continue now with the cross-examination by the Krasniqi
24 Defence.

25 Ms. Alagendra, you have the floor.

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Ms. Alagenda (Continued)

1 MS. ALAGENDRA: [Microphone not activated].

2 WITNESS: BISLIM ZYRAPI [Resumed]

3 [The witness answered through interpreter]

4 Cross-examination by Ms. Alagenda: [Continued]

5 Q. Good morning, Mr. Zyrapi.

6 A. Good morning.

7 Q. When we finished on Thursday we were looking at P228.

8 MS. ALAGENDRA: If we could please have P228 on the screen,
9 please. Yes. And if we could scroll to the bottom of the document,
10 please -- to the end of the document, rather.

11 Q. That is your signature, Mr. Zyrapi?

12 A. Yes, it is.

13 Q. And next to your signature we see the initials SV? Again, is
14 this document drafted by Sali Veseli, a former military officer?

15 A. Yes. Yes.

16 Q. If I could take you to the second page of the document to the
17 last paragraph below "Training." That's paragraph c), and it's the
18 last paragraph of that section:

19 "OZ Commanders should do more in training officers commanding
20 with the basic tactical units and higher levels, taking into
21 consideration the above mentioned commands' training for leading
22 tactical activities in combat in different situations; manoeuvring,
23 firing, in organising firing against armoured vehicles, as well as
24 other actions."

25 Mr. Zyrapi, you will agree with me that what this is effectively

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1 saying is that there should be training at zone level to fight in
2 different situations, including firing against the enemies' armoured
3 vehicles; yes?

4 A. Yes, it's a responsibility to prepare soldiers tactically, in
5 particular the new recruits, in all zones in the territory of Kosovo
6 and train them and prepare them, obviously, also for anti-tank combat
7 activities.

8 MS. ALAGENDRA: If we can now have P1017 on the screen, please.
9 Yes.

10 Q. Now, this is an order for the defence of territory, combat
11 readiness, and preparation of KLA units for counterattack, and it's
12 addressed to the zone commanders. Do you recall being shown this
13 document during your preparation session?

14 A. Yes.

15 Q. And can I now turn your attention to point 3, which says:

16 "All the ZO commanders, the bodies of the commands and the
17 subordinate units should immediately undertake actions to make the
18 units capable of using individual and collective armament, maximally
19 exploiting the tactical-technical capacities for the organisation of
20 the firepower system, particularly against armoured /vehicles/,
21 against the infantry, against the artillery, and in anti-aircraft
22 defence. The firepower should be unleashed unexpectedly, from the
23 rear ..."

24 And it goes on. Yes? Now --

25 A. Yes.

1 Q. -- this reflects the content of the report that we just looked
2 at earlier; am I correct?

3 A. Correct.

4 MS. ALAGENDRA: And if we can scroll to the end of the document.

5 Q. And once again, we see that this document is drafted by
6 Sali Veseli and signed by yourself; yes?

7 A. That's correct.

8 Q. So, Mr. Zyrapi, it appears from the documents that when
9 circumstances permitted you received reports from the zones, you
10 compiled them into one report, and you also issued military
11 instructions to the zones. That is how it was, wasn't it?

12 A. Yes, yes.

13 Q. Now, in your preparation session --

14 MS. ALAGENDRA: And the reference for the Court is 121825 to
15 121869, Annex 1 to Prep Note 2, point 96.

16 Q. Now, you have said that these were comprehensive reports based
17 on the reports received from the zone commanders that were sent to
18 the general commander; that's correct, isn't it?

19 A. That's correct.

20 Q. And in point 96, you've also said that if the general commander
21 wanted more information, you would provide this specific report of
22 the zone or request additional information to be sent to him; yes?

23 A. Correct.

24 Q. So you'll agree with me, Mr. Zyrapi, that when you told the
25 Prosecution that such reports were handed to Jakup Krasniqi, is it

1 fair to say that that was only so a record of them could be kept at
2 the headquarters and passed on to the general commander?

3 A. As per the rules, when the commander is absent the report is
4 submitted with the deputy who will then submit it to the commander
5 once he's present. But this is the rule: One would submit the
6 report to the deputy commander in the absence of the commander, who
7 would then receive it upon his return.

8 Q. Right. And at the bottom of the document, if we can go back to
9 the document, on the left corner below the initials it says:

10 "To archives."

11 Am I correct?

12 A. Correct.

13 Q. And last week you've told us that after the restructuring in
14 November 1998, documents were rewritten. So you will agree with me
15 that there were efforts to keep a record of documents at the
16 General Staff; is that correct?

17 A. Any time an ordinance is issued a copy is kept in the archive,
18 and this is why we have the protocol book where documents were
19 protocoled and a record of them was kept at the staff. The same
20 would be with the zones when they would send a document to lower
21 level units so that there would be record of the person who would
22 have issued that document.

23 Q. Yes. And that's what it's referring to when it says "to
24 archives," to keep a copy of it, a record of it; yes?

25 A. Correct.

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1 Q. And Jakup Krasniqi was deputy commander for support at the time
2 and was present most of the time in Divjake; am I correct?

3 A. Yes, most of the time.

4 Q. And there was also Sokol Bashota, who was deputy commander for
5 operations at the time, but due to differences with the zone
6 commanders he was not present in Divjake; am I correct?

7 A. That's correct.

8 Q. And the previous report was -- you said that it was handed to
9 Jakup Krasniqi. You will agree with me that there is nothing on the
10 document itself to show that Jakup Krasniqi did receive that report.
11 Do you agree?

12 A. First of all, the report was sent and received by the deputy
13 commander at the time, Jakup Krasniqi. It does not indicate the
14 person who receives it. It just says "the deputy commander." Same
15 goes for the commander. It doesn't mention the name but the
16 position, "the commander." So this report, this comprehensive report
17 was indeed submitted, and Jakup was there when this report was
18 received.

19 Q. And when the report says "deputy commander," it didn't specify
20 which deputy commander. You would agree with that as well; correct?

21 A. Correct, yes.

22 Q. And you'll agree with me, Mr. Zyrapi, that we've seen the
23 content of these reports. It is a fact, isn't it, that those in the
24 operations directorate who reported to you were the only ones with
25 the necessary skills to deal with these issues. They were

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Cross-examination by Ms. Alagendra (Continued)

1 operational matters, matters set out in your report. Do you agree?

2 MS. LAWSON: Your Honour, this question was asked and answered
3 last week.

4 PRESIDING JUDGE SMITH: Sustained.

5 MS. ALAGENDRA:

6 Q. And you'll agree with me, Mr. Zyrapi, that there's nothing on
7 the reports that you say were handed to the deputy commander,
8 Jakup Krasniqi, there is nothing stated there about any arrests,
9 interrogation, and mistreatment of civilians at the zone, brigade or
10 local staff level; am I correct?

11 A. Correct. With respect to these reports and comprehensive ones,
12 it's correct.

13 Q. And these reports also don't state or suggest that any meetings
14 held prior to its issuance discussed any arrest, interrogation, and
15 mistreatment of any supporters of the LDK; am I correct?

16 A. Correct. We did not have such meetings.

17 MS. ALAGENDRA: If I could now have on the screen P1428, please.
18 Yes.

19 Q. And you will recall that you were shown this document on 2 July,
20 Mr. Zyrapi; yes?

21 A. Yes. I remember it.

22 Q. And your evidence when you were referred this document is, and
23 if I can read it to you.

24 MS. ALAGENDRA: For the reference of the Court, it's at -- it's
25 the transcript of 2 July, page 17475, lines 22; and page 17476, line

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1 11. I think it goes from 22 to 11.

2 Q. And if I can read to you. Your evidence was that:

3 "You would send the invitation to all commanders to attend, and
4 I would attend those meetings as part of the staff."

5 Do you recall saying that?

6 A. Yes.

7 Q. Now, we have seen invitations sent by you, Mr. Zyrapi, and we
8 have also seen invitations sent by the personnel directorate -- or,
9 rather, drafted by the personnel directorate's Adem Grabovci which
10 you identified as signed by Jakup Krasniqi.

11 You'd agree with me, Mr. Zyrapi, that it didn't matter, did it,
12 who sent those invitations out? Sending such invitations out was an
13 administrative task, wasn't it?

14 A. No. When an invitation is sent for a meeting, it matters who is
15 calling this meeting; is it the commander, the deputy commander, or
16 the chief of staff. This is very important. It's -- what's not
17 important is who drafted the document, but the person who authorised
18 and expressed the idea to draft that document.

19 Q. Right. I'll come back to that answer of yours, Mr. Zyrapi. I'd
20 like to now turn to the content of the document. The document is
21 dated 15 January, and two of the topics of discussion are
22 organisational issues and Kosovo Liberation Army short-term,
23 long-term objectives; yes?

24 A. Yes, correct.

25 Q. All right.

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1 MS. ALAGENDRA: If we could now have on the screen U009-1991 to
2 1992, please. If we can scroll to the bottom of the page first,
3 please. The bottom of the document.

4 THE COURT OFFICER: Your Honours, the Albanian version is
5 U009-1991 to 1994. If Madam Counsel --

6 MS. ALAGENDRA: I would need until 1992, please.

7 THE COURT OFFICER: Thank you so much.

8 MS. ALAGENDRA:

9 Q. You'll agree with me, Mr. Zyrapi, that the document bears
10 Ramush Haradinaj's name; yes?

11 A. Yes, it does.

12 Q. And it also has the date 19 January 1999?

13 A. Correct.

14 Q. And that would be four days after the invitation that we had
15 just seen was sent out; am I correct? The earlier one was dated
16 15 January. Would you like to see the document again?

17 A. No, there's no need. I've seen it. But --

18 Q. So this document --

19 A. -- let's make this clear. The meeting was not held on
20 15 January. Let me clarify, please. The invitation is dated on
21 15 January, but the meeting was not held on that date. Because on
22 15 January we were engaged in fighting in Recak and the Recak
23 massacre happened, so the meeting was postponed and held at a later
24 moment.

25 Q. Right. But looking at the document on the screen now, you'll

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1 agree with me that it's dated four days after the invitation that we
2 had seen; yes?

3 A. Yes.

4 MS. ALAGENDRA: And if we can scroll up again, please, to the
5 first page.

6 Q. And again you will see here on the first page that it refers to
7 the organisational matters; yes?

8 A. Yes. This is a comment drafted by the zones -- the zone and
9 their request to the staff and other organisational matters.

10 Q. Right. And on the face of it, it appears to be a response to
11 the invitation of the meeting with the General Staff; am I correct?

12 A. Correct. This document was prepared based on the points of the
13 request on which they were to report to the staff.

14 Q. Right.

15 MS. ALAGENDRA: And if I can now going to the section beginning
16 with "Organisational matters." And it would be the second paragraph
17 from the bottom of the page, please.

18 Q. Here it says, and I'll read:

19 "I ask that the zone commanders or I, in the capacity of zone
20 commander, be informed of the criteria applied in appointing
21 commanding cadres to the General Staff. More concretely, I would
22 like to know the criteria used in the appointment of Jakup Krasniqi
23 as Deputy Commander of the General Staff."

24 Do you see that?

25 A. Yes.

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1 Q. And he then goes on to propose new appointments for the general
2 commander and the deputy commander; yes?

3 A. Yes.

4 Q. And what it appears to be, clearly, Mr. Zyrapi, is that
5 Ramush Haradinaj received an invitation with Jakup Krasniqi's name
6 and a title, deputy commander, and when he found out, the first thing
7 he does is to question the criteria used to appoint Jakup Krasniqi as
8 deputy commander; am I correct? He's asking for the criteria, isn't
9 he, that was used to appoint Jakup Krasniqi as deputy commander.

10 Just confining yourself to the document for the moment, please.

11 PRESIDING JUDGE SMITH: Ms. Alagendra, please give him a chance
12 to answer. You've asked three questions now in a row.

13 THE WITNESS: [Interpretation] Shortly, it is a report where also
14 there was a question about the criteria.

15 MS. ALAGENDRA: All right. If we could now have -- could I seek
16 to tender this document, Your Honours? U009-1991 to 1992, please.

17 PRESIDING JUDGE SMITH: Any objection?

18 MS. LAWSON: No objection, Your Honour.

19 PRESIDING JUDGE SMITH: U009-1991 to 1992 is admitted.

20 THE COURT OFFICER: And it will be assigned Exhibit 4D00073,
21 currently classified as confidential. Thank you, Your Honours.

22 MS. ALAGENDRA: If I could now --

23 PRESIDING JUDGE SMITH: Any objection to reclassification?

24 MS. LAWSON: No, Your Honour.

25 PRESIDING JUDGE SMITH: We'll reclassify the document as public.

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1 THE COURT OFFICER: Thank you, Your Honours.

2 MS. ALAGENDRA: If I could now have on the screen P628, please.

3 Q. You'll recall being shown this document on 2 July by the
4 Prosecution, Mr. Zyrapi?

5 A. Yes.

6 Q. And at paragraph 2, the zones were given three phone numbers;
7 correct?

8 A. Yes, correct.

9 Q. And your evidence on 2 July, and I'll read.

10 MS. ALAGENDRA: And this is, for the Court's reference, at page
11 17468, lines 10 to 17:

12 Q. "These numbers, the first one is my number as chief of staff,
13 the number of my satellite phone. The second is of the operations
14 officer who received the reports. And the third is of the deputy
15 commander of the General Staff, his phone number. In case the person
16 on the first and second phone numbers could not be reached, then the
17 person on the third phone number would be contacted."

18 Do you recall saying that?

19 A. Yes.

20 Q. And the telephone number provided was the number of the
21 telephone at the white house, the third number; am I correct?

22 A. Yes, correct.

23 Q. And you will agree with me that anyone who was present at the
24 white house in Divjake could have used that number as well ; correct?

25 A. Yes.

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1 Q. And if a call from the zones was received in the white house,
2 going by your own evidence, the message would be passed on to you or
3 the operative staff to deal with; am I correct?

4 A. If there was a movement or a change from or within the zones,
5 then the operations officer was contacted and then myself. And if
6 both of us were not available or absent, the deputy commander would
7 be called.

8 Q. Right. And if both of you could not be reached, then the call
9 goes to the white house, they receive the message, and it is then
10 passed on to you when you are reachable; am I correct?

11 A. Yes, correct.

12 MS. ALAGENDRA: If we could move into private session, please,
13 Your Honours.

14 PRESIDING JUDGE SMITH: Mr. Court Officer, take us into private
15 session.

16 [Private session]

17 [Private session text removed]

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Cross-examination by Ms. Alagendra (Continued)

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Cross-examination by Ms. Alagendra (Continued)

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5 [Open session]

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

7 Thank you.

8 PRESIDING JUDGE SMITH: Thank you.

9 MS. ALAGENDRA:

10 Q. Mr. Zyrapi, I'd now like to move on to how the KLA managed its
11 logistics and finances. Yes?

12 The KLA was an army of volunteers, wasn't it?

13 A. Correct.

14 Q. And nobody in the KLA received salaries; is that correct?

15 A. That's correct.

16 Q. The KLA needed money to buy weapons, ammunition, food, medicine,
17 and so a dedicated fund was created called the Homeland Calling Fund;
18 am I correct?

19 A. Yes.

20 Q. And the fund was financed entirely through voluntary
21 contributions mostly from Albanians living in the diaspora; is that
22 right?

23 A. Yes, that's right.

24 Q. And the fund was based outside of Kosovo with an office in
25 Tirana, and that was operated by Ramiz Lladrovci and Halil Selimi; is

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1 that correct?

2 A. Yeah, that's correct.

3 Q. On 3 July you've told us, Mr. Zyrapi, that the commander of the
4 logistics base in Albania was Xheladin Gashi, also known as Plaku;
5 correct?

6 A. Yes.

7 Q. And at the transcript on page 17436, you said that Idriz Hyseni
8 was responsible for the logistics unit at the General Staff in
9 Divjake, but this was only dealing with the immediate needs of the
10 General Staff. That's correct?

11 A. Yes, that's correct.

12 Q. And Xheladin Gashi was based in Albania throughout the war,
13 wasn't he?

14 A. Yes.

15 Q. And in Part 7, page 13 of your 2019 interview, you've said that
16 the logistics directorate of the General Staff was never completed
17 because the logistics base was outside Kosovo in Albania, and
18 Xheladin Gashi was in charge. That's accurate, isn't it?

19 A. It is, yes.

20 Q. And as a result of that, there was little money at the disposal
21 of the General Staff in Divjake in late 1998, early 1999; am I
22 correct?

23 A. Yes, correct.

24 Q. And the General Staff in Divjake did have or receive occasional
25 donations from civilians inside Kosovo; isn't that right?

1 A. Yes, there were financial committees or councils organised at
2 municipal levels but also from citizens, those who could afford to
3 donate.

4 Q. Right. KLA commanders at various levels independently sent
5 requests for logistical support to Plaku, didn't they?

6 A. Yes, there were such cases.

7 MS. ALAGENDRA: And if we can have on the screen U017-5901 to
8 6091. [Microphone not activated]. The specific page would be page
9 139 of the PDF document, please. And in the Albanian version, it
10 would be page 128, please. I believe it's page 128 of the Albanian.

11 I may have got the Albanian reference wrong, but I'll proceed to
12 read it so it can be translated.

13 Q. This is a book by Bardh Hamzaj titled "A Narrative About War and
14 Freedom (Dialogue with the commander Ramush Haradinaj)." And in this
15 book at --

16 MS. ALAGENDRA: I think the English should be page 136 or 138 of
17 the PDF; 136 of the book. 139, sorry, of the PDF.

18 Q. "Very often, requests from Kosova were taken into consideration.
19 When I needed equipment and when I tried to smuggle it here, I sent
20 my people there and got the equipment, not asking anyone. This is
21 how almost everybody damaged this mechanism of logistics. As far as
22 I'm concerned, I had to act. I always realised the ineffectiveness
23 of this mechanism, and I lost confidence that it would help me to
24 obtain the necessary equipment. Therefore, I set up a parallel
25 mechanism of logistics, and I placed Mustafe Selmanaj at the head of

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1 it."

2 That's what it says. So you'll agree with me, Mr. Zyrapi, that
3 Ramush Haradinaj initially asked for logistics from the KLA logistics
4 centre in Albania; is that correct?

5 A. Yes, correct.

6 Q. And after a while, he stopped doing this and set up a parallel
7 mechanism for logistics; yes?

8 A. In fact, he tried to create a parallel mechanism. And all those
9 who supplied this zone were from the KLA logistics base but worked
10 for the Dukagjini operational zone. So he worked with the centre,
11 with the base of the KLA logistics.

12 Q. Right. Moving to the Llap zone.

13 MS. ALAGENDRA: Before I move on, Your Honours, if I could
14 tender that page in evidence.

15 MS. LAWSON: Your Honour, the relevant portion has already been
16 read on the record, but we don't have any objection to the page being
17 admitted.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MS. ALAGENDRA: Yes, Your Honour.

20 PRESIDING JUDGE SMITH: U017-5901 to U017-6091 at page 139 in
21 the English, page 128 in the Albanian, is admitted.

22 MS. ALAGENDRA: Your Honours, I do have the correct Albanian
23 reference now. It is U002-3238. And the relevant page is U002-3310.

24 PRESIDING JUDGE SMITH: All right. That will be admitted as the
25 Albanian version. Please give it an exhibit number.

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1 THE COURT OFFICER: Thank you, Your Honours. Therefore, page
2 139 in the English, which is U017-6039, and the corresponding
3 Albanian, which is U002-3238, and in particular U002-3310, will be
4 assigned Exhibit 4D00074, and is classified currently as
5 confidential. Thank you, Your Honours.

6 PRESIDING JUDGE SMITH: Thank you.

7 MS. ALAGENDRA:

8 Q. I'll move to the Llap zone, Mr. Zyrapi. As you are aware, the
9 zone commander for the Llap zone, Mr. Rustem Mustafa, has given
10 evidence at this trial. Did you follow that evidence, Mr. Zyrapi?

11 A. Yes. Not all of it, though.

12 Q. And Mr. Mustafa has given evidence that he was able to secure
13 weapons for the Llap zone from Bosnia and Serbia during the war. You
14 wouldn't dispute that, would you?

15 MS. ALAGENDRA: For the Court's reference, the transcript is at
16 page 5882, 17 July 2023.

17 THE WITNESS: [Interpretation] What was the question?

18 MS. ALAGENDRA:

19 Q. That Mr. Mustafa has given evidence that he was able to secure
20 weapons for the Llap zone from Bosnia and Serbia during the war. You
21 wouldn't dispute that, would you?

22 A. Yes, that's correct.

23 Q. He also added that he received voluntary financial contributions
24 for the Llap zone from a number of people both from inside and
25 outside Kosovo. Were you aware of that?

1 A. Yes.

2 Q. So as far as logistics and finances are concerned, the zones had
3 their independent lines of supply and fundraising which the
4 General Staff in Divjake didn't have control over; am I correct?

5 A. Yes, that's correct.

6 MS. ALAGENDRA: Your Honours, I see the time.

7 PRESIDING JUDGE SMITH: We'll give you a ten-minute break now,
8 Witness.

9 Madam Court Officer, you can escort the witness out.

10 [The witness stands down]

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

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

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

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

15 MS. ALAGENDRA: We'll then need to move into private session,
16 Your Honours.

17 PRESIDING JUDGE SMITH: Now, Ms. Alagenda?

18 MS. ALAGENDRA: We will then need to move into private session
19 for the next document, Your Honours.

20 PRESIDING JUDGE SMITH: Private session, please,
21 Mr. Court Officer.

22 [Private session]

23 [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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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) (Open Session)
Cross-examination by Ms. Alagendra (Continued)

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1 [Open session]

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

3 Thank you.

4 PRESIDING JUDGE SMITH: You'll need to repeat that question.

5 MS. ALAGENDRA: Yes.

6 Q. You'll recall being shown this document on 2 July, Mr. Zyrapi?

7 A. Yes, I recall it.

8 Q. And your evidence is that this request was authorised by
9 Jakup Krasniqi, and you also agreed with the Prosecution that he had
10 the authority to do that. Do you recall that evidence?

11 A. Yes.

12 Q. Now, on its face, this document appears to be a request from the
13 logistics directorate directed to the finance directorate for 1.300
14 Deutschmarks to be allocated to purchase some goods and items;
15 correct?

16 A. Yes.

17 Q. But if we are to look at this document, it is not a completed
18 document. It's not complete because it does not indicate at the
19 bottom of the page whether the request was allocated or not
20 allocated. Would you agree?

21 MS. ALAGENDRA: Can we go down, please? We could scroll down
22 the page.

23 THE WITNESS: [Interpretation] Yes. The document was prepared
24 but it's not specified at the end of it whether it was allocated or
25 not.

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

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1 MS. ALAGENDRA:

2 Q. Yes. So the document is incomplete; correct?

3 A. Correct.

4 Q. And below that, the document says "Senior Officer" and there is
5 a signature which appears to say "Jakup Krasniqi"; correct?

6 A. Yes, correct.

7 Q. Since this document is dated on 15 January 1999, and you've told
8 us that Lahi Brahimaj was absent in January 1999, it's possible,
9 isn't it, that Jakup Krasniqi could have signed on it not because he
10 had the authority to do so but because he was assisting Lahi Brahimaj
11 who was absent at the time? That's possible, isn't it?

12 A. Yes.

13 Q. And you'll agree with me that the sum of money involved is
14 trivial compared with the financial needs of an army, isn't it?

15 A. That's correct.

16 Q. The items involved are also basic tools like alarm clocks; yes?

17 A. It's very basic. This is about the internal needs of the staff,
18 the infrastructure there.

19 Q. Yes. I'd like to show you another document.

20 MS. ALAGENDRA: Can I have on screen SPOE00225278, please.

21 Q. And this document is dated 26 December 1998, and the template of
22 it is similar to the one we've just seen, you'll agree; yes?

23 A. Yes.

24 MS. ALAGENDRA: And if we could scroll to the bottom of the
25 page, please.

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

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1 Q. And on the same line as the date, 26 December 1998, we see a
2 different signature at the bottom; correct?

3 A. Correct.

4 Q. And next to it is the stamp of the finance department; yes?

5 A. Yes.

6 Q. So am I right, Mr. Zyrapi, that different people could sign
7 these documents depending on who was available? You were all doing
8 your best efforts to assist each other in difficult times. That's
9 how it was, wasn't it?

10 A. Every time people help each other in difficult times. We see
11 this document is signed by someone else, I do not recognize this
12 signature. The request is clear, that it was made and who made it.
13 I know this person who had the right to make this request. The means
14 are allocated by the finance directorate to purchase the items. So,
15 this is how it is.

16 Q. Yes.

17 MS. ALAGENDRA: I seek to tender the document, Your Honours.

18 MS. LAWSON: We've no objection, and it can probably be public.

19 PRESIDING JUDGE SMITH: SPOE00225278 is admitted and is
20 reclassified as public.

21 THE COURT OFFICER: Thank you, Your Honours. And it will be
22 assigned Exhibit 4D00075, classified as public. Thank you.

23 MS. ALAGENDRA:

24 Q. Now, on 4 July, Mr. Zyrapi, in answer to Mr. Misetic's question,
25 you also confirmed that there was a division between the political

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

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1 responsibilities and the operational responsibilities. Do you recall
2 that?

3 A. Yes.

4 Q. And in the buildup to the peace conference at Rambouillet, there
5 was a period of intense political activity, wasn't there?

6 A. Yes.

7 Q. And on 4 July 1999, Mr. Misetic showed you notes from a number
8 of meetings in January 1999 amongst the General Staff to discuss the
9 approach to the Rambouillet negotiations. Do you recall that?

10 A. Yes.

11 Q. And you confirmed that it was Mr. Krasniqi's role to inform the
12 General Staff of the political developments; yes?

13 A. Yes.

14 Q. Now, the role of Jakup Krasniqi at that time was to attend talks
15 with international representatives and then inform the General Staff
16 about those talks; yes?

17 A. Yes.

18 Q. And in 2019 at Part 7, page 5 of your interview, you've said
19 that:

20 "... when we refer to Jakup Krasniqi and the political issues,
21 the issues in the main from December onwards, they'd started the
22 negotiations ... and these were dealt by Jakup Krasniqi."

23 That's correct, isn't it?

24 A. Correct.

25 Q. And it's right, isn't it, that Jakup Krasniqi and others met

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Ms. Alagendra (Continued)

1 internationals including Christopher Hill in Dragobil on 6 November
2 1998?

3 A. Yes.

4 Q. And Jakup Krasniqi and others met Larry Rossin on 22 December
5 1998?

6 A. I don't know who he met with, but I do know they had frequent
7 meetings, including in Dragobil, with internationals. I am not able
8 to tell you the names of the attendees.

9 Q. All right. If I was to give you the dates -- between November
10 until February, these talks with the internationals were going on;
11 right?

12 A. Yes, that's right.

13 Q. And on 6 February 1999, the delegation departed for Rambouillet;
14 is that correct?

15 A. I don't know the exact date, whether it was 6 February.

16 Q. Right.

17 MS. ALAGENDRA: If we could have on screen P1085 and at page 27
18 of the PDF, please. And the Albanian has the same page number, and
19 the reference is 119771 to 119822 at page 27.

20 Q. This is from the diary of Shaun Byrnes, Mr. Zyrapi, and it
21 states that Mr. Krasniqi, the third name on the list --

22 MS. ALAGENDRA: I think you'll have to zoom in.

23 Q. [Microphone not activated] ... left for Sedllar at 10.30, then
24 took off for Paris at 1.35. Can you see the time, 10.30 and 1.35?
25 And the date is 6 February.

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

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1 A. Yes, yes, I can see it. Yes, I can see it.

2 Q. And you'll agree with me that between November and February,
3 Mr. Krasniqi was mostly engaged in political matters, dealing with
4 internationals, and working on a common KLA stance in view of the
5 negotiations in Rambouillet; is that correct?

6 A. Yes.

7 MS. ALAGENDRA: We can take the document down. Thank you.

8 JUDGE BARTHE: Ms. Alagendra, may I ask a question. I need to
9 ask a follow-up question, please. Thank you.

10 Mr. Zyrapi, you just confirmed, or agreed with the Defence, that
11 between November and February Mr. Krasniqi was mostly engaged in
12 political matters, dealing with internationals, and working on a
13 common KLA stance in view of the negotiations in Rambouillet. And
14 you were asked is that correct, and you confirmed that by saying yes.

15 How do you know that? Were you together with him the entire
16 time from November to February 1998 -- to February 1999?

17 THE WITNESS: [Interpretation] Yes, I was all the time with him
18 from November to February, the time at which Mr. Krasniqi went to
19 Rambouillet. So during all this time, we were together at the
20 command, and I know his activities were mostly interacting with
21 internationals in Dragobil.

22 JUDGE BARTHE: And you were together with him, present in the
23 room, when Mr. Krasniqi were dealing with internationals; is that
24 right? And once again, the entire time, for three months, on every
25 meeting you were present?

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

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1 THE WITNESS: [Interpretation] No. When we talk about the
2 internationals and meetings held with them -- in Dragobil with them,
3 I was not in the meeting itself. As I mentioned earlier, I know the
4 meetings were held there, he went there, but I was not inside to see
5 the attendees and hear the discussions. However, Mr. Krasniqi would
6 inform us about the conversations and discussions during those
7 meetings, but I was not in the meeting.

8 However, we were with Mr. Krasniqi together from November to
9 February in the same command, not in the same place.

10 JUDGE BARTHE: Thank you. I understand now.

11 You may continue. Thank you.

12 MS. ALAGENDRA:

13 Q. We've already discussed the announcement of Jakup Krasniqi as
14 the spokesperson, yeah, Mr. Zyrapi?

15 Now, in June 1998, Mr. Krasniqi's appointment as a spokesperson
16 was publicly announced in a video by Mr. Nuhi Bytyqi; correct?

17 A. Correct.

18 Q. And you'd agree with me that despite the fact that he was
19 appointed as a deputy commander for support, he was still known to
20 the public and the internationals and even to the KLA as a
21 spokesperson, wasn't he?

22 A. Yes.

23 MS. ALAGENDRA: If I can have on the screen SPOE00226468 to
24 226480 at page 226473, please. Yes.

25 Q. And these appear to be minutes of a meeting with the zone

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

Page 18198

1 commanders on 21 January 1999. Do you see the date on the
2 document --

3 MS. LAWSON: Characterisation, Your Honour.

4 PRESIDING JUDGE SMITH: Overruled.

5 Go ahead.

6 MS. ALAGENDRA:

7 Q. Do you see the date on the document, Mr. Zyrapi?

8 A. Yes, I see the date, 21 January.

9 Q. Right. And looking at the content of the document, do you see
10 that the first line reads:

11 "There is criticism on the organisation of [General Staff] ..."
12 Point number 1.

13 A. This is a meeting that was held at the staff informing about the
14 meeting held with the zone commanders. One of the points is about
15 the complaints expressed by zone commanders.

16 Q. Yes. "... criticism on the organisation of [General Staff]" and
17 then "Sokol Bashota"; yes?

18 A. Yes.

19 Q. And you said last week certain zone commanders had an issue with
20 Sokol Bashota being a deputy commander, didn't they?

21 A. That's correct.

22 Q. And if we look down to the second-last bullet point, it says:

23 "The issue of deputy commander Jakup Krasniqi should be
24 explained."

25 Yes?

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Ms. Alagendra (Continued)

1 A. Yes.

2 Q. Zone commanders were also dissatisfied with Jakup Krasniqi's
3 appointment as deputy commander for support; am I right?

4 A. Right.

5 Q. And below that, you will agree with me it says:

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

8 The zone commanders had always held the power in the KLA --

9 A. Yes.

10 MS. ALAGENDRA: Yeah. My apologies again, Your Honours. I'll
11 ask again.

12 Q. The zone commanders had always held the power in the KLA, and
13 here they were demanding to be part of the General Staff; am I
14 correct?

15 A. That's correct.

16 MS. ALAGENDRA: If I could now have on the screen --
17 Your Honours, could we tender this document, please.

18 PRESIDING JUDGE SMITH: Any objection?

19 MS. LAWSON: No objection.

20 MS. ALAGENDRA: Page --

21 MS. LAWSON: Is it just this page?

22 MS. ALAGENDRA: Yes, just that one page.

23 PRESIDING JUDGE SMITH: SPOE00226468 to SPOE00226480 at page
24 226473 is admitted and reclassified as public.

25 MS. LAWSON: Thank you, Your Honours. We already have excerpts

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

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1 from the same range admitted as 4D00068. Should we add this page to
2 the same exhibit number or should we assign a new exhibit number?

3 PRESIDING JUDGE SMITH: It can be in the same exhibit number.

4 THE COURT OFFICER: Thank you, Your Honours. In that case, page
5 SPOE00226473 and the corresponding English translation will be added
6 to 4D00068, and it's currently classified as public. Thank you,
7 Your Honours.

8 MS. ALAGENDRA: If I could now have P182 on the screen, please.

9 Q. [Microphone not activated].

10 You will recall being shown this document before, Mr. Zyrapi?

11 A. Yes.

12 Q. And these are notes of a meeting on 6 February 1999?

13 A. Yes.

14 MS. ALAGENDRA: Could we have page 226397, please. This is
15 11 January.

16 Q. And you'll confirm that you were present at this meeting
17 together with the zone commanders Ramush Haradinaj, Rustem Mustafa,
18 Ekrem Rexha, and Sylejman Selimi; yes?

19 A. Yes.

20 Q. At page 226398, one of the topics discussed by Ramush Haradinaj
21 is the promotion of Jakup Krasniqi from spokesperson to deputy
22 commander. He was again questioning Mr. Krasniqi's role; am I
23 correct?

24 A. Yes.

25 MS. ALAGENDRA: And if I can have page 226402, please.

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

Page 18201

1 Q. And looking at point number 2, Sylejman Selimi is recorded as
2 saying:

3 "The appointments that have been made in the General Staff are a
4 matter of concern. (Sokol Bashota and Jakup Krasniqi). I think
5 Sokol Bashota is not up to the job of the Deputy Commander. The
6 General Staff has ignored the requests we have made about this
7 issue."

8 Do you see that?

9 A. Yes.

10 MS. ALAGENDRA: If we go to the next page, 226403.

11 Q. This is a continuation of the earlier page, and it says:

12 "Jakup Krasniqi, too, with all the respect he commands, is not
13 the right man for the post of the Deputy Commander."

14 Yes?

15 A. Yes.

16 MS. ALAGENDRA: And if I could have the next page, please,
17 226404.

18 Q. It says:

19 "If Sokol Bashota and Jakup remain in these posts, I will not
20 report to the General Staff."

21 Correct?

22 MS. ALAGENDRA: Can you scroll down, please? It's probably at
23 the bottom of the Albanian.

24 THE WITNESS: [Interpretation] I read it.

25 MS. ALAGENDRA:

1 Q. So you will agree with me that the zone commanders did not yet
2 recognise Jakup Krasniqi as the deputy commander; correct?

3 A. Yes.

4 MS. ALAGENDRA: And if we could go to page 226407.

5 Q. And it continues with Sylejman Selimi saying:

6 "Until we have new appointments, I will not respond to any
7 requests from or brief you ..."

8 That's what happened at the meeting; am I correct?

9 A. Yes.

10 Q. And this was three months after the restructuring in November
11 1998; correct?

12 A. Correct, yes.

13 Q. And on 2 July 2024 --

14 MS. ALAGENDRA: For the Court's reference, the page number is
15 17487 to 17488, lines 20 to lines 10 on the next page.

16 Q. You've told us that on -- that after Mr. Krasniqi resigned on
17 27 February 1999, he went with the delegation when the signing took
18 place, and then he did not return to Kosovo. He remained in Albania.

19 Do you recall saying that evidence?

20 A. That's correct, yes.

21 MS. ALAGENDRA: If I can show you one last document on this
22 topic. It's 228799. Yes. And if we can scroll down to the bottom,
23 please. Right.

24 Q. And this is a letter dated 30 March 1999 to the NATO
25 Secretary-General, and you'll agree with me that at the bottom of the

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

Page 18203

1 document it says "Spokesperson: Jakup Krasniqi," with a signature;
2 yes?

3 A. Yes, I see it.

4 Q. And you will agree with me that Mr. Krasniqi continued as the
5 spokesperson of the KLA; am I correct?

6 A. According to the date and the period of time, this is a time
7 when he was not at the staff. This was the time of the provisional
8 government, and he was spokesperson at that government, as far as I
9 recall concerning that period.

10 Q. Right.

11 MS. ALAGENDRA: And if we could have on -- if I could tender
12 this document, please, Your Honours.

13 PRESIDING JUDGE SMITH: Any objection?

14 MS. LAWSON: I'm not sure there was a basis in the questions,
15 but no objection.

16 PRESIDING JUDGE SMITH: 228799 will be admitted.

17 THE COURT OFFICER: Thank you, Your Honours. So SPOE00228799 to
18 SPOE00228799 and its corresponding English translation will be
19 assigned Exhibit 4D00076, currently classified as confidential.

20 PRESIDING JUDGE SMITH: Reclassify as public.

21 THE COURT OFFICER: Thank you, Your Honours.

22 And, Your Honours, if I may seek your guidance on the previously
23 admitted page, which is SPOE00226473. It has been added to 4D68. It
24 was reclassified as confidential. Nonetheless, the previously
25 assigned Exhibit 4D68 is currently classified as confidential.

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

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1 Should we reclassify it as well as public or -- otherwise you will
2 need to reclassify the page that was added.

3 PRESIDING JUDGE SMITH: It should be reclassified as public.

4 THE COURT OFFICER: Thank you, Your Honours.

5 MS. ALAGENDRA:

6 Q. And you've just told us that Mr. Krasniqi was the spokesperson
7 of the provisional government, to your knowledge. And you'll agree
8 that he remained in that position until he was appointed the minister
9 for reconstruction in the summer of 1999; correct?

10 A. Yes.

11 Q. And last week, you told us you were the assistant minister in
12 the Ministry of Defence, which was led by Azem Sylja; correct?

13 A. Yes, assistant minister.

14 Q. And Jakup Krasniqi did not have any role in the Ministry of
15 Defence; correct?

16 A. He didn't. Correct.

17 Q. Now, Mr. Zyrapi, as a member of the General Staff, head of the
18 operational department, and the chief of staff of the KLA, I'd like
19 to put to you a series of questions or propositions.

20 In 1998, most of the Albanian population in Kosovo supported the
21 LDK; am I correct?

22 A. That's correct.

23 Q. And many of your recruits to the KLA were supporters of the LDK;
24 correct?

25 A. Correct.

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

Page 18205

1 Q. And within the General Staff of the KLA, several members had
2 been supporters of and members of the LDK; correct?

3 A. Yes, yes.

4 Q. And in your time in the General Staff, you were not aware of any
5 common purpose to intimidate, mistreat, and commit violence against
6 members of the LDK, were you?

7 A. No, I wasn't.

8 Q. And the KLA was a volunteer army, wasn't it?

9 A. Yes. From the very beginning it was a volunteer's army. It was
10 born out of the people.

11 Q. Yes. And any decision to join the KLA was made on a voluntary
12 basis and was left at the discretion of each individual; correct?

13 A. Correct.

14 Q. And in your time in the General Staff, you were not aware of any
15 common purpose to intimidate, mistreat, and commit violence against
16 those who decided not to join the KLA; am I correct?

17 A. That's correct.

18 Q. And in your time in the General Staff, you were also not aware
19 of any common purpose to intimidate, mistreat, and commit violence
20 against civilians of Serbian ethnicity; am I correct?

21 A. Correct.

22 Q. And you were also not aware of any common purpose at the
23 General Staff level to intimidate, mistreat, and commit violence
24 against the Romas or any other ethnic minority; am I correct?

25 A. Correct.

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

Page 18206

1 Q. And as you told us on 3 July 2024, you were not aware of any
2 common purpose at the General Staff level to intimidate, mistreat,
3 and commit violence against individuals suspected to be collaborators
4 or opponents to the KLA. Would you agree?

5 A. I agree. That's correct.

6 Q. And certainly Mr. Jakup Krasniqi was not involved in any such
7 plan; am I correct?

8 A. That I wouldn't know. But for the time he was with me, I have
9 not witnessed any action in that respect.

10 Q. And, in fact, you and your colleagues in the General Staff were
11 trying to organise to prevent crimes from being committed; am I
12 right?

13 A. Yes.

14 Q. This is the reason why Sokol Dobruna was appointed and a legal
15 sector was established; am I correct?

16 A. That's correct, yes.

17 MS. ALAGENDRA: Your Honours, I see the time.

18 PRESIDING JUDGE SMITH: All right.

19 Witness, we take our half-hour break now.

20 [The witness stands down]

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

22 --- Recess taken at 11.01 a.m.

23 --- On resuming at 11.30 a.m.

24 PRESIDING JUDGE SMITH: Madam Court Officer, you can bring the
25 witness in.

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

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1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: Ms. Alagendra will have some more
3 questions for you, Mr. Zyrapi.

4 Go ahead, Ms. Alagendra.

5 MS. ALAGENDRA:

6 Q. Good morning again, Mr. Zyrapi. I'm now going to ask you about
7 the eight --

8 A. Good morning.

9 Q. I'm now going to ask you about the eight VJ soldiers who were
10 captured in the Shala zone in early January 1999. And when you heard
11 the VJ soldiers had been captured, you were with Mr. Krasniqi and
12 Mr. Rame Buja in the Llap zone, and you all went to the Shala zone,
13 didn't you?

14 A. Correct.

15 Q. And you reminded the zone command that they should treat the
16 prisoners correctly; correct?

17 A. Correct.

18 Q. And, in fact, you had been involved in an exchange of prisoners
19 of war in July 1993 during your time in the 308th Brigade of the
20 Bosnian army; am I correct?

21 A. First of all, yes, there was a prisoner exchange in 1993, but I
22 was not involved in my capacity as a commander but the commander of
23 the operative zone. The 3rd Corps, they proceeded with the exchange.

24 Q. Right. But you had some knowledge and experience as to how to
25 act in such a situation; am I correct?

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

Page 18208

1 A. That's correct.

2 Q. And as far as you know, the VJ soldiers were treated well,
3 weren't they?

4 A. That's correct.

5 Q. Now, there were negotiations with the internationals between
6 9 January and 13 January for the release of the VJ soldiers, weren't
7 there?

8 A. Yes.

9 Q. And this release became a political issue with the involvement
10 of William Walker, Ambassador Hill, and Ambassador Petritsch, amongst
11 others; correct?

12 A. Correct. The internationals were involved.

13 Q. And you weren't actually involved in those negotiations, were
14 you?

15 A. Not directly, but we were together with Mr. Krasniqi in the
16 Shala zone when we visited the area.

17 Q. Right. Now, Shaun Byrnes, the head of US KDOM, was at the
18 negotiations; am I correct?

19 A. Most probably, yes, but I did not see him. I was not in contact
20 with him.

21 Q. Right. He has given in evidence in court.

22 MS. ALAGENDRA: For the Court's reference, the transcript is
23 27 March 2024, page 13931.

24 Q. And his evidence is that Mr. Krasniqi would go into a side room
25 and talk on a satellite phone with somebody to run by proposals for

1 the agreement. I understand you were not there, but you wouldn't
2 have any reason to doubt that, would you?

3 A. I'm not doubting it, but I was not present, so I cannot say one
4 way or the other.

5 Q. And you remained in contact with Rrahman Rama in the Shala zone
6 during the negotiations, didn't you?

7 A. Yes.

8 MS. ALAGENDRA: And if I can go into private session, please.

9 PRESIDING JUDGE SMITH: Into private session, please.

10 [Private session]

11 [Private session text removed]

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18210

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18211

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislrim Zyrapi (Resumed) (Private Session)
Cross-examination by Ms. Alagendra (Continued)

Page 18212

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8 [Open session]

9 THE COURT OFFICER: Your Honours, we are back in public session.
10 Thank you.

11 PRESIDING JUDGE SMITH: Now you may go ahead.

12 MS. ALAGENDRA:

13 Q. On 3 July, you were asked by the Prosecution about the detention
14 and release of the five elderly Serbs in Drenica in January 1999. Do
15 you recall that, Mr. Zyrapi?

16 A. Yes, I recall it.

17 MS. ALAGENDRA: If we could go back into private session,
18 please.

19 PRESIDING JUDGE SMITH: Back to private session, please.

20 MS. ALAGENDRA: If I could have on the screen ...

21 [Private session]

22 [Private session text removed]

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18213

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18214

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18215

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18216

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18217

Cross-examination by Ms. Alagenda (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18218

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18219

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18220

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18221

Cross-examination by Ms. Alagenda (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18222

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18223

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18224

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18225

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18226

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18227

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18228

Cross-examination by Ms. Alagendra (Continued)

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

Page 18229

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14 [Open session]

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

16 Thank you.

17 PRESIDING JUDGE SMITH: Thank you.

18 Go ahead.

19 MS. ALAGENDRA: If I could have 053941 to 053952 on the screen,
20 please. And the page -- specific page would be 053944, please. The
21 Albanian has the same reference except the page is 053951, please.

22 Q. Maybe whilst we are on the first page, before we move to the
23 other page. Mr. Zyrapi, you will recall that on 5 April 2011, you
24 gave a statement to the SPRK at the SPRK premises in Prishtine. Do
25 you recall that?

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

Page 18230

1 A. Yes, I do recall that I gave statements.

2 MS. ALAGENDRA: If we could now move to page 053944 in the
3 English and 053951 in the Albanian, please.

4 THE COURT OFFICER: If I may ask for a reference for Albanian,
5 please, and the full ERN range.

6 MS. ALAGENDRA: I'm told it's the same reference, 053941 to
7 053952.

8 If it's quicker, I will read the section, Your Honours.

9 Q. Mr. Zyrapi, you were asked a question by the prosecutor:

10 "Do you remember a specific case when Dobruna came to you
11 regarding two Serbs, one of whom was dead?"

12 That's at question 12.

13 A. Yes.

14 Q. And your response was:

15 "I think that the two Serbs were looked for by some
16 international organisation, like Red Cross or KDOM, the organisation
17 headed by William Walker. We had an office in Dragobil, near
18 Malishevo, where we would liaise with international organisations.
19 In this case, they were asking for the release of these two Serb
20 civilians.

21 "Dobruna told me that the two Serbs had been taken to Lladrovce
22 detention centre. I told him that if the two were civilians, there
23 was no reason to keep them and we should let the international
24 organisation take them."

25 Do you recall giving that answer and is it accurate?

Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18231

Cross-examination by Ms. Alagendra (Continued)

1 A. Yes.

2 MS. LAWSON: I'm sorry to interrupt. If it assists the
3 Court Officer, the Albanian is in the same document. So the document
4 contains both the English and the Albanian.

5 MS. ALAGENDRA: That could be the problem. Thank you.

6 But I can move on, Your Honours. If we could go into private
7 session, please.

8 PRESIDING JUDGE SMITH: Private session, please, Court Officer.

9 [Private session]

10 [Private session text removed]

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18232

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18233

Cross-examination by Ms. Alagenda (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18234

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18235

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18236

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18237

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18238

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18239

Cross-examination by Ms. Alagendra (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 18240

Cross-examination by Ms. Alagendra (Continued)

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23 [Open session]

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

25 Thank you.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 18241

Cross-examination by Ms. Alagendra (Continued)

1 PRESIDING JUDGE SMITH: Thank you.

2 MS. ALAGENDRA: If I could refer to U002-2855, please.

3 THE COURT OFFICER: Your Honours, just for the record --

4 MS. ALAGENDRA: It would be --

5 THE COURT OFFICER: -- U00 --

6 MS. ALAGENDRA: -- page --

7 THE COURT OFFICER: If I just may. For the record, that ERN was
8 already assigned Exhibit P01109. Thank you, Your Honours.

9 MS. ALAGENDRA: P01109. Is this the one? Yeah, I'd need page
10 2865, please. Yes.

11 Q. You will recall being shown this document by Mr. Roberts the
12 other day. Yes, Mr. Zyrapi?

13 A. Yes.

14 Q. And in the middle of the page, you will see it says:

15 "Who /?deserted/ willingly or unwillingly."

16 And the next line:

17 "Hard working people must be promoted everywhere and decorated
18 with gratitude /as written/."

19 Correct?

20 A. Correct.

21 Q. Desertion and soldiers losing their morale was a difficult
22 situation that had to be addressed, am I correct, at the time?

23 A. Yes, certainly.

24 Q. And you will agree with me that after this meeting there were
25 indeed promotions. People like Nexhmedin Kastrati were promoted to

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

Page 18242

1 chief of staff of the Pashtrik zone, and later into Operation Arrow.

2 Am I correct?

3 A. Correct.

4 MS. ALAGENDRA: If I can have on screen P616, please.

5 Q. You will recall that you were shown this document last week,
6 Mr. Zyrapi?

7 A. Yes.

8 Q. It's 14 January 1999 and clearly addresses the topics that were
9 seen on the previous document of 29 December 1998; am I correct?

10 A. Yes.

11 MS. ALAGENDRA: Can I have P1105 on the screen, please.

12 Q. You were also shown this document. And in the preparation
13 session, you confirmed that you were present when Blerim Kuqi
14 reported to the General Staff; am I correct? I know you've said you
15 haven't seen this document, but you were present. That's what you've
16 said; correct?

17 A. Correct.

18 Q. This is also a document that has been drafted by Adem Grabovci,
19 going by the initials at the bottom of the page?

20 A. Yes.

21 Q. And this is an invitation that invites three people - Drini,
22 Nexhmedin Kastrati, and Blerim Kuqi. Nexhmedin was 123 Brigade
23 officer at the time; am I correct?

24 A. Correct.

25 Q. And your evidence is that all three of them came together; am I

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

Page 18243

1 correct?

2 A. Correct.

3 Q. And nothing on this document suggests that any arrest was going
4 to take place; am I correct?

5 A. Based on the document, yes, correct.

6 MS. ALAGENDRA: If I can have 053941 to 952 at page 944, please.

7 Q. For your information, Mr. Zyrapi, in the SPRK statement you
8 gave, which you've confirmed earlier giving on 5 April, you've said
9 that in:

10 "... a decision was made to arrest Kuqi and bring him before the
11 military court to explain why he left his position.

12 "He was arrested, and Dobruna asked me for advice several
13 times."

14 Correct? That's at page 053944. Correct?

15 A. Correct.

16 Q. And in June 2013 when you testified - and the reference is
17 SITF00393434 - your evidence was that he was arrested by the legal
18 sector and interrogated; correct?

19 A. Correct.

20 Q. And when you were interviewed in 2019, at Part 6, page 27, you
21 said that the case of Blerim Kuqi was discussed at a meeting, and at
22 page 29 you confirmed you were present at that meeting; am I correct?

23 A. Yes.

24 Q. And on 2 July -- no. What you go on to say in your interview in
25 2019 is that Jakup Krasniqi communicated the decision to arrest

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

Page 18244

1 Blerim Kuqi to Sokol Dobruna. That's what you said; correct?

2 A. Correct.

3 Q. And you will agree with me, Mr. Zyrapi, that Sokol Dobruna would
4 know better who communicated it to him; am I correct?

5 A. Yes, correct.

6 Q. And according to you, on 2 July, Drini went with you to the
7 office of the operational directorate, Nexhmedin Kastrati went to
8 Brigade 121, and Blerim Kuqi stayed at the command with, amongst
9 others, Jakup Krasniqi. That's your evidence; yes?

10 A. Yes, that's what I stated.

11 Q. And going by your own evidence, if you were not there, you will
12 agree with me that you do not know what happened at that time when he
13 was at the command; correct?

14 A. Correct. At that moment, I did not know what happened.

15 Q. And are you aware that Nexhmedin Kastrati has given information
16 to authorities that Drini, Blerim Kuqi, himself, Haxhi Shala,
17 Fatmir Limaj, Jakup Krasniqi, and all were present at the same
18 meeting, including yourself? Are you aware of that?

19 A. Yes.

20 Q. And are you aware that that meeting, according to
21 Nexhmedin Kastrati, there was a discussion on borders and brigades,
22 and there was nothing unusual about that meeting?

23 A. Yes.

24 Q. And that meeting was on 16 January, according to
25 Nexhmedin Kastrati; correct? Are you aware?

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Ms. Alagendra (Continued)

1 A. First of all, I don't know about the meeting you're mentioning
2 or the time period relating to Blerim Kuqi. When Drini, Nexhmedin,
3 and Blerim came, we, members of the staff, were present there -
4 myself, Jakup, Rexhep Selimi, Fatmir Limaj. Haxhi Shala was present,
5 but then he went on dealing with problems they had to fix between
6 Haxhi Shala and Kastrati. I, with Blerim, went to the operational
7 directorate to discuss about operational matters, and he was left
8 there with members of the staff. It might be that we discussed the
9 matters you mentioned involving borders mentioned by Mr. Kastrati,
10 but this is how the events unfolded to my recollection at the time.

11 Q. All right. And you will confirm, Mr. Zyrapi, you have never
12 seen an order to arrest Blerim Kuqi signed by Jakup Krasniqi; am I
13 correct?

14 A. Correct, I've never seen one.

15 MS. ALAGENDRA: If I can have 053941 to 952 on the screen,
16 please.

17 Q. And in your statement to the SPRK in 2011, you will recall that
18 you were asked questions about this case; am I correct?

19 A. Correct.

20 MS. ALAGENDRA: If we can move to 053943, please, in English,
21 and 950 in the Albanian. It would be, sorry, 944, and 951 in the
22 Albanian, please. 944 in the English.

23 Q. And at question and answer 14, you will see that Dobruna asked
24 for your advice several times in relation to the case of Blerim Kuqi.
25 That's what you told the prosecutors; am I correct?

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

Page 18246

1 A. Yes, he consulted me after.

2 Q. And at Part 6, page 34 of your interview with the SPO, you've
3 said:

4 "... he was consulting with me on the professional aspect and
5 because of my experience."

6 That's right, isn't it?

7 A. That's right.

8 Q. In fact, you were asked by the Prosecution why Dobruna consulted
9 you and not Azem Syla. And you replied that it was on the
10 professional aspect because of your military experience. That's why
11 he consulted you; am I correct?

12 A. Yes.

13 Q. And you've told the Prosecution, am I right, Mr. Zyrapi, that
14 the authority to release Kuqi would lie with the legal sector and the
15 general commander, Azem Syla, or his deputies in the absence of Syla?

16 A. Correct, that's what I've stated.

17 Q. And according to you, Sokol Dobruna reported to the general
18 commander, Azem Syla?

19 A. Yes, that's the rule.

20 Q. And are you aware that Sokol Dobruna has told investigators that
21 when you -- when asked who had the authority to order the release of
22 a convicted person, his answer was:

23 "The one who convicted him, the court. This is how we acted
24 with Blerim Kuqi, because we convicted him and we released him."

25 You wouldn't happen to dispute that, would you?

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

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1 A. Correct, I don't. And this is what I have stated.

2 MS. ALAGENDRA: And if we can go to 111636, please.

3 MS. LAWSON: Classification.

4 MS. ALAGENDRA: Sorry?

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MS. LAWSON: Private session.

7 MS. ALAGENDRA: Ah, it's okay. I can skip the document due to
8 the constraints of time I'm under, Your Honours.

9 PRESIDING JUDGE SMITH: Are you going to question somebody on
10 this?

11 MS. ALAGENDRA: No, I will let the document go.

12 Q. On the question of Blerim Kuqi, Sokol Dobruna consulted you
13 about the release of detainees when the NATO bombing started, didn't
14 he?

15 A. Yes, that's correct.

16 Q. And Sokol Dobruna specifically contacted you and asked you for
17 your advice in relation to Blerim Kuqi as well at that time; correct?
18 That's the evidence you've given.

19 A. Correct, yes.

20 Q. And you advised him to release him, didn't you?

21 A. Yes.

22 Q. And you have also given in your evidence that Sokol Dobruna was
23 consulting you because he didn't know the gravity or the seriousness
24 of the offence that Blerim Kuqi had committed, because he was a legal
25 professional but not military experienced personnel; am I correct?

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

Page 18248

1 A. Correct.

2 MS. ALAGENDRA: Your Honours, I will seek to tender
3 SITF00393427. It's the record of the main trial.

4 PRESIDING JUDGE SMITH: [Microphone not activated] 393 --

5 MS. ALAGENDRA: [Microphone not activated] ... the full ERN.
6 [Microphone not activated].

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MS. ALAGENDRA: Sorry. SITF00393427 to 393456.

9 PRESIDING JUDGE SMITH: Any objection to that tender?

10 MS. LAWSON: No, Your Honour.

11 PRESIDING JUDGE SMITH: SITF00393427 to 393456 is admitted.

12 MS. ALAGENDRA: And also 053 --

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MS. ALAGENDRA: Sorry.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 THE COURT OFFICER: Thank you, Your Honours. SITF00393427 RED
17 to SITF00393456 RED will be -- and the corresponding Albanian
18 translation will be assigned Exhibit 4D77. Currently classified as
19 confidential. Thank you, Your Honours.

20 MS. ALAGENDRA: And I'm also going to tender 053941 to 053952.

21 PRESIDING JUDGE SMITH: Any objection?

22 MS. LAWSON: No.

23 PRESIDING JUDGE SMITH: 053941 to 053952 is admitted.

24 THE COURT OFFICER: And it will be assigned Exhibit 4D00078.
25 Currently classified as confidential. Thank you.

1 PRESIDING JUDGE SMITH: It will be reclassified as public as
2 will the prior document.

3 THE COURT OFFICER: Thank you, Your Honours.

4 MS. ALAGENDRA: That was all, Your Honours.

5 Q. Thank you very much, Mr. Zyrapi.

6 PRESIDING JUDGE SMITH: Thank you.

7 [Microphone not activated].

8 We will be adjourned until 2.30. Thank you for being with us.

9 We'll see you back here at 2.30.

10 Wait till he leaves.

11 [The witness stands down]

12 PRESIDING JUDGE SMITH: Yes, Mr. Emerson.

13 MR. EMMERSON: Very briefly. Your Honours will recall that last
14 week I laid down a marker that there were two issues, short ones,
15 that I needed to raise, but I would defer it until the end of
16 Ms. Alagenda's cross-examination.

17 May I raise those at 2.00 before my learned friend begins
18 re-examination?

19 PRESIDING JUDGE SMITH: No one will be here at 2.00. 2.30
20 will --

21 MR. EMMERSON: Sorry, 2.30. Thank you, yes.

22 PRESIDING JUDGE SMITH: We'll see you at 2.30.

23 We're adjourned.

24 --- Luncheon recess taken at 1.02 p.m.

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

1 PRESIDING JUDGE SMITH: All right. Mr. Emmerson, whenever
2 you're ready.

3 MR. EMMERSON: Good afternoon, Your Honours.

4 The first is a matter of just practical housekeeping. You may
5 remember when I was asking Mr. Zyrapli questions about the Veseli
6 passport that we adduced a cleaner and better and fresher version and
7 tendered it, but the SPO wanted just some time to just consider the
8 two documents side by side to check that there was no objection.

9 That has now been resolved positively in *inter partes*
10 correspondence, and the SPO's indicated they have no objection to it
11 being added to or replacing Defence Exhibit 2D18, which is ERN
12 DKV0807-0814. We would respectfully invite the Panel to direct that
13 it be added to the current exhibit with the same exhibit number of
14 2D18.

15 PRESIDING JUDGE SMITH: There being no objection, that ERN
16 number as recited will be added to 2D18.

17 THE COURT OFFICER: Thank you, Your Honours. In that case,
18 DKV1217-1234 will be assigned Exhibit 2D00018.1. Thank you,
19 Your Honours.

20 MR. EMMERSON: Thank you.

21 MS. LAWSON: I believe it's the revised version.

22 MR. EMMERSON: Yes. So .1 indicates the revision, I think. Is
23 that correct?

24 THE COURT OFFICER: [Microphone not activated].

25 MR. EMMERSON: Yes.

1 The other matter, Your Honour, is that there's one document that
2 I should have put to the witness to ask a very short series of
3 questions. I don't think it will take more than five or ten minutes
4 at the maximum, but I'm going to seek Your Honours' leave, bearing in
5 mind that we were not only shorter than the others in our estimates
6 but shorter than our estimate in our cross-examination, and invite
7 the Panel just to give me permission to ask a very few short
8 questions.

9 PRESIDING JUDGE SMITH: Any objection by the Prosecution?

10 MS. LAWSON: No, Your Honour.

11 PRESIDING JUDGE SMITH: All right.

12 Madam Court Usher, please bring the witness in.

13 [The witness takes the stand]

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 Mr. Emmerson has indicated he has a few short questions for you,
16 so we will turn this over to him at this point.

17 Go ahead, Mr. Emmerson.

18 Cross-examination by Mr. Emmerson: [Continued]

19 Q. These will be very brief questions about a document that you
20 have seen before.

21 MR. EMMERSON: It's P500. It's on the Prosecution's queue for
22 Mr. Zyrapi.

23 Q. It's dated 14 March, and this is the letter of or statement of
24 complaint by Halil Qadraku and Sadik Halitjaha focused on what are
25 said to be failings in command by Commander Drini, but even

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1 mentioning yourself.

2 And if we could now just remind ourselves of the final page.

3 MR. EMMERSON: There are two pages to the Albanian, three to the
4 English translation. And looking at the very end of the document.

5 Q. You can see on the right there, it's been signed by
6 Sadik Halitjaha and Halil Qadraku. And on the left, that it's done
7 in triplicate, with one copy to go to the archive, one copy to go to
8 the General Staff, and one copy is described as being intended for
9 SHIK at the General Staff.

10 Now, pausing for a moment. I think I'm right in saying that
11 despite it being addressed to the General Staff, you never received
12 or saw this document at the time; is that correct?

13 A. That's correct, yes.

14 Q. I wanted to clarify one aspect of it with you, if I may. And,
15 firstly, it is the explanation or the comment, if you have one, on
16 the reference to "SHIK at the General Staff," and bearing in mind
17 that this is dated 14 March. That's the background to the question.

18 Turning to your interview.

19 MR. EMMERSON: And for the record -- I don't need to pull it up,
20 but for the record, it's Part 10 at pages 18 to 19.

21 Q. You say:

22 "It states here at the end, SHIK to the -- SHIK within the
23 General Staff."

24 And then:

25 "Q. Ah, so that is S-H --"

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1 And you reply:

2 "S-H-I-K. There was no SHIK within ... the General Staff.
3 Because at that time the provisional government was in place and that
4 was within the government and not the staff. The ZKZ directorate and
5 then the staff, because it would change with intelligence, that
6 was within the staff."

7 So that was your answer in interview. We have had some other
8 evidence, indeed, from Mr. Halitjaha about this. But would it be
9 correct to describe the SHIK as having ever been in the
10 General Staff?

11 A. That's true, yes.

12 Q. So, well, I'm not quite sure that that grammatically follows
13 from my question, so let me put it to you another way. Does it make
14 sense to you that on 14 March Mr. Qadraku would be writing a document
15 to be filed with SHIK at the General Staff? Does that make sense?

16 A. No, it doesn't make any sense. And this document at the time
17 did not arrive at the staff, let alone to the addressee here.

18 Q. Yes. So when he testified about this, Mr. Halitjaha considered
19 that Mr. Qadraku was confused about terminology and that he was using
20 language that didn't make logical sense because there was no SHIK in
21 the General Staff. Do you have any knowledge of whether that's
22 accurate in the sense of Mr. Qadraku not being particularly familiar
23 with the General Staff or its format?

24 A. Yes, it is true. He was not familiar with his own duties and
25 tasks. And even after the war, he is not familiar with the task he

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1 had during the war. At that time there was no SHIK within the staff.
2 There was G2, the directorate for intelligence and
3 counter-intelligence. SHIK, however, was formed after the creation
4 of the provisional government. So at that time there was no SHIK
5 within the General Staff.

6 Q. And the head of the ZKZ by this time, by 14 March, the operating
7 head of the ZKZ within the General Staff was Mensur Kasumi; is that
8 correct?

9 A. Mensur Kasumi was a replacement deputising at the time because
10 there was no one at this post. So Kasumi deputised up to that point
11 in time. After him, Mr. Kadri Veseli came to the post. Then the
12 bombing started, the establishment of that provisional government,
13 and the transformation into SHIK, the information service of Kosovo
14 within the provisional government.

15 Q. And finally this: Both Mr. Qadraku, in his interview with the
16 SPO, and Mr. Halitjaha, in his testimony to this Court, confirmed
17 that the appointment of Mr. Qadraku to an intelligence role was made
18 by Ekrem Rexha in Albania before he entered Kosovo.

19 Do you have any reason to doubt that they are accurate?

20 A. Yes, I'd say this. First of all, it was not possible for
21 Mr. Ekrem Rexha to appoint Halitjaha, Qadraku, and others, because at
22 the time he was still not appointed as commander. He could have made
23 a proposal. However, after he entered Kosovo, he was appointed
24 commander of the zone and continued his work as such. And it could
25 be that after his entrance into Kosovo he had made such proposals and

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1 appointments, but it is not true that he did this in Albania because
2 he himself - that is, Ekrem Rexha - was not appointed zone commander
3 at that time.

4 Q. Yes, I think that may be a question of technicality in the sense
5 that both were clear that Ekrem Rexha identified Mr. Qadraku as the
6 person he would appoint to that role, and then he entered in
7 December, and Mr. Qadraku entered in the first week of January. Do
8 you know that?

9 A. With the arrival of Mr. Qadraku in January, he was appointed as
10 a leader of the service for intelligence and counter-intelligence,
11 but he was not there before that.

12 Q. No. So that's exactly the point I wanted to probe with you.
13 Upon his arrival - and, again, both Mr. Qadraku and Mr. Halitjaha
14 have confirmed this - his appointment coming soon after his arrival
15 in the first week of January, the evidence of each of them is that
16 there was no intelligence structure at zone level in the Pashtrik
17 zone before the arrival of Mr. Qadraku. In other words, he had to
18 set it up from scratch in January as a zone-level intelligence
19 service. Does that sound correct to you?

20 A. It could be. It is true that before this time, the command was
21 not that developed in the Pashtrik zone. When the efforts to form
22 this zone began, because of the attacks at the time, this effort
23 could not be completed, and therefore everything had to be done from
24 scratch. That is, the restructuring of the operational zone.

25 So I would say yes, that is possible.

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1 Q. So whilst there might have been individual brigades or pockets,
2 more likely pockets, of KLA fighters in different towns or villages,
3 some of whom were elected or appointed as having an intelligence
4 function, there was no zone-wide intelligence function in the
5 Pashtrik zone before January. Do you agree with that?

6 A. I explained and mentioned earlier there wasn't because the
7 command of Pashtrik zone itself was not that developed at the time.

8 Q. Yes. And I think I'm right that you've confirmed this, but let
9 me just make it certain for the record. The appointment of Qadraku
10 into the role of intelligence and counter-intelligence at zone level
11 was one made by Ekrem Rexha, by Commander Drini; correct?

12 A. Yes. From December, January, and onwards, everything was done
13 by the zone commander within that zone.

14 Q. So would you agree with me, therefore, that there was no
15 operational structure, zone-wide structure in the intelligence field
16 in Pashtrik zone prior to that time?

17 MS. LAWSON: Asked and answered.

18 MR. EMMERSON: I don't think the word "intelligence
19 structure" --

20 PRESIDING JUDGE SMITH: Well, it's sort of going over the same
21 material.

22 MR. EMMERSON: It's a characterisation. I accept that and I
23 apologise for trespassing on the Court's time.

24 PRESIDING JUDGE SMITH: Finished? [Microphone not activated].

25 Madam Prosecutor, any redirect?

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Re-examination by Ms. Lawson

1 MS. LAWSON: Yes, thank you, Your Honour.

2 Re-examination by Ms. Lawson:

3 Q. And good afternoon, Witness.

4 A. Good afternoon.

5 Q. In summer 1998, what was your involvement, if any, in setting
6 KLA policy related to collaborators?

7 A. Excuse me, which timeframe? You're saying summer 1998?

8 Q. Correct, summer 1998.

9 A. No involvement at all.

10 Q. Defence counsel suggested to you that beating and killing
11 collaborators would be wrong, and you agreed that it would be.

12 MS. LAWSON: That is at transcript reference T17533. Can we
13 please bring up P01356, and go to page 6051 in the English and page
14 127 in the Albanian.

15 Q. What I'm going to read to you is your testimony in Sainovic.
16 I'm reading from line 3 in the English when it gets there. And you
17 were asked:

18 "Is it true that by the summer of 1998, it was common knowledge
19 that Albanians were being killed because they were considered
20 collaborators with the Serbs?

21 "A. Yes. At that time I heard about these cases.

22 "Q. And these cases were also mentioned in communiqués issued
23 by the General Staff and reported in the Kosovo press, such as in
24 papers like *Bujku* and *Koha Ditore*, et cetera; correct?

25 "A. Yes. In many communiqués of the General Staff you could

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1 find these things, and also in newspapers."

2 Is the information I just read correct?

3 A. Yes. I heard but did not know about this beforehand, especially
4 not in March 1998 when I was in Albania.

5 Q. Changing topic. You were also asked about how commanders in the
6 Drenoc area were appointed and, in particular, whether they'd been
7 appointed by people within the villages.

8 MS. LAWSON: That is T17573.

9 Q. To be clear, Xheme Gashi, do you actually know how he was
10 appointed commander in Drenoc?

11 A. No. When I arrived in Kosovo, I found him in the position of
12 the commander of Drenoc staff.

13 Q. Are you aware that he wasn't even from Drenoc originally?

14 A. Yes.

15 Q. Mahir Hasani, are you aware that he wasn't from Drenoc
16 originally?

17 A. Yes.

18 Q. You were asked about how Sylejman Selimi was appointed, and you
19 said it was similarly to other zone commanders.

20 MS. LAWSON: T17579.

21 Q. I'd like to read you a short portion of the testimony that
22 Sylejman Selimi gave previously at the ICTY.

23 MS. LAWSON: The reference is IT-03-66 T2204 at page 2212. And
24 there's only English so I'll read it.

25 Q. The judge asked him:

1 "Who would have been commander of the Drenica zone in the middle
2 ... of May 1998?

3 "A. You mean of the military police?

4 "Judge: No, of the Drenica zone, of the KLA.

5 "A. Middle of March?

6 "Judge: Middle of May 1998.

7 "A. I was appointed by the General Staff as a commander of the
8 Drenica zone."

9 Is that consistent with what you knew?

10 A. No. I don't know how and who appointed him before. When I
11 arrived there, I found him in the position of the commander of the
12 subzone as it was at the time.

13 Q. Okay. And you don't know how he was appointed?

14 A. Yes, correct.

15 Q. Now, going back to when you first arrived in Likoc.

16 MS. LAWSON: I'd like to call up P00606. We can stay on the
17 first page in English. And in Albanian, it's all the one page and
18 the relevant text is on the bottom left-hand side of the page.

19 Q. This is the interview that you gave to *Zeri*.

20 MS. LAWSON: If we can move the Albanian over. It's the bottom
21 left-hand part of the page, please.

22 Q. But I will read it now. You were asked:

23 "That is to say even before entering Kosovo you knew
24 approximately the function and the military duties which you would
25 take on!"

1 Your answer:

2 "Yes. It was more or less like that. That is to say that I was
3 told that I would be in charge of the officers both within Kosovo and
4 abroad. I can say that at that time that I was there in the role of
5 a coordinator... After I had been in Drenoc for three days, I went
6 with the entire group of officers into ... Drenica, more specifically
7 to Likoc. In Likoc Hashim Thaci gave me the order to prepare the ...
8 officers and post them to the ... war zones. Each one of them could
9 go to a post which I had previously discussed. Then we made the
10 posting plan and I decided as follows:

11 "Kadri Kastrati, 'Daja e Llapit' to go to Llap There I also had
12 a meeting with Rrustem Mustafa, *nom de guerre* 'Remi', who was a
13 coordinator for this zone, that is to say for the Llap Zone.

14 "I decided that Mensur Kasumi should go to Mitrovica ..."

15 And then you continue on to explain the remaining appointments.

16 Is that information correct?

17 A. Yes, I participated in matters that concerned officers. But
18 when we arrived in Likoc, the commanders of the zones were there and
19 asked for these persons. For example, the Llap zone, Remi concretely
20 asked for Kadri Kastrati to go to Llap, and I agreed. For Shala
21 zone, Rrahman Rama asked for Mensur Kasumi and Hysni Ahmeti.

22 So in a way, I was a coordinator for the officers outside Kosovo
23 and those who came with me in Kosovo.

24 Q. On Tuesday last week, you were asked by counsel for Mr. Veseli
25 about a meeting you had with Ramush Haradinaj where he wanted

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1 explanations in relation to Jakup Krasniqi's appointment as
2 spokesperson. Do you remember that?

3 A. Yes, I remember the question.

4 MS. LAWSON: Can we please bring up SPOE00225800.

5 Q. And I'll ask you first, do you recognise the signature?

6 A. Yes.

7 Q. This is dated 2 July 1998. And we can see that in the second
8 bullet point, it requests clarification regarding Jakup Krasniqi's
9 appointment as spokesperson. Based on your testimony last week, this
10 appointment of Jakup Krasniqi as spokesperson was a matter that
11 Ramush Haradinaj had raised when you and Kadri Veseli met with him in
12 June; is that right?

13 A. Yes.

14 Q. And in the same bullet point, we can see that a copy of the
15 general regulations is requested. In the first bullet point,
16 Ramush Haradinaj is seeking clarification regarding terminology
17 between Central Staff and General Staff. Was that also something
18 that had been raised during the meeting or not?

19 A. I can't remember everything in detail. But, yes, these were
20 precisely some of the items that were discussed.

21 MS. LAWSON: Can we please bring up SPOE00225067.

22 Q. When it comes up on the screen, you'll see that it's clearly a
23 draft document. It has handwritten annotations on it. But it says
24 at the top that it's in response to some requests presented in
25 writing. And if we look at number 3, it addresses the question of

1 Central Staff versus General Staff. At number 4, it says: We're
2 forwarding you a copy of the interim regulations. And at number 5,
3 it provides information in relation to the spokesperson. Again
4 responsive to the request we just looked at?

5 So this would appear to be in response to the request from
6 Ramush Haradinaj that we just looked at. Do you agree?

7 A. Yes.

8 MS. LAWSON: Your Honour, I'd like to tender both of those
9 documents, SPOE00225800 and the one that's currently on the screen.

10 PRESIDING JUDGE SMITH: Any objection?

11 MS. ALAGENDRA: Your Honours, this witness is not an author of
12 the document on the left, so I'm objecting to it. We have a standing
13 objection on materials seized.

14 PRESIDING JUDGE SMITH: The objection is overruled.

15 SPOE00225800 and SPOE00225067 are both admitted.

16 THE COURT OFFICER: Thank you, Your Honours. The first
17 document, SPOE00225800 to SPOE00225800 and its English corresponding
18 translation, will be assigned Exhibit P1446. And it's currently
19 classified as confidential.

20 The second document, which is the SPOE00225067 to SPOE00225068
21 and the corresponding English translation, will be assigned
22 Exhibit P01447. And it's currently classified as confidential.
23 Thank you, Your Honours.

24 PRESIDING JUDGE SMITH: Both documents shall reclassified as
25 public.

1 THE COURT OFFICER: Thank you, Your Honours.

2 MS. LAWSON:

3 Q. The request from Ramush Haradinaj addressed to the General Staff
4 that we have just looked at, you were familiar with him raising those
5 questions at the meeting you attended with him, but am I right that
6 you had not seen this actual written request before?

7 A. You're right, I have never seen this document. And obviously, I
8 was not involved in the drafting of this document, because at the
9 time I was an officer in charge of preparing the officers of the
10 operational directorate.

11 Q. And that's almost exactly what you said when you were shown this
12 document during the preparation session. You said that at the time
13 you were an officer for development in the framework of the
14 operations directorate and not involved in queries to the
15 General Staff; is that correct?

16 A. That's right.

17 Q. When you were answering questions about the frequency of
18 contacts between the General Staff and the zones or units between May
19 and September 1998 - this is at T17870 - you were only able to answer
20 based on the contacts that you were aware of; is that right?

21 MR. MISETIC: Objection, leading.

22 MS. LAWSON:

23 Q. What was your basis for --

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 It is a leading question. Please rephrase it.

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1 MS. LAWSON:

2 Q. So I'll ask you what was your basis for being able to describe
3 the frequency of contacts between the General Staff and the zones or
4 units between May and September 1998?

5 A. I explained this referring only to myself, when I attended. But
6 I was not -- I did not mean the General Staff in general when I spoke
7 about frequent meetings.

8 Q. So there could have been, and we've seen some of them, other
9 contacts that you were not aware of during the summer of 1998?

10 A. That's correct.

11 Q. You were also asked about operations, again, during the summer
12 of 1998.

13 MS. LAWSON: This is at transcript 17879.

14 Q. And you were read part of your prior testimony but not the
15 clarification that you had provided during preparation, and you asked
16 again about the time from May to September 1998. I want to be sure
17 that we properly understand the time periods that you know about and
18 the ones that you don't know about. And I'll read you the
19 clarification.

20 MS. LAWSON: It was in Preparation Note 2 at paragraph 29.

21 MR. MISETIC: I'm going to object. It's leading to read from
22 paragraph -- note 2 if it's not in evidence. She should just ask him
23 and then she can impeach if she needs to.

24 MS. LAWSON: Your Honour, it's not leading when I'm responding
25 to issues that were addressed during cross-examination.

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1 PRESIDING JUDGE SMITH: Sustained.

2 MS. LAWSON:

3 Q. "[The witness] clarified that in May and June" --

4 MR. MISETIC: Mr. President, I understood the objection was
5 sustained.

6 PRESIDING JUDGE SMITH: It is sustained. It was leading.

7 MS. LAWSON:

8 Q. So, Mr. Zyrapi, during May and September 1998, can you describe
9 to the Court which time periods, if any, you know about how
10 operations were authorised by the General Staff?

11 A. During this period of time, to my knowledge, and based on what I
12 could see, I never saw anything indicating the General Staff had
13 prepared operations in general in Kosovo because they did not have
14 the capacity, considering the development of the directorate. I am
15 not aware of seeing any such plan or them being able to plan and
16 organise such operations in Kosovo.

17 Q. And your answer there was based on what you personally were able
18 to observe or were aware of; is that correct?

19 A. When I speak, I speak about what I know and what I was involved
20 in. What I know and what I was able to observe.

21 Q. You were asked about the fighting during the offensives and the
22 defence of the Llapushnik gorge.

23 MS. LAWSON: Can we please bring up 1D00102-AT and ET. And the
24 relevant page is the one ending 2984. It's the first paragraph on
25 the page.

1 Q. And the document that's coming up is again your *Zeri* interview.
2 And in the first paragraph there you're describing the fighting. You
3 say:

4 "I went to Bllace and saw that our forces were fighting fiercely
5 to hold this front line. In the morning fighting started at Lopusnik
6 gorge, where the first front line was routed. Luli and I went from
7 the Main Staff and deployed some forces to assist in Lopusnik. We
8 started coordinating the units when an enemy unit from Banjica
9 attacked our forces from behind. At the same time fighting towards
10 Kijevo also started, and I left [Lopusnik gorge] to go towards Kijevo
11 and Dobra Voda."

12 Is that information correct?

13 A. Yes.

14 Q. And in this context, who is Luli?

15 A. Kadri Veseli.

16 Q. You also explained in your testimony how during the offensives
17 you and other members of the General Staff were very involved in the
18 fighting and organising defensive lines. And we've just seen an
19 example of that.

20 Did Jakup Krasniqi participate in fighting or organising
21 defensive lines on the front lines?

22 A. No, he was not there. He was in the office.

23 Q. So he was moving around slightly less than the other
24 General Staff members during this time period?

25 A. Yes. We younger men moved more frequently, went to the zones,

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1 in particular during the fighting in 1998. So some members of the
2 staff, we were divided in different groups, would go to the zones to
3 assist units there.

4 Q. And he was also publicly known to the KLA members at the time as
5 being the spokesperson?

6 A. Yes, correct.

7 Q. So when you said at Part 2, page 24 of your SPO interview that
8 at the time the way it was organised was that zone commanders would
9 inform the spokesperson about the outcome of operations, is this what
10 you meant, the fact that he was easier to locate and contact,
11 including for couriers?

12 MS. ALAGENDRA: Leading question, Your Honour.

13 PRESIDING JUDGE SMITH: Overruled.

14 THE WITNESS: [Interpretation] Yes. At the time, it was easier
15 because due to our frequent movements to the zones, it was more
16 difficult to contact us. For example, we were not at all in some
17 zones.

18 MS. LAWSON: So returning to the document on the screen. And if
19 we could scroll up slightly to see the last paragraph on this same
20 page.

21 Q. Could you please read that paragraph to yourself, starting:
22 "When fighting started in Drenica ...," and let me know when you have
23 read it.

24 MR. ROBERTS: Sorry to interrupt. Do you mind moving the
25 English slightly so we can see all the way to the right-hand side of

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1 the page? Thank you.

2 MS. LAWSON:

3 Q. My questions for when you're ready is whether the account is
4 accurate and who --

5 A. I'm ready.

6 Q. So, first, is the account accurate in that paragraph?

7 A. Yes, I have described here more or less the event. This is what
8 actually happened.

9 Q. And who are Luli and Rexha in this context?

10 A. Rexha is Rexhep Selimi.

11 Q. And Luli?

12 A. Luli is Kadri Veseli.

13 Q. What buildings in Likoc had the KLA been using during the summer
14 of 1998?

15 A. In Likoc, they used the premises of the former cooperative where
16 the operative zone command of Drenica was, but also the staff would
17 frequently meet there. So it was there. These premises still exist
18 to this day in Likoc. And we are talking about these premises.

19 Q. Defence counsel play -- I'm changing topic. Defence counsel
20 played a video from June 1998 where you were speaking in the video
21 and you were explaining that the KLA members were learning quickly.

22 MS. LAWSON: Can we please bring up P00605. We'll go to the
23 third page in the English. And in the Albanian, it's the second
24 paragraph in the third column of text.

25 Q. You were asked there:

1 "Did you notice similarities between the war in Bosnia and this
2 war in Kosovo?"

3 And you answered:

4 "Yes. There were quite a few similarities. In Bosnia too the
5 start of the war was the same. Especially with regard to the start
6 of the war and the military structuring, the similarity was great,
7 but as far as the development of the phases is concerned, these
8 phases developed more quickly with us here than in Bosnia. For
9 example there a long time had to elapse for the zones or the corps to
10 be formed, whereas with us these were developed very quickly."

11 Is that part of what you meant when you were describing that the
12 KLA soldiers were learning quickly?

13 A. Yes, it is true that I said that they learned quickly, but the
14 formations developed more quickly. Because if we compare Bosnia to
15 Kosovo, when I arrived, there were some existing structures and work
16 had started and so in a -- this is the reason why we say that these
17 developed a bit quicker than there, bearing in mind that the majority
18 of them or 80 to 90 per cent of them had no prior military experience
19 in using weapons or tactical formations. So they had to acquire this
20 knowledge rapidly. Contrary to Bosnia, where those engaged in
21 fighting had -- 90 per cent of them had prior military experience.
22 So there was a distinction noticeable between Bosnia and us.

23 Q. Thank you. Can you please explain from a military perspective
24 what the benefit is for a commander in having intermediate levels of
25 command between him or her and the units on the ground?

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1 A. In what sense benefits? Because from a military commanding
2 perspective, there is the commander. If we take our army that
3 started from scratch, it's mostly based on authority, not on
4 professional aspects. So is the authority of the individual to lead,
5 to command the units in the zone where he has been chosen or selected
6 as a commander, if this is the perspective we're looking things at.

7 Q. Well, I was wondering more for a commander with lots of
8 different units on the ground, how does it help him when there are
9 intermediate line -- if it does, when there are intermediate lines of
10 command in between that commander and the units on the ground?

11 A. The intermediate lines are, if we take the zone commander, he
12 has brigade commanders who assist the zone commander. The brigade
13 commanders have the battalion commanders. So these are the lines and
14 officers from the command to lower units. So we have commanders and
15 then their subordinates, and so on, further down.

16 MS. LAWSON: Can we please bring up P00605. In the English,
17 it's page 1. And in the Albanian, it's at the top of the first
18 column.

19 Q. And there you say:

20 "We were well informed about all these tasks which were awaiting
21 us and never hesitated in taking them on, in order to carry out the
22 structuring of the army and the establishment of the chain of command
23 in the units of the KLA, a structure operating from the top
24 downwards, because in an army there is no horizontal command but
25 everything goes vertically. Even though I can say that the KLA

1 General Staff had at that time control over all its units, but the
2 way in which until then the Staff exercised control had been a great
3 burden on it. This business began to become easier with our
4 arrival."

5 Is that part of what you meant there, that putting these
6 intermediate lines of command and proper military structure in place
7 made it easier for the General Staff to exercise their authority?

8 A. Yes, that's correct. In any army, in order to make it easier to
9 communicate with the army, you need the intermediate structures from
10 top to down. We take the General Staff, the zone command. Then the
11 zone command has brigade commands that make work easier with the
12 lower units, and then from the brigade to lower formations, up until
13 the squad. So these are intermediate levels that facilitate work.
14 And when we spoke the reorganisation, this is what it was meant with
15 it.

16 Q. I'm changing topics now. And I would like to read a portion of
17 your SPO interview.

18 MS. LAWSON: It's Part 2, page 8. And it's in reference to
19 transcript 17904.

20 Q. The question is:

21 "Was that your first meeting with Rexhep Selimi?"

22 "A. Yes.

23 "Q. And what did you understand his role was? How did he
24 explain that to you?"

25 "A. Both Rexhep Selimi and Sokol Bashota introduced themselves

1 to me as belonging to the operational department and that I was to be
2 working with them.

3 "Q. Okay. And did you understand Rexhep Selimi -- let me ask
4 you, who did you understand to be the operational commander at the
5 time?

6 "A. At the time I thought it was Rexhep."

7 Now, this was read to you in cross-examination and -- when you
8 confirmed that you specified that the role wasn't that of a commander
9 as such. And I'll read you a portion of your evidence from the Limaj
10 trial as well because I think this helps to clarify the point.

11 MS. LAWSON: The reference is IT-03-66 T6757. And the Albanian
12 is IT-03-66 T6818.

13 MR. ROBERTS: Your Honour, I do hesitate to get up before the
14 question's asked, but this transcript is not in evidence. And my
15 understanding is if counsel is going to read this out, this would be
16 a leading question. Obviously, I don't want to wait and then be too
17 late to raise that.

18 PRESIDING JUDGE SMITH: Response?

19 MS. LAWSON: Well, Your Honour, I'm responding directly to
20 questions which were asked during the cross-examination, so I am, in
21 fact, redirecting the witness but based on questions which occurred
22 during cross-examination.

23 PRESIDING JUDGE SMITH: The objection is overruled.

24 You may go ahead.

25 MS. LAWSON: In the English, the relevant page is 6826. And in

1 the Albanian, it's page 10 going over to 11.

2 Q. What you said there was:

3 "... where I was sent by the operational directorate which was
4 at that time led by Rexhep Selimi in order to assist them with the
5 organisation of the unit in Klecka and with the task to show them how
6 and help them. There was a house between Klecka and Divjake that was
7 being prepared ..."

8 And then you continue on.

9 So, first, is the information I just read to you correct?

10 A. Yes. At the time, Sokol Bashota was the operational directorate
11 together with Mr. Selimi. So it -- both names might have been
12 included during the translation or the interpretation. They were in
13 this directorate, worked in it. I worked with them after I entered
14 Kosovo. So from my point of view, as I know it, and based on what he
15 said, is that Sokol Bashota was the director of the operational
16 directorate.

17 MS. LAWSON: Can we please bring up P00778.

18 Does the Court want to take a break now? I think it's 3.30.

19 MR. ROBERTS: Sorry, Your Honour, just a transcript issue. It
20 appears to have said Sokol Dobruna, whereas it, I presume, should
21 have been Sokol Bashota in line 21 of page 110. Just for the record.

22 PRESIDING JUDGE SMITH: Thank you.

23 MR. MISETIC: Mr. President, at this point I will also raise an
24 objection. P00778 is part of a newly released queue of an additional
25 25 documents, which is contrary to the Order on the Conduct of

1 Proceedings. There was also an issue, this was addressed by the
2 Panel in transcript page 1440 in an oral order about adding documents
3 to the queue after the first release.

4 So as far as I know, there's been no leave to add these
5 documents to the queue, and no precedent for this.

6 PRESIDING JUDGE SMITH: Response.

7 MS. LAWSON: Your Honour, these are documents that I'm leading
8 on redirect examination and, in fact, this has been the practice to
9 date.

10 MR. MISETIC: Mr. President, again, if she can cite me to where
11 this has happened before in this trial, I would appreciate it. But
12 as far as I'm aware, this is the first time that this has happened in
13 this trial.

14 MS. LAWSON: I can provide multiple examples of that and I can
15 do so *inter partes*.

16 PRESIDING JUDGE SMITH: Let's leave it up at *inter partes* for
17 now. If we need to take it up after the break, we will.

18 We'll give you a ten-minute break now, Witness. Mr. Zyrapi,
19 we'll come back in ten minutes and then we'll be working towards the
20 end of today.

21 [The witness stands down]

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

23 --- Break taken at 3.32 p.m.

24 --- On resuming at 3.42 p.m.

25 PRESIDING JUDGE SMITH: What was the result of the *inter partes*

1 communication?

2 MS. LAWSON: Your Honour, we have provided counsel with a number
3 of the witness names that it has been done with and also a reference
4 to a ruling on this, which can be found at transcript 10353 to 55.

5 MR. MISETIC: Yes, Mr. President. So there is one incident that
6 I've been able to look up where Mr. Kehoe's objection on this point
7 was overruled, but there's no explanation. And I would just say that
8 there's nothing regulating this in any standing order by the Panel.

9 PRESIDING JUDGE SMITH: Generally speaking, the Prosecution is
10 free to cross-examine on any document that answers something that was
11 raised on cross-examination or deals with the same issue, and she
12 did -- and it is in the presentation queue, I take it.

13 MR. MISETIC: That was just released.

14 PRESIDING JUDGE SMITH: Yeah. I understand.

15 MS. LAWSON: Yes, Your Honour. Yes.

16 PRESIDING JUDGE SMITH: I understand. But this is redirect, not
17 direct examination. I don't believe we have regulated a redirect.

18 MR. MISETIC: That's correct. But the existing --

19 PRESIDING JUDGE SMITH: So I'm regulating it with a ruling from
20 the Bench based upon general knowledge.

21 MR. MISETIC: Okay. All right. Thank you.

22 PRESIDING JUDGE SMITH: All right. You may bring the witness
23 in.

24 [Microphone not activated].

25 MS. LAWSON: I think I probably will be, yes.

1 PRESIDING JUDGE SMITH: Okay. That's fine.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: All right. Mr. Zyrapi, final 45 minutes
4 of today. I'm sure you'll be glad to hear that.

5 We continue now with the questions from the Prosecution.

6 MS. LAWSON: Thank you. And could we bring up, please, P00778,
7 at page P6595. And there's no Albanian, so I will proceed to read
8 it.

9 Q. This is testimony that Rexhep Selimi gave before the ICTY. He
10 was asked:

11 "What was your own position in these months, March, April, May
12 of 1998?

13 "A. Until May 1998 when it was still a central staff of the
14 KLA, there wasn't a definition of tasks, but all people who were in
15 this staff were members of this staff without any specific definition
16 of their duties and tasks. After May 1998 and after the
17 restructuring of the Drenica staff, I became the operational chief of
18 the KLA, a G3."

19 That description by Mr. Selimi himself of his role is consistent
20 with what you had told the SPO you understood at the time; is that
21 right?

22 A. Yes, that he was at the operational directorate.

23 Q. In your testimony last week, you made clear that even in July
24 1998, after you had been appointed head of the operations
25 directorate, you weren't fully aware of how the General Staff were

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1 structured. And I think you said that even up until November you did
2 not have full information about this.

3 MS. LAWSON: That's at T17905.

4 Q. Is that right?

5 A. That's right, yes.

6 Q. And, in fact, last week you confirmed, at 18031, and I think you
7 said it again this morning, that even though there were certain roles
8 assigned, up until November 1998, the General Staff members were all
9 doing what they could to contribute without having a strict division
10 of roles; is that right?

11 A. Yes.

12 Q. Your evidence here before this Court, and in prior statements as
13 well, has been that the intelligence directorate existed before
14 November 1998. But am I right that you don't know who was in charge
15 of it then or how it was structured?

16 A. Yes, I didn't know how it was structured.

17 MS. LAWSON: Can we please bring up SPOE00052989. That's the
18 Albanian. And SPOE00052992. That's the English. And this is an
19 interview that Kadri Veseli gave to Baton Haxhiu. In both, I'll ask
20 to go to the page ending 53011.

21 THE COURT OFFICER: May I have the English reference, please,
22 once again? Thank you so much.

23 MS. LAWSON: SPOE00052992. And we were going, please, to page
24 53011.

25 Q. At the very top of the page, Mr. Veseli is asked what G1 and G2

1 are, and he confirms that G2 was the Information Service Department
2 and that the decision was taken in June 1998.

3 So although you might not have known the specific --

4 MR. EMMERSON: I'm sorry, could we ensure that the page on the
5 screen reflects the passage being identified?

6 PRESIDING JUDGE SMITH: Yeah, it is not the same one.

7 MS. LAWSON: Thank you. So that's now the page.

8 Q. And although you might not have known the specific date when it
9 was created, this is consistent with your understanding that the
10 department already existed prior to November; is that right?

11 A. Yes, as a directorate of information service.

12 Q. You went to Albania in September 1998, and you've said
13 previously that you travelled with a group of soldiers, including
14 Agim Kuqi. This is at Part 14, page 30. Did Kadri Veseli also
15 travel with you, or had he already left for Albania, or did he leave
16 after you?

17 A. He was not part of the group that I left with, the group that I
18 left with for Albania. I don't know whether he was before that in
19 Albania or whether he came after that to Albania. But I know that I
20 met him in Albania.

21 Q. And this has been gone through a number of times. You then left
22 Albania and travelled to some countries in Western Europe. You said
23 you didn't come back to Albania until the towards the end of October.
24 That's Part 14, page 30. So to be clear, for most of September and
25 October, you weren't physically together with Kadri Veseli; is that

1 right?

2 A. Yes, that's right.

3 Q. Now, Mr. Veseli spoke in this interview about what he was doing
4 during that time period. At the bottom of this page, he is asked
5 when the first intelligence training took place.

6 MS. LAWSON: And if we can go to the next page of the document,
7 which is 53012.

8 Q. He says:

9 "We had constant trainings, but officially we started our first
10 training in August or September of [1998] - I would rather not
11 specify where we started to train about 20 young men ..."

12 The interviewer says:

13 "In a European country, I believe ..."

14 And Kadri Veseli says:

15 "The majority of those young men were students or intellectuals,
16 the overwhelming part were leaders of the student movement."

17 The interviewer says:

18 "Did you preserve this nucleus of people later?"

19 And Kadri Veseli says:

20 "In fact they were the heart of the Intelligence Service of
21 Kosovo."

22 Were you familiar with that or did you not know what he was
23 doing in September 1998?

24 A. It is true, I did not know what he was doing from September
25 1998.

1 Q. And while we've the document on the screen, there's one more
2 portion I'd like to show you. It's back on page 53008. And here
3 he's speaking about the Rambouillet agreement. I'll give you a
4 moment to read the question and answer.

5 He mentions a meeting with three of the zone commanders in
6 Ohrid. Do you remember that meeting?

7 A. No, I don't.

8 Q. Is what he says consistent with your understanding that once the
9 matter had been explained by the delegation, the zone commanders were
10 supportive?

11 A. Yes.

12 Q. Changing topic again.

13 MS. LAWSON: And we can take the document down. Thank you.

14 Q. You were asked some questions about the KLA's political
15 structures. How much involvement did you have in political matters
16 in the KLA?

17 A. I was not involved in such issues because a political
18 directorate was formed that dealt with such issues, and I myself
19 dealt with military.

20 Q. Did you participate in meetings that the KLA -- internal
21 meetings that the KLA political representatives had amongst
22 themselves?

23 A. No, not of political representatives. I didn't participate in
24 such meetings. It wasn't my thing.

25 Q. And did they brief you on how they were internally organised and

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1 structured?

2 A. No, they didn't. I didn't have that knowledge as to how they
3 were organised and how they functioned.

4 MS. LAWSON: Can we please bring up video 103211-07 and the
5 English transcript, which is that same number followed by TR-ET.

6 Q. This is a broadcast from 16 September 1998.

7 MS. LAWSON: Can we please play from the start of the video up
8 to 53 seconds.

9 [Video-clip played]

10 THE INTERPRETER: [Voiceover] "As representative of the Political
11 Directorate of the General Staff of the Kosovo Liberation Army, I
12 express my condolences to the family of the Member of Parliament and
13 the torch of democracy, Mr. Azem Hajdari. I express condolences to
14 the President of the Republic, the Parliament of the Republic of
15 Albania, and the Democratic Party for their member. On this
16 occasion, on behalf of the General Staff, I wish to distance myself
17 from all vandalisms committed against the state institutions and we
18 denounce the attempted coup d'état in Albania."

19 MS. LAWSON: And we can stop it there. Thank you.

20 Q. First, can you please identify who is speaking in this video?

21 A. It's Xhavit Haliti who is speaking in this video.

22 Q. He refers to the killing of Azem Hajdari and to an attempted
23 coup d'état in Albania. Do you recall those events having happened
24 in September 1998 in Albania?

25 A. Yes.

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1 Q. And just to help orient your movements in September, were you in
2 Albania when these events occurred or had you already left for
3 Western Europe?

4 MR. MISETIC: Mr. President, I would just ask how this is within
5 the scope of cross-examination.

6 PRESIDING JUDGE SMITH: What is this connected to in the cross?

7 MS. LAWSON: This is connected to the existence of the political
8 directorate, which we can see in the very first sentence of the
9 speaker.

10 PRESIDING JUDGE SMITH: Go ahead.

11 MS. LAWSON: I can repeat my question.

12 Q. Were you in Albania at the time these events occurred or had you
13 already left?

14 A. When these events occurred, some two days following
15 Azem Hajdari's killing I arrived in Albania, in Tirana. In other
16 words, I was in Albania when these events occurred.

17 Q. Thank you.

18 MS. LAWSON: And, Your Honour, I tender the video together with
19 the Albanian and English transcripts.

20 PRESIDING JUDGE SMITH: Objection?

21 MR. MISETIC: If it's only the portion that was played, I have
22 no objection.

23 PRESIDING JUDGE SMITH: I assume it's just the amount played?

24 MS. LAWSON: It can be. It's actually a short video. You can
25 see the English transcript. That's the entire content of it. But --

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1 I mean, I think it might be easier for the full thing to be admitted,
2 but we've no objection either way.

3 [Trial Panel confers]

4 MR. MISETIC: Mr. President, if I may just tell you what the
5 basis of my --

6 PRESIDING JUDGE SMITH: Yes, you can.

7 MR. MISETIC: -- concern is, is the description of the video in
8 the queue is much different than what the proposition is that's been
9 put to the witness. And if that proposition is going to be relied on
10 by the SPO, then it should be put to the witness. Otherwise, if it's
11 only for the proposition that's been put to him, then I have no
12 objection to that part coming in.

13 MS. LAWSON: Your Honour, the full content of what was played at
14 a minimum is what we're tendering.

15 MR. MISETIC: Yes, and that's what I'm saying. If that's it,
16 then I have no objection to that part.

17 PRESIDING JUDGE SMITH: For now we'll admit the part that was
18 played. We'll consider whether to admit rest of it.

19 Go ahead.

20 THE COURT OFFICER: Your Honours, the ERN 103211-07 and the
21 corresponding transcripts in English and Albanian will be assigned
22 Exhibit P01448, classified as public, for the portion that was
23 played. Thank you, Your Honours.

24 PRESIDING JUDGE SMITH: Thank you.

25 MS. LAWSON:

1 Q. Now, you were asked a series of questions about Azem Sylja's role
2 in making appointments, and you had provided a clarification in
3 relation to this in Preparation Note 1. So I would like to give you
4 the opportunity to hear that, which is paragraph 12 of Note 1.

5 "[The witness] clarifies that he made his recommendations for
6 appointments to the members of the operational directorate -
7 Rexhep Selimi and Sokol Bashota. [The witness] was not part of
8 subsequent communications or discussions, and does not know who made
9 the actual decisions on appointments at that time (summer 1998)."

10 Is this information correct?

11 A. Yes, it's correct.

12 Q. And in general, how many, if any, appointment recommendations
13 did you make directly to Azem Sylja as opposed to other members of the
14 General Staff?

15 A. As far as 1998 is concerned, up until October, November, I did
16 not give any recommendations in this respect to Azem Sylja. He wasn't
17 there. And for the rest, until July, I did give proposals for the
18 local staff in Suhareke and in Prizren. And in the end of 1998, with
19 the restructuring of the General Staff and of the KLA, I did put
20 forward the proposal for the commander of the Pashtrik zone and for
21 the brigade commanders in terms of officers who had arrived in Kosovo
22 by that time. Not more than this.

23 Q. And these proposals for local staff in Suva Reka and in Prizren,
24 were they given directly to -- did you give them directly to
25 Azem Sylja?

1 A. No, I was very clear even when you asked me back then. I gave
2 these proposals to Sokol Bashota from the operations directorate.

3 Q. Now changing topic again. You mentioned during your testimony
4 that a lot of what the General Staff was doing involved coordination.
5 Can you please describe some of the types of coordination that were
6 required at the General Staff level?

7 A. It's the coordination between directorates within the staff for
8 the work. Another example of coordination would be with the local
9 staffs making recommendations for appointments of commanders or to
10 coordinate the level of organisation and structuring of a lower unit.
11 Because in such commands, there's not only the commander but there
12 are also deputy commanders. There are different sectors that make a
13 command functional. So there were coordination at the staff
14 concerning these aspects as well.

15 Q. And is what you're describing there your own role?

16 A. Yes, it's my role and that of others. Those who were in the
17 directorates or headed the directorates coordinated this work. We
18 pursued this coordination with Mr. Selimi and Mr. Bashota during
19 summer 1998, during the offensives. So this is part of the
20 coordination amongst us.

21 Q. Now I'd like to look at a couple of the zones more specifically.
22 So we'll start with Ramush Haradinaj.

23 MS. LAWSON: Can we please bring up P01356. It's at the end of
24 page 6018 and going over to the following page.

25 Q. It's your testimony in Sainovic. And in this part of the

1 testimony, you were being shown minutes of the same 23 June 1998
2 meeting in Dukagjini that you were shown a number of times during
3 your testimony here last week. The questioner is quoting from the
4 document something that Ramush Haradinaj is noted as having said, and
5 he says:

6 "This war today belongs to the entire people, not to one group.
7 It's about the liberation of the country through a general
8 insurgency. Knowing the requirements of the war of an area which is
9 of geostrategic significance, our war must be extended. We need to
10 have a regular army."

11 And then the question that was posed to you in the testimony
12 was:

13 "And I think it's fair to say you felt the same way, did you
14 not?"

15 And your answer was:

16 "Yes, and we worked in that direction."

17 My question for you is, based on your interactions with him, did
18 Ramush Haradinaj understand the importance of having a proper
19 military structure and working towards creating that?

20 A. Yes, he worked in this direction, and that is the restructuring
21 the staff of his zone, the operational zone. This was my impression
22 following the meeting and my visit in the Dukagjin zone, but also
23 before that, when he already had four or five former military
24 officers with him.

25 Q. And during the course of your testimony, we've seen a number of

1 reports he provided to the General Staff and also documents where he
2 was confirming that he'd implemented orders from them.

3 MS. LAWSON: Can we please bring up IT-04-84 T3364. And in the
4 English, it will be PDF page 12. And in the Albanian, it will be PDF
5 page 13.

6 Q. The document that's being brought up is your testimony in the
7 Haradinaj case. And I'll read the portion to you. The question that
8 you were asked was:

9 "... [and] by the time you arrived, Ramush Haradinaj was
10 perfectly content to operate as deputy zone commander, working to
11 Tahir Zemaj?

12 "A. Yes. He was operating in that capacity, and when I talked
13 with him, he said, I will obey any orders coming to me from the
14 staff. But the staff had made a decision to reinstate him to the
15 command."

16 Is the information I just read to you correct?

17 MR. MISETIC: I'm going to object again to the leading,
18 Mr. President. This is not in evidence, and it's now just reading
19 back testimony and asking him to ...

20 PRESIDING JUDGE SMITH: Overruled. [Microphone not activated].

21 MS. LAWSON:

22 Q. Did you want me to repeat the question? So I'm just asking you
23 if that information is --

24 A. If you could please repeat the question.

25 Q. Yes. Was that information that you gave in your prior testimony

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1 accurate?

2 A. Yes.

3 Q. So I'm not going to go through each of the zones. But looking
4 at Shala, in summer of 1998, was that one of the active zones where
5 there was a lot of fighting?

6 A. Yes. During summer 1998, until August or even September, there
7 was not much fighting in the area. But at a later stage, yes, with
8 the start of the Serbian offensive. The period of time we're talking
9 about, the most active areas were Dukagjini area, when I arrived at
10 the end of May until the fighting started, and in Rahovec in July.
11 And then it spread over all the areas and throughout the territory.
12 But the biggest activity or the most concentrated one was in the area
13 of Dukagjin and Drenica.

14 Q. So one notable incident during that time period in the Shala
15 zone was the attack at Bardh i Madh, and you were already asked some
16 questions about that. You've confirmed that you met with the deputy
17 commander of the Shala operational zone in relation to it. Who was
18 the deputy commander of the Shala zone that you met with?

19 A. At the time, the deputy commander was Mensur Kasumi.

20 Q. And Mensur Kasumi reported to you on this incident. Is that ...

21 A. Yes.

22 Q. We'll move on to the time when you were chief of staff.

23 MS. LAWSON: Can we please bring up P00228.

24 Q. This is the report from 28 December that you prepared, and
25 you've been asked a lot of questions about it, including earlier

1 today.

2 In the first paragraph, you list the zones that you had received
3 written reports from. One of them was Shala, as well as a number of
4 other zones; is that right?

5 A. Yes.

6 Q. When you were preparing these reports, were you aiming to
7 provide accurate information to the deputy commander?

8 A. Yes, this was the aim, because this is a summary of the reports
9 filed by the commanders. I've mentioned this before. So this
10 summary would then be given to the deputy commander and to the
11 commander for them to be informed about the reporting of the zone
12 commanders at the time.

13 MS. LAWSON: If we could go to page 3, please.

14 Q. And in the paragraph on KLA forces, it's called "our forces,"
15 the report says:

16 "Following the enemy offensive, the repositioning of forces has
17 been carried out in all [operational zones] and we can freely say
18 that the territory controlled by our units is now of a greater
19 percentage than prior to the enemy offensive. Special approach was
20 carried out in organising the KLA units in towns and those parts that
21 are not under the control of KLA regular units. The subordination
22 line from the highest level of command, [General Staff], and down to
23 the squad is at an appropriate level."

24 Was that information accurate?

25 A. Yes. This information was provided by zone commanders at the

1 time, which was then consolidated in a new report and given to the
2 commander. The report contained information about the events in
3 their territory and the developments in the process of structuring
4 within their zones.

5 Q. In the context -- I'm changing topic from the document. In the
6 context of the General Staff, when you refer to "the command," who do
7 you mean?

8 A. The command within the General Staff is the deputy commander and
9 the commander.

10 Q. So I'd like to read part of the transcript to you.

11 MS. LAWSON: This is T17642. I'm reading from line 10 in the
12 English.

13 Q. It says:

14 "So, first of all, the person that was appointed was
15 Sokol Dobruna; correct?"

16 Answer, your answer:

17 "Correct, yes.

18 "Q. And he was appointed at the proposal of Mr. Sylja; is that
19 correct?"

20 "A. Yes, of the command, and also it was a proposal by the
21 commander of the Dukagjini zone."

22 And then it continues.

23 Who were you referring to in the command there? Was it
24 collectively, or do you know who it came from? And as always, I'm
25 asking for what you know, so if you don't have further information,

1 you can say that.

2 A. Now, with the request to complete the restructuring process, it
3 was required from the -- by the zones. In particular, the legal
4 sector. The Dukagjini zone, the commander of the zone proposed
5 Sokol Dobruna as a person who had completed the adequate legal
6 education and was experienced. Therefore, he was proposed at the
7 command and the command approved this proposal.

8 Q. And within the command do you know who specifically or do you
9 just know that it was the command?

10 A. No, I don't know who signed it. But the command, yes, because
11 it's for them to decide. It's their proposal, the proposal or the
12 request made by the zone commander with the aim to appoint that
13 person in the legal sector within the cabinet of the general
14 commander.

15 Q. Changing topic again. When you were asked about which meetings
16 you were involved in convening, you were very precise in your answer.
17 This is at T17964. You stated that you had involvement in convening
18 meetings with zone commanders and meetings with the directorates.

19 Can you please explain for the Court the difference between a
20 meeting of the directorates and an overall General Staff meeting?

21 A. The distinction is as follows: When directorates convene a
22 meeting, they meet to coordinate their work within the General Staff
23 or in relation to tasks and duties of the directorates. When we talk
24 about the General Staff, everybody including the command and heads of
25 the directorates participate in the meeting where they discuss

1 various matters related to the needs of the Kosovo Liberation Army.

2 Q. We looked at a meeting of the directorates that you convened on
3 29 December 1998 and that was the one where you gave a presentation
4 about the structure. And you were also shown some other notes from
5 29 December.

6 MS. LAWSON: We can bring them up again. They're actually two
7 sets of similar notes, and I'll give you an opportunity to look at
8 both of them. First can we please have P01104.

9 Q. So please take a look at these notes. You can see the agenda
10 items. They include an agreement that was signed by Sokol Bashota,
11 and the case of Blerim Kuqi and others is discussed.

12 MS. LAWSON: We can go over to the next page just so that the
13 witness can see the full set.

14 Q. There isn't any reference to you in these notes.

15 MS. LAWSON: We'll now go to the second set, and you were shown
16 these ones previously. It's P01109, and the relevant page is 2865.

17 PRESIDING JUDGE SMITH: Madam Prosecutor, just go ahead and
18 finish this line of questioning, but then we need to give the witness
19 the rest of the day off.

20 MS. LAWSON: Yes, I'll finish with this document.

21 Q. Again, you can see a similar agenda: Structuring in Pashtrik,
22 the agreement that was signed relating to Llap, and other matters,
23 including Blerim Kuqi. Again, there's no reference to you or the
24 presentation that you had given to directorates on that day.

25 From having looked at these notes and also from your

1 recollection, are these notes we just looked at from the meeting of
2 directorates that you had convened or are they notes from a meeting
3 of the overall General Staff?

4 A. I don't recall it now. But most probably, these were from the
5 General Staff. It was a General Staff meeting. If it were a meeting
6 of the directorates, we would have the heads of the directorates in
7 the meeting. But I think this was a General Staff meeting.

8 Q. Thank you. And as the Judge said, we will break for the day
9 here.

10 MS. LAWSON: Thank you.

11 PRESIDING JUDGE SMITH: Thank you, Mr. Zyrapi, for being with us
12 today. We are finished. Tomorrow you will have two sessions only,
13 two morning sessions. Thank you for being with us.

14 You may go with the Court Usher now. Remember not to speak to
15 anybody about your testimony outside of this courtroom.

16 Have a good evening.

17 THE WITNESS: [Interpretation] Thank you.

18 [The witness stands down]

19 MR. MISETIC: Sorry, Mr. President.

20 PRESIDING JUDGE SMITH: Go ahead.

21 MR. MISETIC: Yeah. I have three quick issues to raise.

22 One is we're going to ask for a transcript check or a
23 translation check because on the question of -- that was put to him
24 by the Prosecutor on who appointed Sokol Dobruna, a portion of his
25 answer was not translated. And as I understand it, but we'll have it

1 checked, is that he said there was a proposal made by the zone
2 commander with the aim of appointing him to the legal sector, and
3 then left out was "within the cabinet of the general commander." So
4 that's the first point.

5 Second, I just -- it took me a while to find it, so I didn't
6 make the objection at the time that it was being discussed, this
7 topic. But just for the record, the witness's answer -- the
8 witness's testimony in his SPO interview on who made the appointment
9 is at part -- sorry, is at P01356, page 428, where he says it was at
10 the proposal of the general commander. So I just wanted to put that
11 on the record. And to the extent now new evidence is being elicited
12 on direct that we can't cross, I would make an objection to that.

13 And then third is just a request to the Panel which is in light
14 of the Panel's ruling that the SPO can release queues without leave
15 because it's new material that they're addressing. In light of the
16 fact that there may be some re-cross done by the Defence, in terms of
17 consistency, we've always asked for leave to add documents to our
18 queue to address judicial questions, and I'm asking if the Panel
19 would consider then that -- applying the same principles then, that
20 the Defence doesn't need to seek leave and can release new queues
21 following Judges' questionings. Thank you.

22 PRESIDING JUDGE SMITH: We'll let you know in the morning.
23 Thank you.

24 We're adjourned until 9.00 a.m. tomorrow.

25 --- Whereupon the hearing adjourned at 4.33 p.m.