

1 Wednesday, 17 July 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Thank you.

11 I note that the accused are all present in the courtroom today.

12 Before we continue hearing the evidence of Prosecution
13 Witness W04752, there is a preliminary matter that the Panel wishes
14 to address.

15 The Panel notes that in *inter partes* correspondence, the Defence
16 has proposed various extensions of deadlines in respect of upcoming
17 SPO filings which are expected to fall during the summer judicial
18 break period. In particular, the Defence proposes an adjusted
19 briefing schedule for any upcoming requests pursuant to Rule 153 and
20 154, and upcoming bar table motion, and any transcript reviews due
21 during this period.

22 The SPO and Victims' Counsel agree with the Defence proposal.

23 The Panel notes, however, that this request has not been
24 formally raised with the Panel. The Panel would like to address any
25 requests for extensions of deadlines this week, if possible.

1 Therefore, the Panel wishes to give the Defence the opportunity to
2 raise this before the Panel now or later today so that it can be
3 ruled on this week.

4 In addition, the Panel would like the SPO to confirm that it
5 intends to file these requests before the judicial recess starts.

6 So let me start there. Is that the intention of the SPO?

7 MS. LAWSON: Yes, Your Honour. We had consulted with the
8 Defence, and these are the filings that we intend to make either this
9 or next week.

10 PRESIDING JUDGE SMITH: Thank you. Would you like to make the
11 submissions now, from the Defence? One of you?

12 MR. ROBERTS: Yes, Your Honour, I can do it. I just have to
13 read off my screen because I just have to work out what the deadlines
14 are. But thank you very much.

15 So, yes, we had discussions with the Prosecution, and hope that
16 we've come to an agreement to try and schedule the Defence responses
17 to these upcoming motions in a way which, obviously, doesn't delay in
18 any way their adjudication.

19 So we're expecting 154 motions from the Prosecution imminently
20 in relation to the witnesses that are scheduled in the first block
21 after the recess, and we will respond to those within the ten days,
22 which should be before the recess, which would, obviously, allow for
23 their adjudication and no delay to those witnesses. I believe
24 there's only maybe two or three witnesses that haven't already been
25 adjudicated in relation to 154, so it shouldn't be too large.

1 And then in relation to a 153 motion, we had proposed an
2 extension until Friday, 30 August.

3 In response to a bar table motion, we had requested an extension
4 until Friday, 6 September.

5 And then for the other Rule 154 motions that relate to witnesses
6 that do not fall within the first block after the recess, we had
7 requested, and without opposition from the Prosecution or the
8 Victims, an extension until Friday, 23 August.

9 So we hope that's acceptable for the Panel and would allow,
10 therefore, none of the Defence responses to need to be filed during
11 the recess between, I think, 29 July and 16 August.

12 And just finally I should add as well there's a transcript
13 review deadline that falls within the recess. So that's not just us,
14 that would be an extension of the deadline for all parties - for the
15 Prosecution, Victims, and Defence as well - and we had proposed
16 extending that until Friday, 13 September.

17 And at present, unless any other motions are filed, and we'll
18 deal with those accordingly, there are no other extensions requested.

19 PRESIDING JUDGE SMITH: Thank you.

20 Mr. Laws, do you wish to be heard on that?

21 MR. LAWS: No, we don't. We don't oppose any of those
22 applications.

23 PRESIDING JUDGE SMITH: Thank you.

24 Yes, Madam Prosecutor.

25 MS. LAWSON: I just wanted to mention for the Defence's

1 awareness that there will be one short videolink application filed
2 tomorrow. It's a short request.

3 PRESIDING JUDGE SMITH: Thank you.

4 So in light of the parties' submissions, the Panel considers
5 that there's good cause for extension of the deadlines for the
6 Defence to respond to certain SPO filings and for the parties and
7 participants to file submissions on transcript reviews.

8 Therefore, the Panel grants, pursuant to Rule 9(5), extensions
9 of time as follows: First, for any request for admission of witness
10 statements pursuant to Rule 154 for witnesses who are appearing after
11 5 September 2024 which are filed before the judicial recess, the
12 Panel grants the Defence an extension to file responses until Friday,
13 23 August 2024. The Panel emphasises that this does not include
14 responses to any requests for admission of witness statements
15 pursuant to Rule 154 of witnesses who are scheduled for the first
16 block after the judicial recess, which is 19 August to 5 September.

17 The Defence will respond to such requests in accordance with the
18 time limits prescribed by the rules.

19 Second. For any requests for admission of statements pursuant
20 to Rule 153 filed before the judicial recess, the Panel grants the
21 Defence an extension to file responses until Friday, 30 August 2024.

22 Third. For the upcoming bar table motion which is due to be
23 filed before the judicial recess, the Panel grants the Defence an
24 extension to file responses until Friday, 23 August 2024.

25 Fourth. For any upcoming transcript reviews which are due

1 during the judicial process, the Panel grants extensions to the
2 parties and participants to make their submissions by Friday,
3 13 September 2024.

4 This concludes the Panel's oral order.

5 We are now ready to hear the evidence of Prosecution
6 Witness W04752.

7 Madam Court Usher, please bring the witness into the courtroom.

8 [The witness takes the stand]

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

10 THE WITNESS: [Interpretation] Good morning.

11 PRESIDING JUDGE SMITH: Once again, I remind you to please try
12 to answer the questions clearly with short sentences. If you don't
13 understand a question, feel free to ask for a repeat of the question
14 and that will be done, or tell them you don't understand and they
15 will clarify. Also please try to indicate the basis of your
16 knowledge of facts and circumstances upon which you will be
17 questioned.

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

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

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

25 I also remind you that, as advised last week, you are not

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1 required to answer a question that is incriminating unless and until
2 the Panel compels you to answer, and that if such a question arises,
3 you or your assigned counsel may raise the issue to the Panel and we
4 will proceed to determine whether or not and under what circumstances
5 you might be compelled to answer.

6 We now turn to questions from Judge Mettraux, please. He is to
7 my right and your left. Please give him your attention.

8 JUDGE METTRAUX: Thank you, Judge Smith.

9 WITNESS: BISLIM ZYRAPI [Resumed]

10 [The witness answered through interpreter]

11 Questioned by the Trial Panel: [Continued]

12 JUDGE METTRAUX: And good morning, Mr. Zyrapi. I hope you had a
13 bit of rest yesterday.

14 A. Good morning. Yes, thank you.

15 JUDGE METTRAUX: Like my colleague Judge Barthe, I would like to
16 seek a few clarifications from you in respect of evidence you gave
17 earlier, and I will start by asking the Registry to bring up
18 Exhibit P1384, please.

19 Mr. Zyrapi, do you recall being shown this document by counsel
20 and your attention being drawn to a purported meeting held on 24 July
21 1998? Do you recall those questions?

22 A. Yes, I remember the document.

23 JUDGE METTRAUX: And I understood you to say, and please correct
24 me if I'm wrong, in relation to the meeting of the General Staff on
25 24 July 1998, that you did not know of such a meeting, and you

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1 expressed a view that it would have been impossible for the
2 General Staff to meet around that date because of ongoing fightings;
3 is that right?

4 A. That's right.

5 JUDGE METTRAUX: Can the Registry please bring up P1138.

6 Sir, I'll explain to you first what that is. It's a manuscript
7 that's attributed to Jakup Krasniqi which was found at his home. Do
8 you understand?

9 A. Yes.

10 JUDGE METTRAUX: Could we please turn to page SPOE00231431,
11 please. It's the same page in Albanian. If we can scroll down the
12 Albanian a little bit, please, and the English. Thank you.

13 So can you focus, please, sir, on the paragraph that starts
14 after the bolded paragraph. It says: "At the KLA General Staff
15 Meeting ..." Do you see that?

16 A. Yes, I see it.

17 JUDGE METTRAUX: So the manuscript that's attributed to
18 Jakup Krasniqi says that:

19 "At the KLA General Staff Meeting held on 23 July 1998, the
20 Provisional Regulations for Intelligence Sub-units in War were
21 approved."

22 Do you see that?

23 A. Yes, I can see it.

24 JUDGE METTRAUX: And there's a footnote, footnote 20 to that
25 sentence. And if we can scroll down the English and the Albanian,

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1 please.

2 You can see that the reference for that meeting in the footnote
3 is to the "Minutes of KLA General Staff Meeting of 23 July 1998." Do
4 you see that?

5 A. Yes, I do.

6 JUDGE METTRAUX: My first question is were you aware of a
7 meeting of the General Staff taking place on 23 July 1998?

8 A. No, I was not aware of it because at the time there was fighting
9 going on at the defence lines between Rahovec and Malisheve.
10 Therefore, I could not be in the meeting at the time. As a result, I
11 cannot remember such a meeting having taken place.

12 JUDGE METTRAUX: Would it be fair to say it would be the same
13 for a purported meeting on 24 July 1998? You would not be in a
14 position to say either way whether such a meeting took place or not;
15 is that fair?

16 A. That's correct. I can't say because I wasn't there.

17 JUDGE METTRAUX: And were you aware that in July 1998, from that
18 manuscript it suggests on the 23rd, the provisional regulations for
19 intelligence subunits in war were adopted? Were you aware of that?

20 A. No, I was not.

21 JUDGE METTRAUX: And for the record, the same meeting appears to
22 be mentioned in Exhibit P1277 at U105-8836. That's Mr. Krasniqi's
23 book, "The Great Turning Point."

24 Now, I'll ask the Registry to please bring up P633, exhibit.

25 So, Mr. Zyrapi, you've already been asked quite a few questions

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1 about this document, and I have a few others. I'll just summarise
2 what I understand you to have told us, and again correct me if I'm
3 wrong, and then I'll have a few questions.

4 You told us or you explained to us that this was a document that
5 was prepared for your signature to appoint certain people to
6 commanding positions and senior officers of the Pashtrik zone and
7 that you declined to sign it. And you gave us your reasons for not
8 wishing to sign it. Is that a fair summary of what you've told us?

9 A. Yes.

10 JUDGE METTRAUX: And you explained to Judge Barthe that this
11 particular document was discussed at a meeting of the General Staff;
12 is that right?

13 A. No, this document was not discussed at the General Staff. And
14 I've mentioned this when I was asked the question. The discussion
15 was about replacing the zone commander, not the entire command chain
16 and these names, because this wouldn't be my responsibility. The
17 topic discussed in the meeting was -- the discussion in the meeting
18 was that topic, not this document or the content of it.

19 JUDGE METTRAUX: In that case, can you tell us when and in what
20 circumstances was this document presented to you for signature?

21 A. This document was never presented to me for signature. I saw it
22 for the first time when I came here during the preparation session.
23 I had never seen it before.

24 JUDGE METTRAUX: So can we scroll down the page, please, on both
25 Albanian and English, please. Thank you.

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1 Can you first confirm that the stamp that's on this document is
2 the stamp of the General Staff?

3 A. Yes, the stamp is that of the General Staff.

4 JUDGE METTRAUX: And what about the initials AG and AM to the
5 left? Can you tell us who they refer to?

6 A. AG is Adem Grabovci. AM, I don't know.

7 JUDGE METTRAUX: And in which directorates were Mr. Grabovci --
8 or was Mr. Grabovci at the time of this document? Do you recall?

9 A. The personnel directorate.

10 JUDGE METTRAUX: And if we can scroll back up a little bit in
11 the document.

12 Now, do you know -- taking, for example, number 2, Sadik
13 Halitjaha, and Nexhmedin Kastrati, do you know who eventually
14 appointed them to the positions that are mentioned there?

15 A. I don't know. At a later stage -- I think the personnel sector
16 should know. I think Nexhmedin Kastrati was appointed by the zone
17 commander because he became chief of staff of the zone. Because of
18 his capabilities, his skills, he promoted him to this position.

19 JUDGE METTRAUX: If it was suggested that they were both
20 appointed by the General Staff, would you have any reason to dispute
21 that evidence?

22 A. No.

23 JUDGE METTRAUX: Now, I want to turn to something you said to
24 Mr. Misetic, counsel for Mr. Thaci. He asked you -- and again,
25 rephrase it if you think it deserves rephrasing. It's transcript

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1 4 July 2024, page 17664 and 17665.

2 You were asked by Mr. Misetić if, in your view, the role of the
3 General Staff was more in the form of command or coordination. And
4 you responded that in your view it was, and I quote, "mainly" of a
5 coordination or coordinating nature. Do you recall saying that?

6 A. Yes.

7 JUDGE METTRAUX: Now, I want to clarify this response with you.
8 Would you agree as a general proposition that coordination is part
9 and parcel of what military commanders do?

10 A. Yes.

11 JUDGE METTRAUX: So coordination, in other words, is not
12 contradictory to a commanding function. In fact, they are elements
13 of the same competence. Would you agree?

14 A. Yes, entirely.

15 JUDGE METTRAUX: And, in fact, coordination is an important
16 feature of military command in a situation where you would have to
17 make several units or several branches of a military entity work
18 together. Would that be fair?

19 A. Yes, that's correct.

20 JUDGE METTRAUX: And that's one of the things you did in your
21 own capacity as chief of staff; right?

22 A. Yes, this is the task of the chief of staff.

23 JUDGE METTRAUX: Now I want to ask you about something else.

24 Mr. Roberts for Mr. Selimi asked you a few questions about your
25 experience in the ABiH, the Bosnian army. And Ms. Alagendra for

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1 Mr. Krasniqi asked you about the experience, the military experience
2 of members of the KLA General Staff, or lack thereof. Do you
3 remember these questions?

4 A. Yes.

5 JUDGE METTRAUX: Now, I want to roll these two questions, if I
6 may, into one and ask you this. Can you first confirm that the
7 members of the General Staff of the Bosnian army, whether under the
8 command of Sefer Halilovic or under the command of Rasim Delic, that
9 all the members of the General Staff were, like you, experienced
10 military officers. Vehbija Karic, Jovan Divjak, Stjepan Siber,
11 Enver Hadzihasanovic, they were all experienced military officers;
12 right?

13 A. Yes. In the Bosnian army, the staff of the Bosnian army was
14 composed up to 80 per cent of career officers, highly experienced
15 officers.

16 JUDGE METTRAUX: And can you explain to us, if you know, of
17 course, why, in contrast to the Bosnian army, the decision was made
18 in the KLA to have inexperienced individuals, militarily speaking, to
19 be in charge of the KLA? Aside from you, of course. Do you know why
20 that is?

21 A. The distinction between the Bosnian army and the KLA is that the
22 Bosnian army had a complete system of organisation, state bodies
23 functioning, the presidency, ministers, et cetera. So all officers
24 who were available were then assigned in the Bosnian army.

25 With us, it was different. We formed an army that came out of

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1 the will of people. It did not have the structures as the
2 government, the president's office, who would make appointments,
3 assignments, systemise them. And also these young men, from the very
4 beginning of the formation of the Kosovo Liberation Army, from the
5 guerrilla groups in 1993, 1994, acted in this direction both at the
6 staff and the zones, as we explained earlier, in the form of groups.
7 As a result, the vast majority of the career officers who had worked
8 in the former Yugoslav Army were outside Kosovo, in the Western
9 countries and various countries where we resided. As a result, this
10 was the situation.

11 Another reason is that, as we explained, the majority of the
12 officers who were intending to join were stopped by the government in
13 Albania, so we were not able to systemise them. At a later stage, we
14 entered into this agreement and started integrating, incorporating
15 these officers, as I mentioned, from November.

16 So these were the differences from the Bosnian army and our
17 army.

18 JUDGE METTRAUX: Well, let me follow up with this question. You
19 told Mr. Misetic that there was a long list of former JNA officers
20 within the KLA, and he went through a long list - Kurtesh Fondaj,
21 yourself, Ekrem Rexha, and so on and so forth. Why weren't these
22 people - if you know, of course - appointed to be the General Staff
23 of the KLA if and when they came to Kosovo, of course?

24 A. First of all, they were in Kosovo, when we refer to these two
25 names, Kurtesh Fondaj and Commander Drini. They had positions within

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1 local staffs. To me, it was more important to first staff lower
2 staffs, local staffs, brigades, zones, to have tactical operational
3 units, so we needed career officers there. And then at a later
4 stage, as the organisation further developed, we started assigning
5 officers coming from abroad at the staff, because the staff was not
6 structured to the level -- to an appropriate level, and it was our
7 demand to have it staffed with officers, but we did not manage to do
8 that. We did not manage to do that. Starting from November and then
9 through to March, we managed to some extent to staff the various
10 directorates at the General Staff with officers, not completely
11 though.

12 JUDGE METTRAUX: Then I have two further questions on what you
13 said.

14 The first is this: Who, in your understanding, chose the first
15 group of members of what was called first the Central Staff and then
16 became the General Staff? In other words, Azem Syla, Hashim Thaci,
17 and others who were the first members of that group. To your
18 knowledge, were they appointed by someone or did they appoint
19 themselves to these positions?

20 A. According to my knowledge, the Central Staff was formed as it
21 was born from the political party LPK, the Popular Movement of
22 Kosovo, and that formed the Central Staff. Now, I do not know the
23 details of how they met and how this unfolded in detail.

24 JUDGE METTRAUX: And I'm now asking the experienced military
25 officer that you are, Mr. Zyrapi. But in your understanding, what's

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1 the consequence, if any, of people without military experience being
2 put in charge of a military organisation? Would that, in your view,
3 have any consequences or potential consequences; and if so, which?

4 A. The consequences could be the fast development of the structures
5 of the Kosovo Liberation Army from the military structure
6 perspective. Then another consequence would be taking and making
7 operational decisions in a precipitated way without making the
8 necessary preparations and analysis that are needed prior to any such
9 operations.

10 JUDGE METTRAUX: So would it be fair, and qualify it as you
11 wish, to say that if you have inexperienced individuals in charge of
12 a military organisation, there's a risk that the organisation itself
13 be disorganised? Do you agree with that?

14 A. Could you please repeat the question? I didn't understand it.

15 JUDGE METTRAUX: I did not get a translation, Mr. Zyrapi.

16 A. Could you please repeat the question? I did not understand it.

17 JUDGE METTRAUX: My question is this: If you put people without
18 military experience in charge of a military organisation, is there a
19 risk of this organisation not functioning properly as it should have?

20 A. Yes, that risk exists too, of course, but we had no other
21 choice. We had to manage and go forward with what we had.

22 JUDGE METTRAUX: Now, you told us that you were appointed to be
23 the head or director of the operational directorate in mid-July 1998;
24 is that right?

25 A. Yes.

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1 JUDGE METTRAUX: And can you tell us who it was, if you can
2 recall, that communicated that appointment to you?

3 A. Sokol Bashota.

4 JUDGE METTRAUX: And would I be right in understanding that your
5 appointment to the operational directorate would have been based on
6 the KLA Provisional Rules on Organising the Internal Army Life as
7 it's called in English?

8 A. Most probably, yes, maybe it was based on that but I don't know.

9 JUDGE METTRAUX: And in his book - that's Exhibit, for the
10 record, P1138 - Jakup Krasniqi suggests that these provisional rules
11 were adopted at a General Staff meeting on 4 July 1998. Would that
12 be consistent time-wise with your own recollection?

13 A. In terms of time, it could be that that's the date, but I did
14 not participate in those meetings. But it corresponds with my
15 appointment based on the provisional rules.

16 JUDGE METTRAUX: Thank you. Now I have a couple of questions.
17 You already discussed various aspects of the directorates of the KLA
18 General Staff. I want to ask a few follow-up questions.

19 First, you told us that different directorates were created at
20 different times; is that right?

21 A. Yes.

22 JUDGE METTRAUX: Is it correct to understand that when a
23 directorate -- a new directorate is created, at the same time a
24 director is appointed to head such a directorate?

25 A. That's correct, yes.

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1 JUDGE METTRAUX: And in military terms, that means there's no
2 directorate without a director; correct?

3 A. Yes. There can't be a directorate or a sector for that matter
4 if there's no head.

5 JUDGE METTRAUX: And as I understand, the process is as you
6 created -- as the KLA created directorates, regulations to regulate
7 those directorates were then adopted. Would that be right again?

8 A. It's not just a suggestion, but with the creation of those
9 directorates, directors took upon the tasks and responsibilities
10 prescribed for them. Of course, these documents were translated from
11 documents belonging to various armies and adapted to our own needs.

12 JUDGE METTRAUX: And then a staff would be assigned to that
13 directorate; correct?

14 A. Yes. With the appointment of the directorate, he then assigns
15 his staff.

16 JUDGE METTRAUX: Now, one thing I want to ask you about is what
17 happened in terms -- I'll give you an example so that the question is
18 not too abstract.

19 What happens with an issue before a directorate is created? I
20 can give you a concrete example to make my question clearer. Let's
21 say the personnel directorate is created in November 1998. Who was
22 dealing with the issues of personnel before that time? Was it a
23 collective endeavour, that several members of the staff were dealing
24 with it, or how were these issues dealt with before the directorate
25 was created?

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1 A. To what I could see at the time, the personnel tasks were
2 carried out by the directorates that were active at the time and
3 members of the staff, especially those that were close to the
4 administration. And this went on until the creation of the relevant
5 directorate.

6 JUDGE METTRAUX: Thank you. That's clear.

7 Now, I want to ask you something you said about the military
8 police directorate.

9 I understand your evidence to be that it is your belief that
10 that directorate was created, you said, by the end of 1998. Did I
11 understand that correctly?

12 A. Yes, from November 1998.

13 JUDGE METTRAUX: And I understood you to say that if it had been
14 created earlier, you would expect to have known about it. Did I
15 understand that correctly?

16 A. Yes, that's correct.

17 JUDGE METTRAUX: And that suggestion, that the military police
18 directorate was created sometime between mid-November or late
19 November 1998, you also testified to that effect in the case of
20 Fatmir Limaj before the Gjakove Basic Court; is that right?

21 A. Yes.

22 JUDGE METTRAUX: And, again, I understand you are not a lawyer,
23 of course, but would it be fair to suggest that this evidence was
24 critical to the acquittal of Mr. Limaj? Would you be able to comment
25 on that?

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1 MR. MISETIC: I'm going to object. That calls for a legal
2 conclusion of a fact witness.

3 PRESIDING JUDGE SMITH: Overruled.

4 JUDGE METTRAUX: I can ask the question differently.

5 Do you know on what basis Mr. Limaj was acquitted of the charges
6 in the case in which you testified?

7 A. I don't know on what basis. But, yes, I did give evidence in
8 that case.

9 JUDGE METTRAUX: And are you aware of which other individuals
10 testified to the same effect about the timing of the creation of the
11 military police directorate in that case? Do you know who the other
12 witnesses were on that point?

13 A. No, I don't. I know there were many others, but who concretely
14 was a witness on this aspect, I don't know.

15 JUDGE METTRAUX: Are you aware that Mr. Jakup Krasniqi and
16 Rexhep Selimi testified in that case?

17 A. No, I'm not.

18 JUDGE METTRAUX: Can the Registry please bring up SPOE00226856.

19 Sir, I'll explain to you first what that is, and then I'll give
20 you the time you need to read it. I'll show you several parts of the
21 document. This is a document that is attributed to Rexhep Selimi.

22 And maybe we can go to the next page in both languages. And
23 please to the bottom of the page. Thank you. In the English as
24 well. Thank you.

25 You can see it's attributed to Rexhep Selimi as the KLA

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1 general inspector. It's delivered to Z. Sadik Krasniqi.

2 First maybe I'll ask you this: Can you confirm that Mr. Selimi
3 was and remained KLA general inspector until the month of March 1999
4 when he joined the PGoK?

5 A. Yes.

6 JUDGE METTRAUX: And while on this page, do you know who the
7 person Z. Sadik Krasniqi is?

8 A. No, I don't.

9 JUDGE METTRAUX: Can we go back, please, to the previous page.

10 So you can see here what that is. It's a document that was
11 found at the home of Mr. Selimi, Rexhep Selimi. It's called "The
12 Path to the Formation and the Organisation of the KLA,
13 General Staff." And it says it's "For the use of: Kosovo Museum.
14 This document cannot be used or published without authorisation."

15 Now, do you know what the Kosovo Museum is?

16 A. Yes, of course.

17 JUDGE METTRAUX: And is it fair to say it's an important
18 cultural institution in Kosovo; right?

19 A. That's right.

20 JUDGE METTRAUX: Can we please turn to the next page. And I'll
21 ask you to look at the top of that page, in Albanian, of course, and
22 it's the same in the English.

23 This document describes the organisation of the KLA
24 General Staff in May 1998. Do you see that?

25 A. Yes, I do.

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 JUDGE METTRAUX: And it says:

2 "In May 1998, the KLA General Staff established all its
3 constituent directorates, becoming fully formed and structured from
4 the command level, to every other detail involving the organisation
5 of the General Staff."

6 And then it goes on to list the directorates, G1, G2, 3, 4, 5,
7 6, 7. And under G8, it has the military police directorate. Do you
8 see that?

9 A. I do, yes.

10 JUDGE METTRAUX: So do you agree that, at least according to
11 this document, of course, the military police directorate already
12 existed in May 1998? Do you agree with that?

13 A. No, I cannot agree with this document that the staff was created
14 at this time or these directorates. I mentioned the directorates I
15 knew were functional. All these directorates mentioned here -- for
16 example, the personnel directorate did not exist at the time. It was
17 formed in November. Maybe it had a sector that was active.

18 Logistics did exist. It was in Albania, and it existed from the
19 beginning.

20 JUDGE METTRAUX: Stop there for a second, Mr. Zyrapi, please.

21 But so yesterday, and last week, you explained to us that the
22 responsibility of Mr. Selimi was to know how the KLA was functioning
23 as an inspector general; is that right?

24 A. Yes. He was appointed inspector with the restructuring of the
25 General Staff. Up until then, there was no position of general

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 inspector, not in May. It's either the date that is mistakenly
2 recorded on this document or maybe the author of this document had
3 something else in mind. I'm telling you what I saw existing at the
4 time.

5 For example, the communications did not exist. It was formed in
6 November. The finance existed. Military police didn't.

7 JUDGE METTRAUX: So just to summarise your account on this.
8 According to you, the inspector general of the KLA, assuming he wrote
9 that document, made a mistake; is that right?

10 A. I can say that he made a mistake because these structures were
11 not there in May as it is written here, May 1998, because this would
12 require coordination. When I was there in June, July, I would have
13 known that.

14 JUDGE METTRAUX: Can we please see document U015-8743 to
15 U015-9047, please.

16 So I think you've told us, Mr. Zyrapi, that you know of the
17 existence of that book, which was published in 2006, but that you
18 haven't read it; is that right?

19 A. That's right, yes.

20 JUDGE METTRAUX: Just for the record, several parts of that book
21 have been admitted as P1277 and P189. I'll use this version for ease
22 of use.

23 Just to explain maybe a bit the context. The book of
24 Mr. Krasniqi is generally organised in a chronological fashion, and I
25 would like to start with the month of May 1998, and that's at page

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 85. It's U015-8828. And it's also in Exhibit P1277. And the same
2 in the English, please.

3 So here Mr. Krasniqi is discussing some of the events that
4 you've testified about which happened in the early part of the summer
5 of 1998, including the fusion, if I may use that word, of the
6 Pellumbi unit with others. Do you see that?

7 A. Yes.

8 JUDGE METTRAUX: And I suppose you don't have any disagreement
9 with what Mr. Krasniqi recounts here?

10 A. Now, what Mr. Krasniqi said is his opinion. I do not read books
11 because most of them exaggerate what actually happened. But this
12 part could be as it is described. But in terms of organisation, it
13 is true. When I arrived there, this is the state I found the various
14 units in.

15 JUDGE METTRAUX: Can we turn to page 88, please. It's
16 U015-8831, the same in English. And it's again in Exhibit P1277 for
17 the record. Thank you.

18 And here, Mr. Zyrapi, I'll let you read it for yourself if you
19 wish. He says -- in the English versions, he describes:

20 "We lacked the financial resources, we lacked logistics, our
21 supply lines were run in secrecy and transport was carried out by
22 people and animals."

23 Again, describing the month of May.

24 "In addition to what I said, work of the leadership and command,
25 as well as arms supplies, were obstructed by the provincialist

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 primitivism and the desire to arm 'my unit', 'my village', 'my zone'
2 ... Of course, everybody suffers in the end. We had already
3 experienced these consequences earlier that is why [General Staff]
4 was committed to disband the units and set up military formations up
5 to brigade level. This happened after the arrival of Bislim Zyrapi
6 and Agim Cela who offered a valuable contribution for the creation of
7 Kosovo Liberation Army regular formations."

8 Again, do you agree with the account here given by Mr. Krasniqi?
9 Is it consistent with what you found when you came to Kosovo in May
10 1998?

11 A. Yes, that's correct.

12 JUDGE METTRAUX: Can we turn to the next page, then.

13 And here Mr. Krasniqi goes into discussing who at that time in
14 the early stages of the summer of 1998 was leading the KLA.

15 And if we can scroll down a little bit for Mr. Zyrapi. Thank
16 you. And a little bit more for -- in the Albanian. Thank you.

17 Now, I'll give you a second to read this, sir. And, again, the
18 same question. Is it again consistent with your own experience of
19 how the KLA General Staff functioned in the early stages of summer
20 1998?

21 A. Yes.

22 JUDGE METTRAUX: If we can go to the next page, please.

23 He goes on to describe something you already testified about,
24 the announcement on 11 June of 1998 through Political Statement No. 3
25 that he was made the spokesperson of the KLA. And then he goes on to

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 describe the composition of the KLA General Staff by that stage. Do
2 you see that?

3 A. Yes.

4 JUDGE METTRAUX: And I suppose it's, again, consistent with your
5 own recollection or would you be disputing any of the information
6 contained there?

7 A. First of all, lower down we see commanding positions. As far as
8 I know, there was no general inspector at the time, and here it reads
9 that there was.

10 JUDGE METTRAUX: So that, again, in your own account, would be a
11 mistake by Mr. Krasniqi?

12 A. Most probably, yes. At least I was not aware that these
13 directorates were there, these that I see now. Had they been there,
14 I would have coordinated with them from July onwards. But they were
15 not there.

16 JUDGE METTRAUX: You said they were not there or you did not
17 know they were there?

18 A. Some, yes. The information directorate, the chief of
19 information service, and economy and finances, the deputy, yes. But,
20 for example, as far as civilian authority directorate and so forth,
21 there wasn't such. I know that Xhavit Haliti was a political
22 representative of the KLA in Albania, and of course he also dealt and
23 assisted with the logistics. Commander Plaku was dealing with
24 logistics. As far as I'm aware, these structures were not there from
25 May.

1 JUDGE METTRAUX: So if I understand your evidence correctly,
2 Mr. Jakup Krasniqi, who is describing his own self as chief of the
3 civilian authority directorate, was wrong about what role he had at
4 the time, or is it that you don't about that structure?

5 A. First of all, I was not aware that such a structure existed.
6 Secondly, there was no civilian authority directorate. Why I'm
7 saying this. Had there be one, I would have been able to coordinate
8 with them on civilian and military matters. Mr. Jakup Krasniqi
9 should explain why he wrote it the way he wrote it, and if there was
10 such a structure, why it existed.

11 To my knowledge, from what I know at the time, there wasn't such
12 a structure or positions. At least not when I took over the
13 operations directorate. But even when I took over, there was no such
14 structure.

15 PRESIDING JUDGE SMITH: Thank you, Mr. Zyrapi. We'll take the
16 ten-minute break now.

17 [The witness stands down]

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

19 --- Break taken at 10.01 a.m.

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

21 PRESIDING JUDGE SMITH: Please bring the witness in.

22 MR. MISETIC: Mr. President.

23 PRESIDING JUDGE SMITH: Oh, yes.

24 MR. MISETIC: Just one issue on the transcript.

25 PRESIDING JUDGE SMITH: Hold on a second. I gotta get my ...

Witness: Bislim Zyrapi (Resumed) (Open Session)
Procedural Matters

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1 MR. MISETIC: Sorry.

2 PRESIDING JUDGE SMITH: All right.

3 MR. MISETIC: I'm told that there was a portion of the witness's
4 answer that was not interpreted right at the very end. He was asked
5 about an alleged existence of a civilian authority directorate, and
6 as I understand it, his answer was:

7 "To my knowledge, from what I know at the time, there wasn't
8 such a structure, at least not when I took over the operations
9 directorate."

10 And then he said:

11 "But even when I took over, there was no such structure."

12 That sentence was not interpreted. Thank you.

13 PRESIDING JUDGE SMITH: Okay. Thank you.

14 [The witness takes the stand]

15 MS. ALAGENDRA: Your Honours, I'm also told that there is --

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MS. ALAGENDRA: An error in the transcript, Your Honours. It's
18 at page 26, line 4, where he says that he was a spokesperson openly.
19 The word "openly" doesn't appear.

20 JUDGE METTRAUX: Thank you.

21 PRESIDING JUDGE SMITH: Thank you.

22 Go ahead.

23 JUDGE METTRAUX: Thank you.

24 PRESIDING JUDGE SMITH: Mr. Zyrapi, we continue with
25 Judge Mettraux's questions now.

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 JUDGE METTRAUX: Thank you, Mr. Zyrapi.

2 And we'll go to the next page of the book, please. That's page
3 91. It's U015-8834. And, again, if you wish to read more carefully,
4 I'll give you the time. But Mr. Krasniqi describes a few events of
5 that time: the decision to make public the spokesperson, so himself;
6 the death of Bekim Berisha; and a few other incidents.

7 And if we can then go to the next page, that's page 92 both in
8 English and Albanian, please. It's again Exhibit P1277 for the
9 record.

10 Then the book suggests that the structure of the KLA
11 General Staff at this time, summer of 1998, was like this: KLA
12 commander, deputy commander, general inspectorate --

13 MR. ROBERTS: Your Honour, it says "general inspector" rather
14 than "inspectorate."

15 JUDGE METTRAUX: General inspector. I'm grateful, Mr. Roberts.
16 I'm struggling to read. I'll get closer.

17 General inspector.

18 "... then the directorates followed: Political Directorate,
19 Operational Directorate, Intelligence Service Directorate, Police
20 Directorate, Public Information Directorate, Economy and Finance
21 Directorate, and Logistics Directorate."

22 Sir, do you agree again that, according to this book, of course,
23 at that time, the summer of 1998, there was a police directorate? Do
24 you have an explanation for that?

25 A. I cannot comment on the book or base my answers on the book

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 because, as I mentioned earlier, the book is exaggerated. If we take
2 the structure in -- about Rexhep Selimi, they do not match. So
3 somebody must be wrong.

4 Secondly, had the directorate to the military police existed, I
5 would have at least coordinated with them. I would have known who's
6 in that directorate. I would have worked with them. As a chief of
7 operations, I would have worked with all directorates, to coordinate
8 my work, to prepare an operation, or to carry out trainings or
9 supplies for the army.

10 I did not see this directorate. I do not know who they were.
11 I'm not aware that they existed. Those who have written this can
12 perhaps explain this. At least at the time, I did not know it.

13 JUDGE METTRAUX: Do you have an explanation --

14 MR. MISETIC: I'm sorry to interrupt, Judge, but I have to
15 object to the characterisation to the witness of what time we are
16 talking about, because the prior few sentences that are not on the
17 screen put it in a different timing context.

18 JUDGE METTRAUX: Well, Mr. Misetiç, you can take the witness to
19 the subsequent period, if you wish.

20 MR. MISETIC: I'm saying you put to him that this is -- he's
21 talking about summer of 1998, and I'm challenging that assertion by
22 you.

23 JUDGE METTRAUX: Well, you can test that for sure.

24 MR. MISETIC: Okay.

25 JUDGE METTRAUX: It's pages 135 of the book for the subsequent

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

Page 18407

1 period.

2 Witness, I understand your answer. Do you have an explanation
3 perhaps, as to why or how during the period of time when you say
4 there was no military police directorate that press releases were
5 being issued in the name of the KLA military police directorate,
6 including in October 1998? Do you have an explanation for that?

7 A. I don't know. Statements, as you say, issued in October 1998, I
8 saw them -- these when they were shown to me in the hearings. I do
9 not know that this police directorate issued a new statement before,
10 or had they given any such or issued any such statements, again I
11 would have asked questions or coordinate with them. Now, either they
12 did it without telling me or I didn't know. At least, I had no
13 information about that.

14 JUDGE METTRAUX: May I -- may I take your evidence to suggest
15 that you have no knowledge of press releases being issued in October
16 1998 by someone claiming to be the KLA military police directorate?

17 A. It is correct that I saw these statements in the court
18 proceedings, that they were issued in October or November. I had not
19 seen them before. Had I seen them before, I would have asked who's
20 behind them. But I don't know.

21 JUDGE METTRAUX: Thank you. I'll move to another subject which
22 you have discussed already with counsel and with my colleague
23 Judge Barthe, and that's the case of Blerim Kuqi. I understand you
24 to have said that you do not know who made the decision to arrest
25 Mr. Kuqi; is that right?

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

Page 18408

1 A. Yes, on that day.

2 JUDGE METTRAUX: But you explain that when, in your
3 understanding, the decision was made, present, in addition to
4 Mr. Kuqi, was Rexhep Selimi, Jakup Krasniqi, and Fatmir Limaj; is
5 that right?

6 A. Yes, I explained it yesterday and every time I was asked the
7 question. When I left the location, there remained Jakup Krasniqi,
8 Rexhep Selimi, Fatmir Limaj. Who gave the order amongst them, I
9 don't know.

10 JUDGE METTRAUX: Well, let's see who perhaps had the authority
11 to issue a decision to arrest Mr. Kuqi.

12 In your understanding, and starting with Mr. Selimi as inspector
13 general, would Mr. Selimi have had the authority, in your
14 understanding, to order the arrest of Blerim Kuqi?

15 A. No.

16 JUDGE METTRAUX: Would Fatmir Limaj as director of the military
17 police directorate?

18 A. No.

19 JUDGE METTRAUX: What about Jakup Krasniqi as deputy commander?

20 A. Yes. The deputy, yes, together with the legal sector.

21 JUDGE METTRAUX: And would it be correct to suggest that the
22 order, once made, the decision to arrest Mr. Kuqi, the implementation
23 of that order would have been carried out by the military police; is
24 that correct?

25 A. Yes. Once the legal sector issues such an order, or the

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 commander, then the military police carries out its implementation.

2 JUDGE METTRAUX: Thank you. And you answered my next question.
3 Then I can move on to another set of questions. It has to do with
4 the roles and positions of the two deputies of the General Staff.

5 And, again, correct any error or misunderstanding that I
6 would -- if I put any to you. I understand you to say that there
7 were two deputies, Mr. Bashota and Mr. Krasniqi. That Mr. Krasniqi
8 was responsible, you use slightly different expressions, for support
9 and political affairs, and Mr. Bashota was deputy for operations. Is
10 that correct?

11 A. Yes.

12 JUDGE METTRAUX: And in your SPO interview - that's P1355 Part 7
13 - you explained, and, again, correct if that's an incorrect
14 understanding, that the two of them were not appointed at the same
15 time. That Mr. Krasniqi had been appointed first as a deputy
16 commander and that Mr. Bashota would be appointed as a deputy later
17 in time. Is that a correct understanding?

18 A. We're talking about the same period of time. Mr. Krasniqi was
19 already spokesperson of the General Staff, and then he was appointed
20 as deputy commander for support and politics. Mr. Bashota was not,
21 and then he was appointed as deputy commander for the operations.

22 JUDGE METTRAUX: Thank you. That's exactly my point.

23 But can you also confirm that when Mr. Bashota was appointed to
24 be deputy commander of operations, he had already been a member of
25 the General Staff, is that right, in terms of the timing of things?

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

Page 18410

1 A. Yes, he was a member of the General Staff. I've explained
2 earlier that he was also in the operational directorate. I worked
3 with him in that directorate.

4 JUDGE METTRAUX: And in your SPO interview - that's Part 7,
5 page 5 - I quote, you're talking about Jakup Krasniqi, you say:

6 "... the general commander had appointed him as the first deputy
7 and everything that was referred to had to be referred to
8 Jakup Krasniqi."

9 Do you recall saying that?

10 A. Yes.

11 JUDGE METTRAUX: So in hierarchical terms, militarily speaking,
12 Jakup Krasniqi was the first deputy and Mr. Bashota, the second
13 deputy; is that right?

14 A. Yes, yes.

15 JUDGE METTRAUX: And you said - and again that's, I think, in
16 your SPO interview, Part 7 - that the second deputy was, in effect, a
17 subordinate of the first deputy. He would act if and when the first
18 deputy was unavailable or unable to act; is that correct?

19 A. Yes. Based on the military rules, this is how it goes.

20 JUDGE METTRAUX: Thank you. And I want to ask you about
21 Azem Sylja. You've already told us quite a bit. I want just some
22 clarification.

23 First, are you aware that Azem Sylja had been a long-standing
24 member of the KLA? He was there at the earliest stages of the
25 creation of the KLA. Would that be right?

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

Page 18411

1 A. Yes.

2 JUDGE METTRAUX: Are you aware that he was a member of the
3 Central Staff even before the war? Are you aware of such a
4 suggestion?

5 A. I learned this later, yes.

6 JUDGE METTRAUX: And Azem Syla was an educated man. I think he
7 was a chemistry teacher; right?

8 A. Yes, that's correct.

9 JUDGE METTRAUX: And you said he was an LPK figure and someone
10 with no prior military experience; is that right?

11 A. That's right.

12 JUDGE METTRAUX: Now, I want to follow up on something you said,
13 including yesterday, in answer to some questions from Judge Barthe.
14 One thing that's not clear, at least to me, is how much involvement
15 there was by Mr. Syla in operational decisions. And I've tried to
16 locate decisions rendered by Mr. Syla and I wasn't able to find one.

17 So my question to you is, to your knowledge, did Azem Syla issue
18 any written operational orders or decisions?

19 A. Not to my knowledge.

20 JUDGE METTRAUX: And that would explain, perhaps, and, again,
21 correct me if I'm wrong, that operational decisions were issued by
22 other members of the General Staff who were on the ground in Kosovo
23 at the time; is that right?

24 A. Yes. In the absence of the commander, the deputy approves or
25 allows for such actions or operations.

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 JUDGE METTRAUX: Thank you. I want to ask you about something
2 Rexhep Selimi told the Prosecutor about this, and I'll ask you if you
3 agree or disagree with it.

4 And for the record, it's Exhibit P761.4 at page 5, and that's
5 Mr. Selimi, Rexhep Selimi, speaking with the Office of the
6 Prosecutor.

7 He's asked the following:

8 "And was it envisioned at that time, if you recall, that they
9 would serve as" --

10 He is speaking -- I'm sorry, I should have told you. He's
11 speaking about the deputy commanders of the General Staff. So he's
12 asked:

13 "And was it envisioned at that time, if you recall, that they
14 would serve as sort of the conduits of necessary information to Syla,
15 who was outside of Kosovo, transmitting reports and communicating
16 orders back down the field?"

17 And the answer, as recorded, of Mr. Selimi is:

18 "I believe them to have been deputies and replacing the absence
19 of Mr. Syla in Kosovo rather than reporting back to Mr. Syla."

20 Is that consistent with your own understanding of how the deputy
21 and the commander related to each other?

22 A. I cannot say because I don't know what -- how much contacts they
23 had and how this communication went, if any. I have very little
24 knowledge about this.

25 JUDGE METTRAUX: Fair enough. I'll then move on to something

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

Page 18413

1 else, sir, and that's the legal sector, which again you've been asked
2 quite a few questions about. And I want to simply go to a few
3 matters.

4 You were asked by Mr. Misetic, it's 4 July 2024, page 17641:

5 "... if someone was suspected to be a collaborator, you wanted
6 that person to be sent to the legal department for processing?"

7 And your recorded answer is:

8 "Yes, yes. Precisely."

9 Do you recall that exchange?

10 A. Yes.

11 JUDGE METTRAUX: The first clarification I would like from you
12 on that point is I understood you to suggest yesterday that the legal
13 sector was competent to deal not just with KLA members who would
14 commit an offence or a disciplinary breach but also civilians. Did I
15 understand that correctly?

16 A. Yes. Those who, for example, were collaborators of the enemy.

17 JUDGE METTRAUX: And on what basis are you suggesting that the
18 legal sector or department of the KLA was competent to deal with
19 civilians? Do you have a regulation or legal basis that you rely
20 upon to make that suggestion?

21 A. The legal basis. For example, if we talk about an action, if
22 there was information that there was a collaborator uncovered by the
23 intelligence sector or the local staff, because usually this is where
24 the information came from, the intelligence, these were sent to the
25 legal sector who would then deal with this matter in cooperation with

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

Page 18414

1 the structures that have provided such information. And then it
2 would be assessed whether this person is a collaborator or not, if
3 this is true or not.

4 This is why this was to be dealt with by the legal sector. It
5 was not for me or somebody else to deal with it.

6 JUDGE METTRAUX: I'm somewhat confused. And, again, maybe I'm
7 asking too legal a question to you, sir. But looking at the
8 regulations that we've been discussing with you, they are regulations
9 that regulate, effectively, the internal life of the KLA. What I'm
10 asking you is - if you know, of course; if you don't know, it's
11 perfectly fine - on what basis, in your understanding, would the KLA
12 legal sector be authorised to deal with civilians? And, again, if
13 you know, of course.

14 A. Based on what Sokol Dobruna told me, he used the existing laws
15 of former Yugoslavia at the time.

16 JUDGE METTRAUX: And do you know yourself of any such case when
17 the legal sector dealt with suspected collaborators who were not
18 members of the KLA? Do you know of any such cases?

19 A. No, I don't.

20 JUDGE METTRAUX: I'd like to show you another document. It's
21 Exhibit P157, please. Can the Albanian please be scrolled up a
22 little bit and enlarged somewhat for the witness - thank you - to
23 focus on Communiqué 53.

24 Can you see the Communiqué 53, sir?

25 A. Yes, I can.

Witness: Bislrim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

Page 18415

1 JUDGE METTRAUX: So it suggests that this is Communiqué No. 53
2 of the Kosovo Liberation Army. And this particular version, P157, is
3 published in *Zeri i Kosoves* on 24 September 1998.

4 And if you scroll down for the benefit of the witness, you will
5 see that the communiqué is dated 18 September 1998. That would be to
6 the right, please. Thank you.

7 Can you see that?

8 A. Yes.

9 JUDGE METTRAUX: So would that be a period of time when you were
10 already in Albania?

11 A. Yes, correct.

12 JUDGE METTRAUX: Do you have any knowledge of this particular
13 communiqué or is it the first time you see it?

14 A. I have no knowledge about this communiqué.

15 JUDGE METTRAUX: Can we go back up in the Albanian version to
16 the beginning of that communiqué, please.

17 And, Mr. Zyrapi, I'll ask you to focus on the third paragraph of
18 that communiqué. It says in English that:

19 "Various punitive actions are being taken against
20 collaborationist elements who continue to serve the occupying rule."

21 Do you see that?

22 A. Yes.

23 JUDGE METTRAUX: Do you know what punitive actions this document
24 is referring to?

25 A. No, because I don't know -- I don't have information about the

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 communiqué in this period of time, and I therefore don't know about
2 the measures.

3 JUDGE METTRAUX: But do you agree, I suppose, that this could
4 not have referred to the legal sector; correct?

5 A. There was no legal sector at the time in place.

6 JUDGE METTRAUX: Exactly. So do you have a sense of what
7 punitive actions this would have referred to? In other words, before
8 the legal sector, my question is what punishments were collaborators
9 receiving from the KLA? If you know, of course.

10 A. I don't have information about this. I don't know.

11 JUDGE METTRAUX: And do you know which collaborationist elements
12 this communiqué refers to, and do you know what happened to them?

13 A. No, no, I don't know.

14 JUDGE METTRAUX: Can we please see Exhibit P228.

15 Do you recall seeing that document, Mr. Zyrapi, which you
16 prepared?

17 A. I do, yes.

18 JUDGE METTRAUX: My first question is this: Were you aware that
19 enemy collaborators were dealt with, among others, by the military
20 police and special units? Were you aware of that?

21 A. No, I wasn't.

22 JUDGE METTRAUX: Could we please go to page 3 of that document.

23 Mr. Zyrapi, can I ask you to focus on letter f) of your report
24 under "Defence and safety." Do you see that?

25 A. Yes.

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 JUDGE METTRAUX: In that paragraph, in English at least, it's
2 the last sentence of the first paragraph of your own report, it says
3 that:

4 "Special units and military police provide special help by
5 successfully facing the enemy's special war and its collaborators."

6 Do you see that?

7 A. Yes.

8 JUDGE METTRAUX: So you knew, in fact, that special units and
9 military police were dealing with collaborators; yes?

10 A. This is a summary report compiled at the time based on the
11 reports from zone commanders. And during this period when this
12 report was compiled, there was this phenomena when people would dress
13 up and move around in the area of Dukagjini, and that's why it has
14 been noted on this report.

15 JUDGE METTRAUX: So --

16 MR. MISETIC: Judge, if I can just point out a translation issue
17 in the document. The word "collaborators" doesn't appear in the
18 original Albanian. It's a phrase that's used. I don't know if the
19 witness can clarify what it actually says in Albanian.

20 JUDGE METTRAUX: Well, I'm not sure this should have been done
21 in the presence of the witness, Mr. Misetic.

22 But I'll ask you, sir, what were you referring to there when you
23 said that special units and military police were dealing with that
24 problem? Exactly what issue were you trying to address or bring
25 attention to?

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 A. As I mentioned before, it's been compiled based on reports of
2 zone commanders. And the widespread phenomenon at this time was
3 people dressing up, that is, from the local police of the enemy, and
4 the reconnaissance units had as their task to investigate these
5 movements. And if there were measures to be taken, the military
6 police could take such measures, but this depended on the zone
7 commanders and the zones.

8 I do not know of any such specific action being taken, but this
9 was the background or the context why this was mentioned in the
10 report and sent as information.

11 JUDGE METTRAUX: And that's how, in your explanation, we should
12 understand the reference to "special war"?

13 A. It's written here "special units," but these are the
14 reconnaissance units, both of the General Staff and of the zones.
15 They were like special units.

16 JUDGE METTRAUX: I'm referring to "special war." In English, it
17 refers to "the enemy's special war."

18 A. Special war. Well, in addition to what I mentioned, police,
19 Serbs, dressing up with the other side's uniform, acting amongst
20 people propagating against the KLA. We had problems afterwards to
21 move through those villages or to approach those villages and those
22 populations. So these were the activities carried out at the time by
23 the enemy, and that's why we had to take adequate measures.

24 JUDGE METTRAUX: Can the Registry please bring up Exhibit P884.
25 And for the record, it appears to be the same document as 1D29.

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 Now, again, it's a document you know well, Mr. Zyrapi. You have
2 indicated that you are the author of it, and I have just a couple of
3 follow-up questions on this.

4 You explain -- and, again, correct me if I'm incorrect. You
5 explained to us that you received various information, through KLA
6 General Staff communiqués, through media, you said newspaper, and
7 through visits on the ground, that there were rumours, you called
8 them opinions, of crimes committed by members of the KLA, and that in
9 response to these rumours you issued that order; is that right?

10 A. That's right, yes.

11 JUDGE METTRAUX: I have a couple of questions on this. The
12 first one is whose responsibility was it to ensure that this order of
13 yours was complied with?

14 A. Of zone commanders.

15 JUDGE METTRAUX: And whose responsibility was it to ensure that
16 the zone commanders were abiding by your order?

17 A. Of course, it's the responsibility of the staff to have under
18 its control their implementation to the extent possible at the time,
19 to what they heard about the order.

20 JUDGE METTRAUX: And when you say "the staff," you mean the
21 General Staff; correct?

22 A. Yes.

23 JUDGE METTRAUX: Now, you've also referred to, both in your SPO
24 interview, I think, but again here in court, you've referred to an
25 occasion where you were told early in your entry in Kosovo by

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 Rexhep Selimi that he had distributed booklets, which I understood to
2 be ICRC booklets, down into the zones -- or subzones, rather, at the
3 time. Did I get that understanding correctly?

4 A. Yes.

5 JUDGE METTRAUX: And again I have the same question: Whose
6 responsibility was it to ensure that these booklets, or, rather, the
7 content of these booklets were being complied with?

8 A. The operational zones, the commanders of the zones, the
9 commanders of local staff, and every member of the KLA within those
10 staffs had the responsibility to abide by and respect the contents of
11 these booklets.

12 JUDGE METTRAUX: And then the General Staff would be responsible
13 to ensure that this is indeed the case; correct?

14 A. The General Staff could check whether those booklets reached the
15 staff. So that was the responsibility or the duty of the
16 General Staff, to ensure that those booklets reached the lower-level
17 staffs.

18 JUDGE METTRAUX: And that they are complied with as well?

19 A. As to what extent they were complied with or implemented, that's
20 a bit disputable. But the intention was for them to be implemented
21 and complied with.

22 JUDGE METTRAUX: Now, you've told something else to Mr. Misetic,
23 and it's in particular at page 17542. It's 3 July. You were asked
24 about orders without a stamp and signature, and I understood you to
25 tell Mr. Misetic that, in your view, an order that doesn't bear a

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 signature and/or a stamp would, in your view, be ineffective; is that
2 correct?

3 A. Yes. If a document is not signed, stamped, or protocolled, that
4 document cannot enter into force and is ineffective.

5 JUDGE METTRAUX: Thank you. My first question to you on this is
6 I looked through the regulations that we have of the KLA to try to
7 find such a principle and could not find one. Can you tell us where
8 we'd have to look to find such a principle, or is it something that
9 you adopted from another source?

10 A. This is an administrative principle not a military one. It's
11 not included in the military rules. But from an administrative point
12 of view, yes, if a document, for example, even nowadays, is not
13 signed or stamped or protocolled, that's not a document. It may be an
14 intention, an attempt, but it's not implemented. This is how I
15 understand it.

16 JUDGE METTRAUX: Because I looked, for example, at the internal
17 rules of the KLA, it's P8, for the record, page 20, Rule 4. When a
18 signature or a stamp was required, the rules specifically provide for
19 it. For instance, here in that rule it's provided for travel passes.
20 Travel passes required a stamp and a signature; is that right?

21 A. Yes.

22 JUDGE METTRAUX: And if I understand your evidence correctly,
23 that -- what you called an administrative principle, we would not
24 find it in the KLA regulations; is that right?

25 A. Well, not only that, but there are many rules and documents that

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 we were not able to write. We had the basic ones governing actions
2 at that time. Of course, we needed many other instructions and
3 regulations to be compiled, but we were unable to do so.

4 JUDGE METTRAUX: I see. I'd like to turn to another subject,
5 and I'll ask you Registry to bring up P1109, please.

6 And that's again something you've seen already, Mr. Zyrapi. No
7 surprise there.

8 And I'll ask the Registry to go to, please, to page U002-2861.
9 Thank you. If we could maybe scroll down a little bit in both
10 languages. Thank you.

11 Mr. Zyrapi, do you recall being shown this document already?
12 And it's on 9 July.

13 A. I do, yes.

14 JUDGE METTRAUX: Thank you. I interrupted you, I'm sorry. It's
15 transcript 17845 for the record.

16 And you were asked in particular about little letter c.,
17 "Commission for the Delineation of Operational Zones." And
18 Mr. Emmerson for Mr. Veseli put a lengthy proposition to you in
19 relation to that paragraph and in particular the reference to Kadri.
20 And your response, it's on the same page that I mentioned, was this:

21 "Secondly, it is true what is written here. That is, that the
22 delineation commission to be assigned by the deputy of Kadri, there
23 was no deputy. The Luli aka was there which is Kadri Veseli's
24 pseudonym. I see the number. I do not recall whose, this number, it
25 was and who discussed the number. But as for the meeting, I remember

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 it very well."

2 Now, I want to be clear, if I may, about what you said in
3 response to the question here is: Are you saying that there is no
4 mention of who Kadri's deputy is in that document, or are you saying
5 that there was -- that Kadri Veseli had no deputy at the time, or is
6 it simply that you don't know who that deputy was at the time? Can
7 you tell us which of these that is?

8 A. As far as I remember, he did not have a deputy at the time.
9 This is the time of the -- leading up to the restructuring, and he
10 did not have a deputy. So somebody who had his number asked for this
11 issue to be resolved. But to what I know, he did not have one at the
12 time.

13 JUDGE METTRAUX: Can we see Exhibit P623, please.

14 So here, sir, as you can see, it's a document of the same date
15 as the previous one, so 30 December 1998. It's called an "Ordinance"
16 in English. It has a number.

17 And if we can scroll down a little bit to the bottom of that
18 page.

19 You will see it's attributed, signed, and stamped, attributed to
20 Deputy Chief of the KLA General Staff, Jakup Krasniqi. Do you see
21 that?

22 A. Yes.

23 JUDGE METTRAUX: And we can scroll back up, please.

24 Do you agree that this appears to be, in effect, the
25 implementation of the decisions taken at the meeting that -- the

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

Page 18424

1 record of which we saw a moment ago? Do you agree with that?

2 A. Yes.

3 JUDGE METTRAUX: And if I may ask you to focus on point 1 of the
4 order. It records the fact that Jakup Krasniqi is appointing in the
5 commission defining OZ boundary lines all over Kosovo the following,
6 and I will first ask you about subnumber 6. It says that "Two
7 members of the KLA [General Staff] Operational Directorate military
8 staff" were to be appointed to that commission. Do you see that?

9 A. Yes.

10 JUDGE METTRAUX: And that was your directorate; correct?

11 A. Yes, operations directorate.

12 JUDGE METTRAUX: And if you can recall, can you confirm that the
13 two gentlemen who were selected from the KLA General Staff
14 operational directorate for this particular task were Naim Maloku and
15 Muse Jashari; is that right?

16 A. Yes. In fact, three were engaged in this commission:
17 Sali Veseli, Naim Maloku, and Muse Jashari.

18 JUDGE METTRAUX: So that we have a clear understanding of how
19 this works, sir, would it be correct to say that Jakup Krasniqi made
20 that order, so point 1(6), to appoint two members of the general
21 operational directorate, and then it was, who, your decision to
22 select Naim Maloku and Muse Jashari to serve in that commission or
23 was it someone else?

24 A. Let's explain it better. During the meeting at the
25 General Staff, a decision was taken to form this commission and then

Witness: Bislrim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

Page 18425

1 to appoint the individuals who will work within those commission.

2 Now, when we speak about the delineation commission, every
3 director who leads a directorate would assign an officer or an
4 official to be a member of that commission. In this case of the
5 delineation commission. And these names were provided by us -- for
6 example, from the operations directorate, I was the one who proposed
7 the names, who provided the names, and then Jakup Krasniqi made the
8 decision on the composition of the commission that would work with
9 the delineation of the borders.

10 JUDGE METTRAUX: So that I understand it correctly. In military
11 terms, this order effectively orders you as head of the operational
12 directorate to propose these names, and then Mr. Krasniqi appoints
13 them; correct?

14 A. Yes. He orders that these commissions are established or formed
15 and that we provide the names of individuals who will work within
16 those commissions.

17 JUDGE METTRAUX: And under number 5, it refers to the deputy
18 chief of intelligence -- of intelligence directorate.

19 Now, in your understanding, would the deputy commander of the
20 KLA General Staff, Mr. Jakup Krasniqi, have known whether at the time
21 there was a deputy chief of the intelligence directorate?

22 A. If there was one. But as far as I know, there wasn't. Because
23 this commission, when they finished their work, they submitted a
24 report, including the names of the members involved in the work of
25 the commission, so there was no deputy of this sector at all.

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 JUDGE METTRAUX: And do you recall who it was that was assigned
2 to this commission on behalf of the intelligence directorate? Do you
3 remember who was designated to do that?

4 A. No, there was none. Nobody was designated. In fact, the
5 director of the information directorate, Mr. Kadri Veseli, was not in
6 Kosovo, he was outside Kosovo, and it was impossible for him to be
7 designated for this task.

8 JUDGE METTRAUX: Do you know who is Ferat Shala, sir?

9 A. Yes.

10 JUDGE METTRAUX: Can you tell us what role he had in the KLA, in
11 particular during the later part of 1998 and the earlier parts of
12 1999?

13 A. I know that in 1998, up until the end of 1998, he was the
14 commander of Pellumbi unit in Negroc village near Llapushnik. He was
15 on that post. And then he was transferred and promoted higher up.
16 To what post, I don't know.

17 JUDGE METTRAUX: So you don't know to what position he went
18 after he was -- after the Pellumbi unit was folded into a KLA
19 brigade? You don't know that?

20 A. No, I don't know that.

21 JUDGE METTRAUX: But you did interact with him in early 1999;
22 correct?

23 A. I spoke with him in February when we started with the trainings.
24 I met him once. In fact, I did meet him before that, in January,
25 with Jakup Krasniqi in Shala operational zone. He was with us in

Witness: Bislim Zyrap (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 Shala operational zone. But I did not ask him about his position.

2 JUDGE METTRAUX: And you met him because you were in Shala with
3 Jakup Krasniqi and Rame Buja; correct?

4 A. Yes, correct.

5 JUDGE METTRAUX: And you were there to address the issue of the
6 detention and release of eight VJ soldiers, the four of you; correct?

7 A. Yes, correct.

8 JUDGE METTRAUX: So you were there as chief of staff of the KLA
9 General Staff; right?

10 A. Yes.

11 JUDGE METTRAUX: And Mr. Krasniqi was there in his capacity as
12 deputy commander; correct?

13 A. Yes.

14 JUDGE METTRAUX: And Rame Buja was there as head of G5; is that
15 right?

16 A. Yes.

17 JUDGE METTRAUX: And Ferat Shala, in what capacity was he there?

18 A. Yes, he was there but I don't know in what capacity. He was
19 together with a deputy.

20 JUDGE METTRAUX: Are you aware of his involvement with
21 intelligence, sir, in particular in the early part of 1999, setting
22 up, building up, and improving on the system of intelligence within
23 the KLA? Do you know any of that?

24 A. No. At that time, I did not have that task -- or, rather,
25 information. But later on when the information service of Kosovo was

1 formed and the government, after Rambouillet, I know that he went to
2 that sector. But here on this occasion, I don't know in what
3 capacity he was, whether he had tasks, and what his task was.

4 JUDGE METTRAUX: Thank you. Those were my questions.

5 THE INTERPRETER: The interpreter did not get the last sentence
6 that the witness said.

7 JUDGE METTRAUX: Witness, could you repeat your last sentence,
8 please? The interpreters did not hear you.

9 A. I did not take from him -- receive from him any information of
10 military nature in a form of a report that would enable me to know
11 what his task was.

12 JUDGE METTRAUX: Thank you, Mr. Zyrapi.

13 PRESIDING JUDGE SMITH: Mr. Zyrapi, we'll take our regular
14 scheduled break now for a half hour. You may leave the courtroom
15 accompanying the Court Usher.

16 [The witness stands down]

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 --- Recess taken at 11.06 a.m.

19 --- On resuming at 11.35 a.m.

20 PRESIDING JUDGE SMITH: Please bring the -- yes, Mr. Ellis.
21 Hold on just a moment.

22 Yes.

23 MR. ELLIS: Your Honour, perhaps I speak too early, because I
24 know His Honour Judge Gaynor still has questions, but I just wanted
25 to flag at this point that it's likely that we will ask for some

1 further time to prepare for our further questions to this witness.

2 A significant number of the matters addressed this morning go
3 directly to Mr. Krasniqi, and we would like some time to prepare for
4 the further questions in that regard. So we would like to ask to
5 start our further questioning tomorrow morning.

6 I don't know what the time estimates of my colleagues are.

7 PRESIDING JUDGE SMITH: Well, it will depend on large part what
8 everybody else is estimating, because we are going to finish with
9 this witness by tomorrow, come what may.

10 MR. ELLIS: I'm confident we could still do that, Your Honour,
11 bearing in mind the indications yesterday.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 I'm not talking about being hopeful. I'm just saying it has to
14 be done.

15 MR. ELLIS: Oh, I'm --

16 PRESIDING JUDGE SMITH: Okay.

17 MR. ELLIS: -- very confident of that, Your Honour. We know the
18 time available and we are the last team to go.

19 PRESIDING JUDGE SMITH: When we're finished with this round of
20 questions from Judge Gaynor, we'll reassess with everybody. So be
21 thinking about it so we know your timeframes.

22 You may bring the witness in now.

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: Mr. Zyrapi, we are now going to have
25 some questions from Judge Gaynor, who's at the far left, up here on

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 your left. Please give him your attention.

2 Go ahead, Judge Gaynor.

3 JUDGE GAYNOR: Thank you, Judge Smith.

4 Good afternoon, Mr. Zyrapi.

5 A. Good afternoon.

6 JUDGE GAYNOR: You've given evidence that, at the request of
7 Azem Sylja, Kadri Veseli and you represented the KLA in negotiations
8 with the Bukoshi government-in-exile, and those negotiations took
9 place in Istanbul, Tirana, and elsewhere; is that correct?

10 A. Yes, that's correct.

11 JUDGE GAYNOR: And where else did they take place apart from
12 Tirana and Istanbul?

13 A. I know only about Tirana and Istanbul, where I participated. I
14 don't know about other venues.

15 JUDGE GAYNOR: How long did you and Mr. Veseli spend in
16 Istanbul?

17 A. When we went to Istanbul we stayed two or three days.

18 JUDGE GAYNOR: And --

19 A. That was the duration, more or less.

20 JUDGE GAYNOR: And how long did the negotiations with the
21 Bukoshi government last?

22 A. In Istanbul, one day of negotiations, because there were two
23 travel days. Then we continued on for several days in Tirana, where
24 we held discussions with the members of the Ministry of Defence of
25 the government-in-exile. And this went on until 3rd or 4th November

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1 1998.

2 JUDGE GAYNOR: Well, let's have a look at the draft agreement,
3 if we can.

4 Mr. Court Officer, could you bring up 1D00166, and if we go to
5 page 2 in the English and the Albanian.

6 Now, when I say "draft agreement," I meant, of course, this was
7 the agreement that was, in fact, signed by you even though it later
8 did not come into force.

9 MR. EMMERSON: I'm sorry, may I just question the last phrase
10 that was used that "it didn't come into force," because I don't think
11 there's any evidence to that effect.

12 JUDGE GAYNOR: Very well. That was actually something I was
13 going to ask the witness about. So I will --

14 MR. EMMERSON: Oh, sorry. Sorry.

15 JUDGE GAYNOR: I will get to that.

16 Now, we can see from the first sentence it says:

17 "Following a number of joint meetings between authorised senior
18 representatives/officers, finally, on 31 October 1998 ..."

19 It says:

20 "... the decision was taken to adopt the new structure of the
21 General Staff ..."

22 So it appears from this document that agreement had been reached
23 by 31 October 1998; is that right?

24 A. Yes, the agreement.

25 JUDGE GAYNOR: Now, your agreement on the reconstitution of the

Witness: Bislim Zyrapi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 General Staff was a matter of great importance for the KLA generally
2 and in particular for the existing members of the General Staff; is
3 that fair?

4 A. Yes, that's correct.

5 JUDGE GAYNOR: So how did you keep the other members of the
6 General Staff informed as the negotiations were going on?

7 A. We informed the general commander, Azem Syla, who was in Tirana.
8 We informed him. Now, I don't know whether he informed somebody else
9 or how he did that.

10 JUDGE GAYNOR: When you were in contact with him in Tirana and
11 you were in Istanbul, what communications method did you use?

12 A. In Istanbul, we communicated through telephone; in Tirana, in
13 person because he was there. We met with him, we discussed. There
14 was Azem Syla but also Xhavit Haliti and other members. We discussed
15 all these agreements that were in the process of being negotiated.

16 JUDGE GAYNOR: Did you consult with anyone on the territory of
17 Kosovo?

18 A. I personally didn't.

19 JUDGE GAYNOR: Do you know if Mr. Veseli did?

20 A. I don't know. I know we had the general commander present there
21 and we talked to him. I don't know if he then discussed or informed
22 somebody inside.

23 JUDGE GAYNOR: Generally speaking, whether you were in Istanbul
24 or in other countries, did you ever have any difficulty contacting
25 Azem Syla in Tirana?

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 A. From Istanbul, yes, we could not reach him immediately. But not
2 in Tirana, because he was close by.

3 JUDGE GAYNOR: Yes. The state of telephone -- international
4 telephone calls in 1998 was such that you could easily phone Tirana
5 from anywhere in the world that had an advanced communications
6 network; is that fair to say?

7 A. Yes, we had communications.

8 JUDGE GAYNOR: Now, in the agreement of -- can I address one
9 point, first of all, and it was alluded to by counsel for Mr. Veseli,
10 is did this agreement come into force or not?

11 A. Yes, this agreement came into force.

12 JUDGE GAYNOR: So did the -- perhaps we can move now to the list
13 of the General Staff representatives, which is on the fourth page in
14 English and in Albanian.

15 So we see on this page, I think it's right to say, a list of the
16 structure of the General Staff that you agreed with the Bukoshi
17 government. And we see the stamp of the KLA General Staff at the
18 bottom as well as the stamp of the Republic of Kosovo Ministry of
19 Defence, Prishtine, which is to say the Bukoshi government.

20 A. The first stamp is that of the KLA, General Staff; and the
21 second one is that of the Bukoshi government, the Ministry of
22 Defence.

23 JUDGE GAYNOR: Now, did this constitution of the General Staff
24 ever come into force?

25 A. Not entirely immediately. For example, Agim Ceku came in later

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1 on, not at the moment of the agreement. He came in April 1999.
2 Sokol Bashota was already there. Ismet Alia, no, the other deputy
3 commander, because he was in the Bosnian army and on assignment as a
4 military attaché in Turkey. I was. Hashim Thaci was not.
5 Kadri Veseli remained. Ramiz, J3, was in the Bosnian army as well
6 and was not able to come. Under number 4, Xhafer Jashari came later,
7 after March or April 1999. Mark Shala, yes. Xhafer Kabashi, no. He
8 was an active member of the Bosnian army. Adem Grabovci, yes.
9 Communications was Muse Jashari. Enver Bashkolli and Shaban Dragaj,
10 Shaban Dragaj was in Brigade 121. Enver Bashkolli came later, in
11 March or April sometime. He joined the ministry.

12 JUDGE GAYNOR: All right. But did your agreement with the
13 Bukoshi government, as far as you're concerned, did it come into
14 force?

15 A. Yes, I have explained this, that the first group of these
16 officers and soldiers entered in the Pashtrik zone in November, where
17 officers took their assignments and started the reorganisation of the
18 KLA in this zone. Then this was followed by other groups who came in
19 from abroad and then were assigned in operative zones by the staff as
20 per the needs until the end when the operation started and the
21 officers and soldiers of -- the remaining part of this ministry
22 joined in the Operation Arrow in the direction of Koshare. Those who
23 wanted. Those who didn't want either did not join at all or left
24 Tirana.

25 JUDGE GAYNOR: In this agreement, we see that Kadri Veseli is

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 listed under J2. Could you clarify what J2 stands for?

2 A. Here is J2 at the General Staff, which is intelligence and
3 counter-intelligence.

4 JUDGE GAYNOR: And on this structure, we do not see
5 Fatmir Limaj's name. Could you clarify who was responsible for the
6 military police under this version of the General Staff?

7 A. Based on this version, there was no directorate of military
8 police when we held the discussions. The directorate of the military
9 police was formed later, after the restructuring, when I came in. We
10 can also see we don't have the directorate of military and civilian
11 relations either. These two directorates were set up after we
12 started the restructuring process. And after receiving the structure
13 from the West indicating what should be the components of a staff,
14 then we formed these two additional directorates.

15 JUDGE GAYNOR: So at the time of signing this agreement, under
16 whose authority did the military police operate?

17 A. This agreement indicates that such a structure should be formed,
18 but there was nothing functional. And I've mentioned this before,
19 that to my knowledge there was no directorate of military police or
20 who led it if there was one.

21 JUDGE GAYNOR: If we can move to the next page of this document,
22 please, in both languages.

23 And we see a comment there around about the middle of the page
24 under Bicaaj by Gazeta TV.

25 MR. EMMERSON: I'm sorry. May I respectfully address the Bench

1 on this page in the absence of the witness?

2 JUDGE GAYNOR: Very well, yes.

3 PRESIDING JUDGE SMITH: Witness, you'll need to be excused for a
4 few minutes.

5 [The witness stands down]

6 PRESIDING JUDGE SMITH: Yes, go ahead.

7 MR. EMMERSON: This stray page is not, in fact, part of the
8 document. There were --

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. EMMERSON: Oh, I'm -- is it hard to hear me?

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. EMMERSON: Yes. This stray page is not, in fact, part of
13 the agreement document. There are two versions of the agreement
14 document, and one is complete without it. And the other, it's a
15 stray page that has crept in on the exhibit system. There's nothing
16 connecting it to the agreement itself. But in the two different ways
17 in which the agreement appears within the SPO's exhibit list, one has
18 it, the other doesn't, but it plainly is in a different context.
19 It's a stray meeting -- meeting minute rather than part of the
20 agreement. I just wanted to --

21 JUDGE GAYNOR: Yeah, thank you. That's noted for the record. I
22 certainly wasn't suggesting to the witness that this page is part of
23 the agreement. I simply want to ask him about a sentence.

24 MR. EMMERSON: Oh, I'm sorry. It's simply because it said --
25 because Your Honour said it's the next page, I assumed --

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1 JUDGE GAYNOR: Quite right.

2 MR. EMMERSON: -- there might be a misunderstanding.

3 JUDGE GAYNOR: No, you're quite right. I understand.

4 PRESIDING JUDGE SMITH: Thank you. And thank you for asking for
5 the excusing of the witness. It's helpful.

6 You may bring the witness back in.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: All right. Mr. Zyrapi, we'll continue
9 now.

10 JUDGE GAYNOR: Mr. Zyrapi, the page we're looking at is not part
11 of the agreement, but it states there "Bicaj," and this is -- appears
12 to what the journalist has written:

13 "Bicaj: We drafted this agreement for the best, Xhavit Haliti
14 needs to be asked why it was not implemented."

15 And it goes on with a bit more detail.

16 Does that -- do you have any comment to make about the assertion
17 by Mr. Bicaj that this agreement was not implemented?

18 A. This is a statement by Halil Bicaj, the minister of defence of
19 the Bukoshi government. The military agreement, as I explained, was
20 implemented, but the political part of it was supposed to be
21 implemented as well which was not. And most probably, his
22 explanation is given in this context.

23 JUDGE GAYNOR: All right. And finally on this document, can we
24 go to the first page in both languages.

25 I see in the centre of this document, if we can zoom in a little

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 bit on the signatures, we see your name and signature and the name
2 and signature of Kadri Veseli. And it appears to be signed in
3 Prishtine on 2 November 1998. And the stamp of the KLA General Staff
4 is next to your name and signature as well as that of Mr. Veseli; is
5 that correct?

6 A. Yes. The signature was not made in Prishtine but in Tirana, but
7 we always indicated in the document as if it had been physically done
8 in Prishtine. But it is true, it's the stamp of the KLA
9 General Staff and the signature.

10 JUDGE GAYNOR: Very well. And just to clarify my understanding.
11 Before signing this on behalf of the KLA General Staff, what steps
12 did you take to ensure that this represented the will of the KLA
13 General Staff?

14 A. Based on the discussions, and you can see the participants, a
15 large number of the staff members were there, they expressed the will
16 to unify the forces. And obviously they gave us the green light
17 because they expressed their will to sign this agreement. And I
18 personally, together with the members of the staff from inside
19 Kosovo, started implementing that.

20 JUDGE GAYNOR: And why was it that you and Mr. Veseli signed the
21 agreement as opposed to Azem Sylja, for example?

22 A. Because we initiated, started the negotiations with them from
23 before. And at the end of the negotiations, we participants in these
24 negotiations signed the agreement. And we were told by the general
25 commander that we would sign the agreement.

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1 JUDGE GAYNOR: I want to move now to a separate subject.

2 In your evidence in the trial of Milan Milutinovic, Sainovic,
3 and others, at page 5959, you said:

4 "During the time I was Chief of Staff until March 1999, the KLA
5 had approximately 17.000 to 18.000 soldiers in the territory of
6 Kosova."

7 And you go on to clarify that they weren't all full-time. Do
8 you recall that evidence?

9 A. Yes.

10 JUDGE GAYNOR: Of those -- does that figure of 17.000 to 18.000
11 include military policemen?

12 A. This number includes everything - KLA units, military police,
13 civilian defence. Civilian defence which protected the villages, the
14 roads. So the overall number was this. As a matter of fact, inside
15 the territory that's -- this number was 12.600, and the remaining
16 6.000 were forces that took part in the Arrow operation and were
17 mobilised later on, starting from April, May, with the purpose of
18 conducting this operation.

19 What I stated is that in total the number was 18.000.

20 JUDGE GAYNOR: And of the 12.600 on the territory of Kosovo, how
21 many of those were military police?

22 A. I do not know the exact number, how many members were military
23 police. I gave a general number because until 15 March 1999, I asked
24 from the zone commanders to provide me with exact numbers of soldiers
25 they have in their zones, with names, surnames, and weapons, and the

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1 general number in the zone. So based on their reports, we reached
2 the number of 12.600 in total. I do not know how many of those were
3 members of the police or other units. It's been a long time.

4 JUDGE GAYNOR: Would you be able to estimate how many were
5 military police?

6 A. I can give you an approximate figure but I cannot be precise.
7 The General Staff had a company. There were 25 military police
8 members who provided security of the staff. The zones had companies
9 consisting of 20 to 30 soldiers. So let's say seven zones times 30
10 makes 210, plus the staff company, so we can reach close to the
11 number 300 members of military police, approximately.

12 JUDGE GAYNOR: And approximately how many of the 12.600 were
13 ZKZ?

14 A. I don't know. Please, you're asking me for something that
15 happened 25 years ago. I don't have the lists in front of me to know
16 exactly. I know the sectors were in place, but I cannot give you the
17 exact numbers by heart.

18 JUDGE GAYNOR: All right. We'll move now to communications.

19 You referred to the use of Motorola radios, satellite
20 telephones, and human couriers. Did you also use the civilian
21 telephone network in Kosovo? By "civilian," I mean the hard line
22 civilian telephone network.

23 A. The question is clear. To my knowledge, we didn't. I
24 personally didn't. I don't know about the others. What I know is
25 that during this time the Motorolas were used, short-range

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1 frequencies, and there were also satellite phones. I don't know
2 about other phones having been used by anyone. At least I haven't
3 seen anyone using them.

4 JUDGE GAYNOR: In addition to Motorola radios, did the KLA also
5 have repeater or relay units?

6 A. I do not understand the relay unit.

7 JUDGE GAYNOR: You'll be familiar from your service in the JNA
8 and the ABiH that the range of a radio can be extended using a unit
9 which repeats or relays the signal.

10 A. So you mean a repeat unit?

11 JUDGE GAYNOR: Yes.

12 A. Yes. No, there weren't. We had one such unit later on. I'm
13 not sure whether it was in February or March. We set up one, but we
14 could not cover the entire territory of Kosovo because of the
15 geography which would interrupt the signal. But we didn't have any
16 developed system.

17 JUDGE GAYNOR: So you're saying in a force of 12.600 persons,
18 you had one repeater unit?

19 A. Yes, that's correct.

20 JUDGE GAYNOR: Now, after you received the satellite telephones,
21 you alluded, I think, in your testimony to some difficulties in using
22 the satellite telephones. What difficulties exactly did you have in
23 using satellite telephones?

24 A. In particular, the difficulty was charging the satellite phones
25 or the Motorola, because we had power cuts and we were not able to

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1 charge them regularly. So we had to anticipate, keep them charged,
2 use them briefly, and preserve communication time as much as
3 possible. These were the difficulties.

4 JUDGE GAYNOR: And from your service in the JNA and the ABiH,
5 you'll be familiar with the practice of having electricity
6 generators; correct?

7 A. That's true, there were such things as well but not everybody
8 could have them. And in particular during our movements, offensives,
9 attacks, it was not possible to carry the power generators with us,
10 to turn them on and charge the devices. This could be done in
11 peaceful times but not in a territory where fighting is going on.
12 It's quite difficult to use power generators.

13 But at times when there were no fightings, then in specific
14 locations we could use generators to charge our phones, but not
15 everywhere and particularly not when there was fighting.

16 JUDGE GAYNOR: Was the problem of batteries running flat the
17 only communications issue with satellite telephones?

18 A. Mostly, yes, this was the difficulty.

19 JUDGE GAYNOR: What else was there?

20 A. From what I remember, this was the major problem. Electricity.

21 JUDGE GAYNOR: I'm going to move now to the military police.

22 I understand from your evidence you're saying that prior to the
23 creation of the military police directorate, there was no
24 coordinating authority for the military police; is that your
25 evidence?

Witness: Bislím Zyrapi (Resumed) (Open Session)
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1 A. Yes, correct.

2 JUDGE GAYNOR: And now could I ask the Court Officer, please, to
3 bring up P83, and specifically page 4 in the Albanian and page 4 in
4 the English.

5 Over the past couple of weeks, Mr. Zyrapi, we've seen repeated
6 references to the internal regulations of the General Staff. It's
7 now appearing on the screen before you. And I want you to look at
8 paragraph 14 and it discusses the intelligence directorate.

9 And it says, in part, the intelligence directorate "assists the
10 commands of subordinate units: it organises and directs their work
11 and observes and monitors combat activity."

12 Do you see that?

13 A. Yes.

14 JUDGE GAYNOR: How did this take place in practice?

15 A. In fact, this was very difficult in practice, because its
16 director was not present there for a longer period, and that is why
17 we could not implement this part. This was a translation from model
18 documents from Western armies.

19 JUDGE GAYNOR: It says in the next paragraph that the
20 intelligence directorate "performs its other tasks and activities on
21 the basis of the Directive of the Commander and Chief of Staff of the
22 KLA GS." Do you see that?

23 A. Yes.

24 JUDGE GAYNOR: In respect of the chief of staff of the
25 General Staff, which is -- which was yourself, how did you issue

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1 directives or orders to the intelligence directorate?

2 A. At the time, the chief of staff could issue orders to collect
3 information on enemy forces - their strength, materiel, where they're
4 positioned, concentrated, their plans, if possible. So these -- this
5 would be the information that the chief of staff would require from
6 the intelligence sector to be able to prepare operations, both
7 offensive and defensive ones.

8 JUDGE GAYNOR: And the kind of information you could order the
9 provision of would include counter-intelligence information; is that
10 right?

11 A. No. Intelligence on Serb forces. Counter-intelligence deals
12 with collaborators and spies within the ranks of the army or on the
13 territory where the information is collected concerning the enemy
14 forces. When we speak about intelligence, this is information from
15 observation point of view, reconnaissance point of view, information
16 on the enemy forces, their strength and weapons, so that we can
17 organise our defensive or offensive operations.

18 JUDGE GAYNOR: But surely you as the chief of staff, as well as
19 the commander and deputy commanders, would expect to be told swiftly
20 of significant counter-intelligence information?

21 A. Yes, according to the rules it should be like that.

22 JUDGE GAYNOR: And which entities in particular would be
23 providing counter-intelligence information to you?

24 A. At the time, mostly from the units in the zones. From local
25 staffs that were organised in that respect, we would get information

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1 from them about the territory for the movements of the enemy, and
2 this information then would be conveyed from them to the zones and
3 from the zones to the General Staff. And then the reconnaissance
4 unit of the General Staff would be sent on the ground to collect this
5 information on the position and movements of the Serb forces.

6 So this information was collected from all these structures.

7 JUDGE GAYNOR: Now, if we can -- if I can ask the Court Officer
8 to move the document down in Albanian, the same document, just down
9 the page, the same page.

10 Yes. So in paragraph 15, which is towards the bottom of the
11 page, let's take a look at that. This paragraph concerns the
12 operational directorate which, of course, was under your direction.
13 It says in the second sentence that:

14 "This directorate is in possession of all the reports, analyses,
15 conclusions, accounts etc. required for taking decisions and
16 undertaking combat operations, as well as for organising various
17 combat (tactical) activities."

18 Do you see that?

19 A. Yes, I see it.

20 JUDGE GAYNOR: Now, could you tell the Panel, please, how did
21 you ensure that the directorate was in possession of all relevant
22 reports, analyses, et cetera, referred to in that paragraph?

23 A. We are talking about the operations directorate. We spoke about
24 this earlier. All the information that comes from the movement of
25 Serb forces is sent to the staff. The staff at the operations

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1 directorate, there was an operations room where the information
2 gathered would arrive. That information would be processed there and
3 then, based on that information, operations would be planned -
4 defensive, offensive, or movement.

5 So based on all the information collected, an operational plan
6 would be prepared.

7 JUDGE GAYNOR: I'd like to move now to a document which you
8 discussed briefly with Judge Mettraux, and it's called the KLA
9 Provisional Rules for the Organisation of the Army's Internal Life.

10 Now, there is a version of this, which is P8, could I ask the
11 Court Officer to bring that up, and it's at page 15, page 15 of this
12 document.

13 Now, if you have trouble reading this, and I can well understand
14 if you do, let me know because we have another version which is far
15 more legible. But if we can look -- we can see here that this is
16 chapter -- on the -- if the Court Officer can move to the right-hand
17 side on both versions. This chapter is about the military police and
18 its duties.

19 Just tell me if you can follow it. And the minute you can't,
20 let me know and we'll bring up the other version. Is that all right?

21 A. Yes.

22 JUDGE GAYNOR: Now, at paragraph 4, it says:

23 "Military police bodies are subordinated to the Military Police
24 Directorate ..."

25 Which appoints the commanders in the military police operational

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1 subzones. Do you see that?

2 A. Yes.

3 JUDGE GAYNOR: Do you agree with that assertion that that is the
4 way it was meant to be?

5 A. In this context, this item, it was used in that sense that the
6 directorate of military police had to be advised about who should be
7 appointed in a certain position, but the appointment itself was done
8 by zone commanders. This was done to see whether these people were
9 able and had the required skills to do the job. But this was
10 translated from other documents, this part for military police.

11 JUDGE GAYNOR: Well, it very clearly says:

12 "Military police bodies are subordinated to the Military Police
13 Directorate ..."

14 Isn't that right?

15 A. Subordinated from professional point of view, to be trained and
16 enabled. But all other subordination goes to the commanders where
17 they are or the brigades where they are.

18 JUDGE GAYNOR: I want you to look down to the list of duties of
19 the military police which is under 5. It's not particularly legible
20 in this version. And, again, if you want to see another version, I
21 can pull it up. But paragraph 5 lists the duties of the military
22 police, under the seventh indent, which is on the next page.

23 Could we move to the next page in both languages, please.

24 The second indent down here on this page, this confirms that one
25 of the duties of the military police is:

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1 "- to assist and cooperate with the Secret Intelligence Service
2 Directorate in investigating various forms of crime."

3 Do you see that?

4 A. Yes.

5 JUDGE GAYNOR: And, finally, at the bottom of the page, the very
6 last sentence, it's referring to the PU, the military police. And it
7 emphasises that the military police "should be merciless toward the
8 enemy and all toward all those who try to obstruct and sabotage our
9 liberation war."

10 Do you see that?

11 A. Yes.

12 JUDGE GAYNOR: So the impression that one gains from reading
13 this document is that, first of all, the military police were
14 subordinated to the military police directorate; second, they had
15 important duties to cooperate with the intelligence directorate in
16 investigations; and, third, they were to be merciless towards all of
17 those who try to obstruct and sabotage the liberation war.

18 Is that a fair understanding of this part of the regulations?

19 A. Yes, that's what it reads here. The military police coordinates
20 and cooperates with the intelligence service but also with the legal
21 sector. It is clear that they did cooperate. But as to everything
22 that is listed here, that I don't know.

23 JUDGE GAYNOR: Well, it's very clear from this document that
24 they had important duties in terms of investigation, and they were
25 required to carry out those investigations in coordination with the

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1 intelligence directorate.

2 A. According to this document, yes.

3 JUDGE GAYNOR: Those are my questions. Thank you.

4 JUDGE BARTHE: Excuse me, Mr. Zyrapi. I have a final, I
5 promise, follow-up question regarding an exhibit that was shown to
6 you by my colleague Judge Gaynor a couple of minutes ago.

7 And could I ask Mr. Court Officer to bring Exhibit 1D00166 back
8 on the screen for a moment. Thank you.

9 Mr. Zyrapi, you mentioned earlier in response to a question by
10 my colleague Judge Gaynor that this document was, in fact, not signed
11 in Prishtine but in Tirana. And you explained that you always
12 indicated in the document, as you said on page 60 of our realtime
13 transcript, I quote:

14 "... as if it had been physically done in Prishtine."

15 But my question now is why was it important to you to indicate
16 in the document that it had been done or it was physically signed in
17 Prishtine?

18 A. Well, I don't know who and why they wrote this. It was prepared
19 by the government-in-exile. I don't know what they meant by this.
20 But the document was signed in Tirana, not in Prishtine.

21 JUDGE BARTHE: I'm asking this because we have seen other
22 documents that were allegedly signed or prepared in Prishtine, and it
23 was alleged that this couldn't have been the case because there was
24 no such institution in Prishtine at the time.

25 So my next and my last question, I promise again, is has this

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1 been, according to your knowledge, done also in other cases, writing
2 "Prishtine" on the document although the document was actually
3 written or prepared in a different location?

4 A. Yes, especially this one. This document was prepared and signed
5 in Tirana, not in Prishtine. As for other documents, maybe there
6 were but I don't remember.

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

8 PRESIDING JUDGE SMITH: Just to find out on time,
9 Madam Prosecutor, do you intend to ask any follow-up questions based
10 on the Judges' questions; and if so, how much time?

11 MS. LAWSON: I have one housekeeping matter, and then I've one
12 very short line of questions, probably five minutes or less.

13 PRESIDING JUDGE SMITH: Mr. Misetic.

14 MR. MISETIC: I would say at this point less than 30 minutes.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. EMMERSON: Closer to one hour.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MR. ROBERTS: Maximum of about 15 minutes, I think, Your Honour.

19 PRESIDING JUDGE SMITH: Mr. Ellis. [Microphone not activated].

20 MS. ALAGENDRA: Your Honour, I anticipate at the maximum two
21 hour.

22 PRESIDING JUDGE SMITH: All right. Thank you.

23 [Microphone not activated].

24 Yes, Madam Prosecutor. Your housekeeping matter, can it be
25 taken up in front of the witness?

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1 MS. LAWSON: It can be, but maybe I'll do it right at the lunch
2 break after the witness has left so as not to use the time we have
3 with him.

4 PRESIDING JUDGE SMITH: [Microphone not activated] ... your line
5 of questioning, I should say.

6 Further Re-examination by Ms. Lawson:

7 Q. Witness, so the example you discussed with the Judges of a zone
8 commander not following requests from the General Staff, it related
9 to Remi not withdrawing his soldiers from near the Prishtine-Podujeve
10 line in December 1998. And I just have a couple of additional
11 questions on that.

12 First, if I understood your evidence correctly, you only spoke
13 to the deputy commander in the Llap zone, Kadri Kastrati, about that;
14 is that right?

15 A. Yes.

16 Q. And you gave him certain advice in relation to it. You did not
17 yourself have or witness other contacts between the General Staff and
18 Remi or the Llap zone about this matter?

19 A. That's correct.

20 MS. LAWSON: Can we please bring up P00668. My apologies, it's
21 688. I called the wrong number.

22 Q. Now, this is a document that you were shown previously during
23 your testimony. It's dated 19 November 1998.

24 MS. LAWSON: If we just scroll down the page slightly so that
25 the witness can see it in Albanian, and then please go over to the

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1 next page.

2 Q. And we can see here a request that Serbian police withdraw from
3 certain checkpoints. Were you familiar with that effort to get
4 Serbian checkpoints withdrawn during this period of time?

5 A. I don't know if that was after the agreement, the cease-fire
6 agreement, unilateral one, to remove the checkpoints. I don't know.
7 As far as I remember, this was the one but I'm not sure.

8 Q. At number 7, there are certain locations in Llap listed -
9 Llapashtice, Lluzhan, Orllan, and Kerpimeh. Lluzhan is directly on
10 the Prishtine-Podujeve road. So here at the end of November 1998,
11 the General Staff itself is calling for Serbian police to withdraw
12 from points along that road; is that right?

13 A. Yes, the main roads, to secure free movement. That is, if they
14 had free movement, we have -- had to have free movement as well.

15 MS. LAWSON: And if we go to the next page of the document,
16 please.

17 Q. There, there's a warning that if Serbian checkpoints are not
18 withdrawn from these locations and carry on with their old ways, they
19 will be struck by KLA patrolling units.

20 Now, you've already confirmed in your prior statements - this is
21 Sainovic testimony at page 5988 - that during the period of the
22 cease-fire, there were some occasions when KLA units attacked Serbian
23 checkpoints where they were an obstacle to your movements; is that
24 right?

25 A. Yes, right.

1 MS. LAWSON: Thank you. No further questions.

2 PRESIDING JUDGE SMITH: Mr. Misetiç, it looks like you have just
3 about 30 minutes before the lunch break.

4 MR. MISETIC: Thank you, Mr. President. If I can just have one
5 minute.

6 If we could go to the first page of the document that's on the
7 screen, please. Sorry, page 2, please.

8 Further Cross-examination by Mr. Misetiç:

9 Q. And while we're doing that. Good afternoon, Mr. Zyrapi.

10 A. Good afternoon.

11 Q. Yes. And I just wanted to clarify here one point. This is a
12 request -- if you can look in the first paragraph, this is a request
13 to US KDOM; is that correct?

14 A. Yes.

15 Q. And so you're seeking the intervention of US KDOM. You're not
16 making a statement or demanding something directly from Serbian
17 forces; correct? Not you but whoever authored this. That's what I
18 mean.

19 A. Correct. This request went through KDOM and OSCE, not directly.

20 Q. Let me go through just a few points with you starting with some
21 questions that Judge Barthe asked you.

22 You were asked about who had the authority to replace a zone
23 commander. My follow-up question to you is, in actual fact, could,
24 for example, Azem Syla have replaced Commander Remi?

25 A. In what respect replace him? Because we have two meanings for

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1 replacement.

2 Q. Remove him from his position and put somebody else in.

3 A. Yes, the general commander, if the staff assess -- according to
4 staff assessments that person had to be removed, including the
5 assessment of the personnel commission, then he could remove the
6 person from the position.

7 Q. And now I'm asking you in -- not as a matter of theory, but as a
8 matter of reality, right, and in terms of what he actually could do,
9 could you or Mr. Sylja, for example, send in a military police unit to
10 arrest Commander Remi and remove him from his position?

11 A. If we consider the time then, and considering that the zone
12 commander had more authority in the zone than us as a staff, it was
13 difficult to conduct such an action. We could have considered to
14 take some action or measures at a later stage but not at the time.

15 Q. Let me ask the same question about Sylejman Selimi. Could
16 Azem Sylja replace, in reality, Sylejman Selimi?

17 A. You mean in the position of the zone commander or the general
18 commander of the KLA?

19 Q. Well, first I'm asking you if he, in reality, as a matter of *de*
20 *facto* ability, to replace Sylejman Selimi as the commander -- as the
21 zone commander?

22 A. Based on the competence, yes. But in reality, no, it was
23 difficult, because he had authority in that zone.

24 Q. Yes. And we've already gone over this, but *de facto* it was
25 Sylejman Selimi who replaced Azem Sylja; correct?

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1 A. Yes, the replacement of the general commander.

2 Q. Okay. Now, related to this, you were asked by Judge Barthe some
3 questions about the incident with Commander Remi on the
4 Prishtine-Podujeve line. And in answer to Judge Barthe, you said,
5 and I quote:

6 "... I was not in a position to take ... action" against Remi.

7 And my question to you is why weren't you in a position to take
8 action against Remi?

9 A. I could not take those actions because I did not have the
10 authority. He had a bigger authority in his zone. It was very
11 difficult to replace or make any changes regarding commanders in that
12 zone or that staff.

13 Q. Okay. You were asked by Judge Barthe some questions about
14 Mr. Thaci's role with the media, and you were asked whether you had
15 seen him speaking to journalists.

16 My first question to you is you recall the propaganda video that
17 you made and that we've gone over in your testimony; correct?

18 A. Yes.

19 Q. And that was prepared by Nuhi Bytyqi, the journalist
20 Nuhi Bytyqi?

21 A. Yes, that's correct.

22 Q. And the cameraman was Abaz Zeka?

23 A. Yes.

24 Q. And was Mr. Thaci present when this was being filmed?

25 A. From what I can remember, I think he was. I'm not certain,

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1 though.

2 Q. Let me see if I can refresh your recollection with what Mr. Nuhi
3 Bytyqi wrote in his book.

4 MR. MISETIC: And if we could have Exhibit P01264 on screen,
5 please. And in the English, if we could have page SPOE00128683, and
6 in Albanian it's the same. It's the section that starts -- sorry.
7 Sorry, it should be 683, the last three numbers, in English.

8 Now, the section that starts: "With Every Offensive of Serbian
9 Forces" -- if we could show the bottom of the page in Albanian. Yes.

10 Q. The second paragraph says:

11 "In Likoc, I met with Bislim Zyrapi, the chief of the KLA
12 Operative Staff. I had a conversation with him about the
13 developments in the war zones, after the offensives of the Serbian
14 forces. He had great military experience in Bosnia and now in
15 Kosovo. With his calm voice, he expressed the will and determination
16 of the brave young men and women of the KLA, to continue the war."

17 Then the next paragraph says:

18 "In Likoc, I met also a classmate of Hashim Thaci, Murat Haliti,
19 professor of history from Lubovec village of Skenderaj. In front of
20 the camera, Murat expressed his optimism that KLA war will lead to
21 victory. He called on the Albanian intellectuals to join and support
22 the KLA war. When Hashim heard Murat's call, said jokingly, 'My
23 friend, thank you for the call on intellectuals, but you are not
24 Rexhep Qosja.'"

25 Now, it would appear from the context that Mr. Thaci was also in

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1 Likoc at the time. Do you recall Mr. Thaci also being with
2 Mr. Nuhi Bytyqi when you were making the video?

3 A. Yes.

4 Q. So does that refresh your recollection that you did, in fact,
5 see Mr. Thaci with at least one journalist?

6 A. Not only with one journalist, Nuhi Bytyqi, but he met also with
7 foreign reporters. I was not in the proximity to know the content of
8 the conversations, though.

9 Q. Okay. Let's talk about, then, about the contacts with foreign
10 reporters.

11 MR. MILETIC: If we could please have on the screen DHT04056 to
12 DHT04059.

13 Q. And what I'm putting on the screen for you is a *New York Times*
14 article from 20 July 1998.

15 MR. MILETIC: And if we could go to page 2 in the English,
16 please. In both, please, sorry.

17 Q. Now, this is a report about the Rahovec offensive, and I'll read
18 the paragraph to you. It says:

19 "'This is the first step taken to intensify the quality of the
20 war from warfare against rural areas to the stage of moving against
21 urban areas,' said the ethnic Albanian commander of the attack, who
22 would give only his *nom de guerre*, Snake. He said the insurgents'
23 strategy was now to take over other cities and eventually to capture
24 the provincial capital, Pristina."

25 Now, first of all, would you agree that what is said there,

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1 based on what you've already testified about, there was no strategy
2 involved in the Rahovec offensive; correct?

3 A. Not only on the Rahovec offensive but even others, because units
4 were not operational to conduct this kind of operations. To prepare
5 an operation in villages, in particular in towns, it takes a lot of
6 time to prepare equipment, resources, units. One cannot just say
7 preparations are made and let's conduct an attack.

8 Q. Yes. And there was no plan to mount an attack on Prishtine, for
9 example; correct?

10 A. No, not at the time. We started developing a large-scale
11 operation, which is referred to as a strategic operation, was the
12 Arrow operation, with the forces that came also in support from
13 Albania, and then to lead up -- up to the moment of the air campaign
14 which liberated Kosovo. But until that time, we did not have the
15 capabilities to do that.

16 Q. Yes. So would you agree with me that this is part of Snake or
17 Mr. Thaci engaging in propaganda in the international press?

18 A. Most probably it is. Certainly it's propaganda because this in
19 reality was not the case, to have such preparations or such a
20 strategy.

21 MR. MISETIC: And if we go to a *Washington Post* article. If we
22 could go to DHT04053, please. *Washington Post* article of 6 August
23 1998.

24 And this is now after the Serbian offensives.

25 And if we go to the third paragraph, please, and have the

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1 English as well. Maybe I didn't call up the right -- sorry, in
2 English it's 055828.

3 Q. In the third paragraph of this story, it says:

4 "The new policy was forced by circumstances 'created on the
5 field,' said a commander who declined to reveal his name but said his
6 *nom de guerre* is 'Snake.' He accused security forces of trying to
7 'destroy everything in their way and displace as many civilians as
8 possible.'"

9 Do you see that?

10 A. Yes.

11 Q. And is this what you were referring to as part of Mr. Thaci's
12 job as being in the media department is to contact the international
13 press and put out the KLA and Kosovo Albanian side of the story; is
14 that correct?

15 A. Yes, this was his task. Not only to deal with the reporters
16 within Kosovo but also foreign reporters.

17 Q. Yes. And it was his job to draw attention, as we see in the
18 article, to the effect of the Serbian offensives and crimes on
19 Albanian civilians and towns; is that correct?

20 A. Yes.

21 MR. MISETIC: Mr. President, I tender the two articles into
22 evidence.

23 PRESIDING JUDGE SMITH: Any objection?

24 MS. LAWSON: No.

25 PRESIDING JUDGE SMITH: DHT04056 to DHT04059 is admitted.

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1 THE COURT OFFICER: Thank you, Your Honours. DHT04056 to
2 DHT04059 in English and its corresponding Albanian, which is DHT04056
3 to DHT04060-AT, will be assigned Exhibit 1D00170, currently
4 classified as public.

5 PRESIDING JUDGE SMITH: And DHT04053, is that the correct call
6 on that one? You then --

7 MR. MISETIC: That was the Albanian version. And then --

8 PRESIDING JUDGE SMITH: And then also there's 055828.

9 MR. MISETIC: Yes.

10 PRESIDING JUDGE SMITH: Is admitted.

11 THE COURT OFFICER: And will be assigned Exhibit 1D00171,
12 currently classified as public. Thank you, Your Honours.

13 MR. MISETIC: Thank you.

14 Q. I'd like to turn now to Judge Mettraux's questions. Actually,
15 let me stick with Judge Barthe's questions for one minute.

16 You were asked about the relationship between Adem Demaci and
17 Mr. Thaci. Do you recall those questions?

18 A. Yes.

19 Q. Now, were you aware -- and you did participate in the process of
20 replacing Azem Syla with Sylejman Selimi. Were you aware of
21 Adem Demaci's opposition to the Rambouillet agreement?

22 A. Yes.

23 Q. And were you aware that at one point Mr. Thaci had to fly to
24 Ljubljana to meet with Adem Demaci to try to get his consent to the
25 KLA agreeing to the Rambouillet agreement?

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1 A. I don't know about him going to Ljubljana because I was not
2 close to him. But I do know that Adem Demaci was at the time in
3 Slovenia.

4 Q. Okay. You're not familiar with the fact that Mr. Thaci flew to
5 see him?

6 A. I'm not.

7 Q. Okay. Then I will move on. Turning to Judge Mettraux's
8 questions. I'd like to first turn to Mr. Krasniqi's book. And --
9 just one second, please.

10 MR. MISETIC: Sorry, the manuscript. It is P01138 at page
11 SPOE00231430, please. If we scroll down, I believe, in the English.
12 Yes.

13 Q. You'll see there -- you were posed some questions by
14 Judge Mettraux about Mr. Krasniqi allegedly writing in his -- in a
15 manuscript that these were the members of the General Staff of the
16 KLA in June 1998.

17 MR. MISETIC: If we could scroll down, please, further, and
18 perhaps go to the next page. If we go to the next page, please.

19 Q. And you see things like that in June there was already, for
20 example, I think you've said, an inspector general, and you've said
21 that that position, as far as you know, didn't exist at the time;
22 correct?

23 A. That's correct.

24 Q. And the paragraph underneath the listing of the names says as
25 follows:

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1 "Members of the Political Directorate were Hashim Thaci,
2 Jakup Krasniqi, Kadri Veseli and Xhavit Haliti and others: later
3 Bardhyl Mahmuti was appointed to deal with matters outside Kosovo."

4 Do you see that?

5 A. Yes, I do.

6 Q. Was there a political directorate of the KLA General Staff in
7 June 1998 as far as you know?

8 A. I explained this before. There wasn't a inspector general nor a
9 political directorate at the time or, as it says here, the head of
10 the civil authority directorate. There wasn't one. If there was
11 one, I was not aware of its existence.

12 Q. The manuscript has a footnote there for this proposition. It's
13 footnote 17.

14 MR. MISETIC: And if we could scroll to the bottom of the page,
15 please, to see what is cited here to support that proposition.

16 Q. It says the evidence of that can be found in "Statement No. 6 by
17 KLA General Staff." Do you see that?

18 A. Yes, I do.

19 MR. MISETIC: I would like to pull up Political Declaration
20 No. 6, which is P291, please. And if we can blow up the bottom
21 left-hand corner, please. Yes.

22 Q. Now, I'm not going to ask you to read through the whole -- if
23 you wish, you can read through the whole thing, Witness, Mr. Zyrapi.
24 But it's dated, first of all, 31 July 1998 in the bottom left-hand
25 corner, so it's not even from June. And, secondly, you can look

1 through it, and I'll ask you: Do you see anything in this document
2 discussing the formation of a political directorate or who its
3 members were?

4 A. No.

5 Q. Okay.

6 MR. MISETIĆ: Turning to Mr. Krasniqi's book. And if we could
7 have Exhibit P01277 on the screen, please.

8 Q. This was put to you by Judge Mettraux.

9 MR. MISETIĆ: And if we could have on the screen U015-8835,
10 please. Now if we scroll up, please. Thank you.

11 Q. Now, Judge Mettraux showed you this portion that says:

12 "The structure of the KLA [General Staff] at this time looked
13 like this ..."

14 And he told you that this is from the summer of 1998, and you
15 said that this is not a structure that existed in the summer of 1998;
16 is that correct?

17 A. Yes, that's correct.

18 Q. It says again: "The structure of the KLA [General Staff] at
19 this time ..."

20 MR. MISETIĆ: We have to turn the page back one to see what time
21 Mr. Krasniqi is talking about here. And if we can go to the very
22 bottom.

23 Q. And the last few sentences before that say as follows:

24 "The important decisions to create different sections,
25 professionalise politically and militarily the [General Staff] and

1 the Kosovo Liberation Army were made in Klecka. CNN, BBC and other
2 media reported from Klecka to the world public the news about the
3 disclosure of the names of the KLA leadership to the public.
4 Important diplomatic meetings with the US KDOM ... were held in
5 Dragobil. From that moment on the KLA [General Staff] organisation
6 mirrored the organisation of regular armies, always adjusting to the
7 circumstances of our war, of course."

8 And then you get to the next passage that says:

9 "The structure of the KLA [General Staff] at that time was ..."

10 Now, US KDOM, do you recall, only came to Kosovo in the middle
11 of October; correct?

12 A. Yes, that's clear. This -- these directorates started being
13 formed from November, but they were not there before.

14 Q. Right. But all I'm saying to you is that do you agree with me
15 that what the passage says actually -- or suggests, the time period
16 it's talking about is the time period after US KDOM came into Kosovo,
17 which would be at least middle of October 1998; correct?

18 A. Correct.

19 MR. MISETIC: Mr. President, I see the time. I have maybe ten
20 minutes after the break.

21 PRESIDING JUDGE SMITH: I was just about to ask you if you could
22 finish by now, but ten minutes is probably a little bit too much. So
23 that's fine. No problem.

24 MR. MISETIC: Okay.

25 PRESIDING JUDGE SMITH: Witness, it's time for the lunch break

1 now. Please remember not to speak to anyone about your testimony.

2 [The witness stands down]

3 MR. ELLIS: Your Honour, we're now better cited on what the time
4 estimates are, and I would repeat our request that we be allowed to
5 start our further cross-examination tomorrow morning.

6 PRESIDING JUDGE SMITH: We'll just have to see how it goes. We
7 have -- Mr. Emmerson's got an hour; and Mr. Roberts, 15 minutes. I
8 will expect you to start as soon as they're finished, so you'll have
9 overnight to prepare part of it then, but we want to get started. We
10 have to use every minute we have.

11 MR. ELLIS: Well, I can say that we would -- even if we were to
12 start at 9.00 a.m., we would still be finished by 11.00. We've said
13 two hours.

14 PRESIDING JUDGE SMITH: I understand that, but we are going to
15 go through the process just as we have. You will have your questions
16 today. If you go into tomorrow, that's fine also. But we're not
17 going to just stop to allow preparation. All right?

18 [Microphone not activated].

19 JUDGE METTRAUX: Thank you.

20 And, Mr. Misetic, to the extent you can assist so that we
21 understand what your case is, are you suggesting that the composition
22 of the General Staff we now have on the screen is a reflection of
23 what existed between the middle of October 1998 and before the
24 restructuring on 12 November 1998? So that I'm clear about what you
25 are saying.

1 MR. MISETIC: No. The only thing I was suggesting is that you
2 were incorrect in suggesting that this was in the summer of 1998.
3 But we don't adopt anything in Mr. Krasniqi's book, just so we're
4 clear.

5 JUDGE METTRAUX: So you're not saying that it reflects the
6 composition of the General Staff at any point in time?

7 MR. MISETIC: Again, all I can say is the sole purpose is to
8 show that the proposition that was put to the witness that I made the
9 objection on, you told me to put it in recross, and I've now put it
10 to the witness in recross. But our positions on the composition are
11 with respect to our client and his role, and the Prosecution has the
12 burden of proving its case.

13 JUDGE METTRAUX: Thank you.

14 PRESIDING JUDGE SMITH: All right. We're adjourned until 2.30.

15 --- Luncheon recess taken at 1.04 p.m.

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

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

19 MS. LAWSON: Your Honour, while this is happening, I could do
20 the housekeeping matter.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MS. LAWSON: So I read an incorrect page number when tendering
23 an item. This relates to Exhibit P01449. I read the ERN ending 9449
24 into the record. And, in fact, the page that was shown to the
25 witness and commented on was page 9451. So my request is for page

1 SPOE00209451 to please be added to that exhibit number, and page 9449
2 removed from it. Thank you.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: Any objection?

5 MR. MISETIC: Mr. President, if we could just have until the
6 next break to just take a look and then we'll let you know the
7 beginning of the next session, after 3.30.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 Mr. Zyrapi, we are going to come to one more round of questions
10 from the lawyers.

11 We start with -- we start with -- they're duelling for it.
12 Mr. Misetiç will be next.

13 MR. MISETIC: Thank you.

14 Q. Mr. Zyrapi, you will be glad to hear this is the last of me,
15 hopefully. Let me just change topics for one minute. And going back
16 to a question that Judge Barthe asked you yesterday about the case of
17 Mr. Desku and Mr. Kastrati.

18 You told Judge Barthe that you brought up that case at a meeting
19 after their release. Do you recall that testimony?

20 A. Yes, I remember that I found out about them after their release,
21 but not that I raised it as an issue.

22 Q. And Judge Barthe informed you, at transcript page 18375, that
23 they were released on 27 November 1998. Do you recall that?

24 A. Yes.

25 Q. Now, earlier under cross-examination, you testified that

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1 Mr. Thaci was not in Kosovo -- or you did not see Mr. Thaci in Kosovo
2 from mid-November until sometime in March 1999. Do you recall that?

3 A. Yes, I recall that.

4 Q. So is it correct then at this meeting where the case of
5 Mr. Desku and Mr. Kastrati was discussed, since it must have been on
6 or after 27 November, that Mr. Thaci could not have been present at
7 such a meeting?

8 A. That's correct. He wasn't.

9 Q. Okay. Thank you. Going back to Judge Mettraux's questions.

10 You were asked several questions about experienced commanders
11 and the effects of inexperienced people in command and how that might
12 affect the command structure. My first question -- and the first of
13 those questions concerned the issue of coordination and command. Do
14 you recall those questions from Judge Mettraux?

15 A. I do.

16 Q. Now, is it correct that -- well, let me rephrase. Just because
17 you can coordinate, would you agree, doesn't mean that you are in --
18 you have effective control over the people you are coordinating?

19 A. From a military perspective, coordination is part of control
20 when we speak about operations, of the operational part, because you
21 coordinate the work and activity. That's coordination.

22 Q. Yes. But to use an example and we'll go back to the Podujeve
23 line example. You tried to coordinate the work of, for example, the
24 Llap zone and the forces there, but your ability to coordinate that
25 in -- factually, *de facto*, depended on Commander Remi's cooperation

1 with you, his voluntary cooperation to be coordinated; is that
2 correct?

3 A. Yes, there is such part as well.

4 Q. And I've asked you several times already about whether you or
5 Azem Sylja had the ability to arrest a zone commander if they
6 disobeyed an order, and I believe your answer was you did not have
7 the actual ability to do that.

8 So is it correct then that if you're coordinating the work of
9 the zone commanders, you necessarily could only do that by their
10 voluntary consent; is that correct?

11 A. I mentioned that we did not have the opportunity to replace or
12 remove a zone commander in this case because he had a large
13 authority. So in this respect, yes.

14 Q. Yes. So if your coordination ability depends on the consent of
15 the people you are coordinating, from a military perspective, would
16 you agree that you don't have effective control over them?

17 A. That's correct. It was not an actual control. It was more
18 based on the consent of the zone commander. The implementation, that
19 is.

20 Q. Now, you were asked about using experienced -- and
21 Judge Mettraux took you specifically to the issue of whether there
22 were experienced people in the General Staff itself. So my first
23 question to you is we've now seen Exhibit 1D66 several times, which
24 is the FARK-KLA agreement. And in that annex, signed on 2 November,
25 Agim Ceku was supposed to become the new overall commander of the

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1 KLA; correct?

2 A. Yes, correct.

3 Q. Agim Ceku was both a former JNA officer and was an officer in
4 the Croatian army at the time that this was signed; correct?

5 A. Yes, correct.

6 Q. Am I correct in understanding that giving him the title of
7 overall commander meant that what was intended was that he would
8 replace Azem Sylja?

9 A. Yes, correct.

10 Q. Now, in terms of Mr. Ceku's specific case, is it correct that
11 the only reason he didn't take over was because he was an active-duty
12 Croatian army officer and had not obtained permission from the
13 Croatian army to be discussing this with the KLA; is that correct?

14 A. That's correct. I explained it when I spoke about the reasons
15 for his late arrival, because he was an active military officer at
16 the time and had to demobilise first from that army.

17 Q. Now, as far as you know, did Agim Ceku have any political
18 affiliations, for example, with the LPK?

19 A. I don't know.

20 Q. Now, Judge Mettraux asked you the following question, and I'll
21 read it back. It's page 15 of today's transcript, line 13.

22 Judge Mettraux asked you:

23 "My question is this: If you put people without military
24 experience in charge of a military organisation, is there a risk of
25 this organisation not functioning properly as it should have?"

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1 And your answer was:

2 "Yes, that risk exists too, of course, but we had no other
3 choice. We had to manage and go forward with what we had."

4 And I would just like you to explain that answer. What did you
5 mean when you said you had no other choice and you had to manage and
6 go forward with what you had?

7 A. If you followed my testimony from the beginning, how the
8 structure developed, that is correct. We attempted to bring military
9 officers to the staff but were not successful. And those who were
10 brought later on and took those positions, we could move forward, to
11 the extent that their contribution allowed us to move forward.

12 Q. Does that mean that you didn't actually have enough former
13 officers to put in the General Staff?

14 A. Yes, correct. We didn't have enough.

15 Q. And is it correct that you prioritised putting experienced
16 officers in the field to actually command forces in the field?

17 A. Those who came, who entered Kosovo and were available, they were
18 already in the zones and in lower units where there was need for
19 those units to become stronger. Because once the units at a level of
20 a brigade or zone are stronger, then it's easier for the staff as
21 well to lead.

22 Q. Thank you. My final topic is some questions that Judge Mettraux
23 asked you beginning at page 42, and it concerns your order from
24 November 1998, 1D0029. You recall that order about -- dealing with
25 how people should treat civilians, et cetera?

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1 A. Yes.

2 Q. And Judge Mettraux asked you the following question. He said --
3 first he asked you:

4 "... whose responsibility was it to ensure that this order of
5 yours was complied with?"

6 And your answer was:

7 "... zone commanders."

8 And then he said:

9 "And whose responsibility was it to ensure that the zone
10 commanders abided by your order?"

11 And your answer was:

12 "Of course, it's the responsibility of the staff to have under
13 its control their implementation to the extent possible at the time,
14 to what they heard about the order."

15 And then he said:

16 "And when you say 'staff,' you mean the General Staff; correct?"

17 And you said:

18 "Yes."

19 Do you recall those answers?

20 A. Yes.

21 Q. Now, you issued the order, not the General Staff. Correct?

22 A. Not the individual but the General Staff, because he was in
23 coordination with the General Staff.

24 Q. Okay.

25 MR. MISETIC: If we could put that on the screen then, please,

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1 1D29.

2 JUDGE METTRAUX: I think, Mr. Misetiç, it's also P884, in case
3 it's easier to find.

4 MR. MISETIC: That's fine. If we scroll to the bottom right.

5 Q. It's issued by you as the chief of the staff; correct?

6 A. Yes, correct.

7 Q. Okay. So we've already discussed that in terms of when we talk
8 about implementation of this order, at this time, am I correct, and I
9 think you've said this multiple times now, in terms of ensuring zone
10 commanders comply with this, you have no ability to actually arrest a
11 zone commander; is that correct?

12 A. That's correct.

13 Q. Okay. So tell us how or what means you would have had to ensure
14 that zone commanders comply with this order?

15 A. First of all, with -- this order was aimed at taking
16 disciplinary measures in their respective zones, because the
17 commanders of the zones themselves complained about such occurrences,
18 so there had to be an order of this nature.

19 Q. Yes. But I'll give you a hypothetical, just a hypothetical.
20 Assume Commander Remi received this order and said, "Mr. Zyrapi, I
21 don't care about your order. I'm not going to implement it." What
22 tools do you have to ensure that he does even if it's against his
23 will?

24 A. Nothing. I would have nothing in my hands.

25 Q. Thank you.

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Further Cross-examination by Mr. Emmerson

1 MR. MISETIC: I have nothing further.

2 PRESIDING JUDGE SMITH: Mr. Emmerson.

3 Further Cross-examination by Mr. Emmerson:

4 Q. So I have five topics I want to cover with you, Mr. Zyrapi.
5 First of all, you were asked a number of questions by Judge Barthe
6 and Judge Gaynor concerning the process that took place between
7 beginning September 1998 and the end of October 1998, leading up to
8 the signing of the -- what I call the FARK agreement in Tirana on
9 31 October, including questions about communications between Tirana
10 and Istanbul, for example, and between Tirana and Kosovo.

11 Can I just make sure we have the date parameters clear, first of
12 all. You told me in answer to questions on 8 July, this is page
13 17 -- sorry, I'll start again. 17795 on the transcript. That you
14 left Kosovo with that process, amongst others, to be conducted
15 outside of Kosovo at the beginning of September, and that the
16 document, you said later, was signed on 31 October.

17 Those date parameters are correct, are they?

18 A. On 21 October was the document signed? No, that's not true.

19 Q. No, 31 October.

20 A. On 31 October, negotiations were completed. The negotiations
21 between the two parties. And the signing itself occurred two or
22 three days later. As far as I remember, it was 2 May.

23 Q. 2 May? You mean 2 November? Are we --

24 A. I misspoke, 2 November. I apologise.

25 Q. That's helpful. Because obviously the document itself, we've

1 seen it many times, I won't bring it up, contains both the date of
2 31 October as the date on which agreement was reached, and then I
3 think the 3rd or 2nd -- 2nd November, against a location of
4 Prishtine, as the date on which it was signed. But you've explained
5 in evidence to Judge Barthe that all of the negotiations up to and
6 including the signature, in fact, took place in Tirana. That's
7 correctly understood, is it?

8 A. Yes, the conclusion of the negotiations and the signature
9 occurred in Tirana.

10 Q. And then you returned -- you said in answer to questions from
11 me. I asked you, same passage, you returned to Kosovo in early
12 November, and you replied: "Mid-November." Is that also correct?

13 A. Mid-November.

14 Q. Can we be a bit more precise about the mid-November date,
15 because we know that from the documents we've seen, and I took you
16 through them, that the restructuring process -- the first date for
17 the restructuring process that happened after you returned was 12
18 November. So presumably you must have been back by 12 November?

19 A. On the 10th, 11th, yes, because we stayed in Lubizhde village
20 because of the encirclement by the Serb forces. We had to hide in
21 the mountains to avoid any consequences for us and for the
22 population. So this means that I probably entered Kosovo on the 10th
23 or 11th.

24 Q. And you entered with the document and with Mr. Veseli; is that
25 right?

1 A. We entered together with Mr. Veseli.

2 Q. And we know that on the 19th, because you've seen the passport,
3 of November, Mr. Veseli was already back outside Kosovo because he
4 took a flight from Tirana, from Rinas airport; correct? You saw that
5 when I showed you the passport.

6 A. Yes, it is correct. We entered Kosovo together. He reported
7 within the staff on the negotiations and went back to Albania. Now,
8 I don't remember the exact dates, but approximately these were the
9 dates when we entered Kosovo. As I said, I remember it could be 10th
10 or 11th. Because when we were encircled in that village, that was on
11 the 8th or 9th, so we stayed there for two or three days. These are
12 the approximate dates when we entered Kosovo and when we started with
13 the restructuring of the General Staff of the KLA.

14 Q. And I'm also right, am I, in thinking that at the beginning of
15 September when you left with that object in mind, you left with
16 Mr. Veseli. You travelled to Albania with Mr. Veseli, is that
17 correct, correctly understood, when you left at the beginning of
18 September?

19 A. No, I was not together with Mr. Veseli because I travelled with
20 Agim Kuqi and some soldiers, some wounded. We travelled together to
21 Albania. I didn't have any other member of the staff with me.

22 Q. Very well. But you did meet with Mr. Veseli in Albania, in
23 Tirana, when you arrived, I think?

24 A. Afterwards, not immediately. Because upon my arrival in Tirana,
25 I think I stayed there for a day or two and then left immediately for

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1 the West. And after I returned from the Western countries to begin
2 the negotiations with the Bukoshi government, I was called by
3 Mr. Veseli to go to Tirana and start the negotiations.

4 Q. Exactly so. So -- that was going to be my question, because you
5 were being asked about telephone calls between yourself and Azem Sylja
6 when you were in Istanbul, the Istanbul phase of the discussions.
7 But there was also telephone communication between Mr. Veseli in
8 Tirana and yourself when you were in the Western countries on other
9 business, wasn't there?

10 A. Yes, one phone call to leave for Tirana to start the
11 negotiations. That was all. I didn't have any other contact.

12 Q. Very well. But whilst you're in Tirana, neither you nor --
13 well, let me put it to you first. You've told the Judges that you
14 were not in communication with anybody inside Kosovo; is that right?

15 A. Yes, that's right.

16 Q. And the reason for that, I think you implied, if not expressly
17 stated, but the reason for that would be security; is that correct?
18 Because your phone calls could be intercepted.

19 A. One of the main reasons was security, to avoid interception, but
20 also communication itself. I wasn't able to communicate. The
21 general commander was there, and I had the clear task to negotiate
22 with the Bukoshi government, and I was orientated towards that task
23 at the time.

24 Q. You see, you've been asked, well, did Mr. Veseli give you an
25 update on the situation on the ground inside Kosovo whilst the two of

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1 you were in the negotiations with the Bukoshi government, and you
2 said that he did not.

3 Are you able to help us? I'm going to put it to you
4 specifically that Mr. Veseli was not in telephone communication with
5 Kosovo in the same way that you were not in telephone communication
6 with Kosovo for security reasons, fundamentally.

7 A. That's correct. I'm speaking only about the period where he was
8 next to me. At that time we did not speak. None of us spoke with
9 Kosovo. From Istanbul, we had contact with the general commander
10 Azem Sylja, but this was not discussed with others.

11 Q. But you do know, don't you, that Mr. Veseli was in Tirana from
12 the beginning, apart from trips outside; that he was not in Kosovo
13 from early September and the start of those negotiations?

14 A. I know that he left, too, but I don't know when, early or mid or
15 -- but probably afterwards. When we met it was October. I don't
16 know the date when he left.

17 Q. Because the process, you said, leading up to the negotiations
18 with the final solution, so to speak, of the negotiations had been
19 being conducted inside Tirana prior to your arrival to set up -- the
20 negotiations had been set up over quite a considerable period of
21 weeks. You said the negotiations began in early September. Correct?

22 A. The negotiations began even before that. There were many
23 negotiations and discussions going on even earlier. When I arrived,
24 I was within the process. Certain things had to be precisely
25 defined. And then the negotiations were concluded and the agreement

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1 was signed.

2 Q. Because, again, to be clear about this, it was Mr. Veseli was
3 involved in those process of negotiations that led up to his
4 telephone call to you to say, The negotiations have reached a point
5 where you need to be back here and taking part; is that correct?

6 A. Yes.

7 Q. Now, as I said, we talked about the November stamp, but we also
8 have, and you saw it during cross-examination, a 10 September stamp
9 showing Mr. Veseli in Albania leaving, although it doesn't say where
10 to at that point. But I'm going to put it to you that although you
11 don't know the precise date he arrived in Tirana, it must have been
12 before the 10th. You accept that?

13 MS. LAWSON: Your Honour, this isn't a question the witness can
14 answer.

15 MR. EMMERSON: Let me put it another way.

16 Q. Do you have any evidence or reason to dispute that proposition,
17 because it's a ...

18 A. No, because I don't know.

19 Q. Very well.

20 A. If he has a passport and a stamp on it, I cannot dispute that.

21 Q. I'll turn to a second topic. And you've touched upon this both
22 in answer to questions from Judge Barthe, and I think some further
23 questions from Mr. Misetic, concerning those incidents where zone
24 commanders either took military action in contradiction to the
25 instructions they had been given or took military action without

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1 seeking approval in advance, and there was some discussion about the
2 incident with Commander Remi. You gave a couple of other examples as
3 well. And you used various different terms to describe the nature of
4 the relationship that you, as chief of staff, had with the zone
5 commanders in the event that they wouldn't do what you wanted them to
6 do or would do what you didn't want them to do, either way. Do you
7 remember those questions?

8 A. There were many questions.

9 Q. Yes.

10 A. Can you please --

11 Q. Exactly.

12 A. -- narrow it down.

13 Q. No -- well, I'm locating you in the lines of questioning at the
14 moment. You used the expression "some sort of an advice." You also
15 described it as an order. You said the zone commander had the right
16 to make decisions on his own. And you could make requests, but if
17 they didn't accord with the intentions of the zone commander, they
18 were effectively free to disregard them and did so. Is that correct?

19 A. Yes, that's correct.

20 Q. I mean, in real terms, not in name, but in real terms, who is
21 the senior subordinate in that relationship when you can't impose
22 your will and your request can be ignored? Who is the senior
23 subordinate? I mean, on paper, clearly the zone commander is
24 subordinate to the chief of staff. But in practical terms, it's
25 other way around, isn't it?

1 A. First of all, the commander is not the subordinate of the chief
2 of staff but of the general commander in this structure.

3 Q. Very well.

4 A. Secondly, with respect to your question, we have to bear in mind
5 we're not talking about a regular professional army. We're talking
6 about an army that was born out of the people. We're talking about
7 commanders who took the authority -- had this authority before they
8 organised. They had authority in that zone within those units, so
9 they could not receive orders or impose our orders on them from the
10 General Staff.

11 This is why we could have had issues and contradictions and
12 problems amongst us.

13 Q. As Judge Barthe put it to you -- asked you whether it was a
14 problem that zone commanders would act or refuse to act based on
15 their own decision, you replied simply "yes," it was a problem.

16 But you also said that it was a problem that went on right
17 through to the end of the war; is that correct?

18 A. Yes, certainly.

19 Q. It wasn't just a problem in 1998 but a problem that went right
20 the way through?

21 A. We were always careful with these problems.

22 Q. Well, see, we've heard evidence that Commander Drini defied
23 orders emanating from the General Staff not to enter Prizren on
24 12 June 1999, so towards the very final days of the fighting. That
25 Commander Drini took a contingent of soldiers into Prizren contrary

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1 to instructions. Can you help us at all about that?

2 A. First of all, I was not inside the territory to know this.
3 Secondly, there was an order, I don't know who it emanated from, but
4 it's known that during the preparations for the Arrow operations,
5 tasks were distributed for both those from outside the country and
6 those inside the country. Drini had the order to be with the units
7 in the Kabashi mountains with the Brigade 125 to go in the direction
8 of Prizren, and the operation from the direction of Pashtrik from
9 outside to go in the direction of Prizren.

10 So he had clear instruction to go in the direction of Prizren.
11 I do not know if he had another task from the commander or at that
12 time the chief of staff. I am not aware of that. I cannot say one
13 way or another. I do know what was his task before the Arrow
14 operation.

15 Q. I think you mentioned earlier on that you had -- were aware of
16 *[REDACTED] Pursuant to In Court Redaction Order F2454RED.*

17 MR. EMMERSON: Oh, I think we may need to go into private
18 session.

19 Would Your Honours give me a moment.

20 [Specialist Counsel confer]

21 MR. EMMERSON: [Microphone not activated].

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. EMMERSON: May we go into private session for this short
24 question and answer.

25 PRESIDING JUDGE SMITH: Into private session, please.

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1 [Private session]

2 [Private session text removed]

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1 [Private session text removed]

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1 [Private session text removed]

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9 [Open session]

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

11 Thank you.

12 PRESIDING JUDGE SMITH: Thank you.

13 Go ahead, Mr. Emmerson.

14 MR. EMMERSON:

15 Q. Now, when you were being asked questions by Judge Mettraux, you
16 were taken to a passage in the manuscript document that was prepared
17 -- or is said to have been found at Jakup Krasniqi's home and to have
18 been authored by him and to reference to the minutes of a meeting of
19 the KLA General Staff on 23 July. And if you remember, you told us a
20 little earlier that that wasn't a meeting that you had attended
21 because you were engaged in fighting at the time.

22 You remember that series of questions and answers?

23 A. Yes, I do.

24 Q. And it was put to you were you -- based on Mr. Krasniqi's text
25 and footnotes, Judge Mettraux put it to you:

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1 "And were you aware that in July 1998, from that manuscript it
2 suggests that the 23rd, the provisional regulations for intelligence
3 subunits in war were adopted? Were you aware of that?"

4 And you said that you were not.

5 I want to ask if you ever looked at those regulations and just
6 ask you to help us with them to some degree.

7 MR. EMMERSON: First of all, if I could just ask to call up the
8 cover -- or the first front sheet. We should have them as 086960 to
9 086972-ET. And as far as I can see, the same number -- no, the
10 Albanian -- I apologise. It is the same numbering.

11 Q. I'm going to ask you about this in a series of other --

12 JUDGE METTRAUX: Mr. Emmerson, you introduce your question by
13 saying:

14 "I want to ask if you ever looked at those regulations ..."

15 Have you asked the witness whether he did?

16 MR. EMMERSON: No, no, I want to ask him by reference of looking
17 at them because they haven't been brought up yet.

18 JUDGE METTRAUX: I had understood you to wish to ask him first
19 if he had looked at those regulations.

20 MR. EMMERSON: Yes, well, I'm happy to do that, but I was going
21 to do so by reference to the appearance of them.

22 Q. But did you ever see those regulations at any time subsequently?

23 A. No.

24 Q. Can you just help us, please, with some of the matters that are
25 raised in those documents? Because we have two different

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1 translations --

2 MS. LAWSON: Beyond the scope.

3 MR. EMMERSON: I'm sorry, I don't see how it's possibly beyond
4 the scope when the question was asked whether or not these
5 regulations --

6 PRESIDING JUDGE SMITH: Well, it is -- it may not be beyond the
7 scope, but the witness has said he's never seen it before. He
8 doesn't know anything about it.

9 JUDGE METTRAUX: And my only question is if he knew whether they
10 had been adopted on that date.

11 MR. EMMERSON: Very well. So what I would like to do, but if
12 you think it's beyond the scope, I won't, is to explore whether these
13 are, in fact, intelligence or reconnaissance regulations, whether the
14 translation is correct, because obviously that's part of the question
15 and answer, and indeed the content, which, if one looks at it,
16 there's no reference to collaborators. It's purely a reconnaissance
17 recommendation document about the use of reconnaissance units in --

18 PRESIDING JUDGE SMITH: [Microphone not activated] ... some quick
19 questions about that, that's fine. But he's already said he hasn't
20 seen it before and doesn't know anything about it.

21 MR. EMMERSON: Well, perhaps if I could put it this way.

22 Q. Do you know about the -- during the time that you were in Kosovo
23 engaged in active combat activities, do you know that there was
24 guidance in circulation prescribing intelligence reconnaissance of
25 the battlefield? In other words, how soldiers should conduct

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1 reconnaissance during armed engagements.

2 A. First of all, the reconnaissance unit is a different thing and
3 intelligence is a different one. I did not see any regulations
4 defining these. But there are reconnaissance units during combat
5 operations who observe the terrain, the enemy, who conduct
6 reconnaissance missions. The observation can be done by any ordinary
7 soldiers at the front line.

8 Q. Can I --

9 A. So to make a difference between reconnaissance and observation,
10 I haven't seen any regulation in this regard. Perhaps they were
11 prepared or drafted, but I haven't seen them.

12 Q. Then can I ask you this, whether -- I want to take you to the
13 page dealing with the duties of the service that's being described.

14 MS. LAWSON: Scope and foundation.

15 PRESIDING JUDGE SMITH: Sustained.

16 MR. EMMERSON: Yes. It -- this is a reconnaissance document,
17 not an intelligence document, and it's important ...

18 PRESIDING JUDGE SMITH: That's what -- the objection is
19 sustained.

20 MR. EMMERSON: Very well.

21 PRESIDING JUDGE SMITH: You can't get to that. You're way too
22 far removed. He's said he doesn't know anything about it. He's said
23 he's never seen such a regulation. I don't think this witness wants
24 to answer this question. [Microphone not activated].

25 MR. EMMERSON: Very well. Let me move on to another set of

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1 regulations that you definitely have seen and given evidence about
2 then, if I may.

3 The Rules of Organising Internal Life in the Army, P8. Could we
4 please bring that document up.

5 Q. Now, I'm going to suggest to you, Mr. Zyrapi, that you gave
6 evidence both in the Milutinovic trial and in the Haradinaj trial
7 that this was a -- and I'm reading from your transcript in Haradinaj:

8 "This was a provisional document that organised the life of the
9 army, yes, and it was compiled by the end of 1998, and then it was
10 sent to units on the ground."

11 And that was confirming, first of all, your testimony in
12 Milutinovic at page 5945, line 15, and then your testimony in
13 Haradinaj at page 3378.

14 What I wanted to ask you about -- this is the series of
15 regulations that Judge Gaynor asked you about concerning military
16 police and the role of the military police is the questions that were
17 -- very final series of questions that were put to you by
18 Judge Gaynor.

19 Can you help us? Were you involved in the drafting of this
20 document?

21 A. First of all, this provisional document was drafted at the end
22 of 1998, at the beginning of the restructuring of the army and the
23 staff. This is a translation of documents from Western armies. I
24 participated in some of it. Some other parts were translated by
25 Agim Ceku, some were translated by us, and we prepared this

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1 regulation.

2 Q. So can we be clear. This is not -- anything we read in these
3 regulations, have I correctly understood your testimony, is not a
4 description at all of what was happening? It is a proscription drawn
5 from rules of other armies about what should happen; is that correct?

6 A. I have explained this repeatedly. These are regulations that
7 describe duties and responsibilities of the staff at the time and
8 various directorates. These are basic regulations. They are
9 incomplete. Because for them to be complete, if we take one
10 regulation for one directorate, it would consist of not only to 100
11 pages but there would be three, four different regulations. There
12 would be one for tasks and duties, another one for responsibilities,
13 another one for positions, functions of the officials inside the
14 structure, up to the typer. So this would have required a lot of
15 documents. We didn't have time to prepare all this.

16 Q. Understood. But pausing there for a second. If these were
17 cut-and-paste from Western armies, they cannot have been a
18 description of the existing practices, can they? They weren't a
19 description of what was actually happening at the time that they were
20 drafted. They were a proscription about what should happen in the
21 future. Clearly.

22 A. I explained this very clearly. We received these, we took these
23 from Western armies, translated it with the purpose of using it. So
24 this started with a restructuring process from November onwards.

25 Q. Yes.

1 A. There was -- this was the idea. It was not a real occurrence,
2 but it was the idea to proceed in this manner.

3 Q. Yes. Were these regulations ever, in fact, observed and put
4 into practice, ever, during the conflict?

5 A. This regulation, when it was prepared, it was distributed to the
6 General Staff, to the directorates. We distributed it to the zones
7 as well. Now, it depended on how fast and to what extent could it be
8 used.

9 Q. Yes. My question wasn't --

10 A. But usually it was used.

11 Q. My question is -- wasn't was it distributed. I'm saying are you
12 suggesting these regulations were implemented on the ground?

13 MS. LAWSON: That was answered.

14 PRESIDING JUDGE SMITH: He answered and said it was used.

15 MR. EMMERSON: Well, then, let me just see if we can look at
16 some of the detail then, please.

17 Q. Chapter V is headed "Relations between soldiers."

18 MR. EMMERSON: It's page -- in the English translation, it is --
19 it's page 5 on the bottom right, and it's page 5 on the bottom right
20 in the Albanian as well.

21 Q. I'm just going to take you to one example of why I'm going to
22 suggest that that description cannot be correct.

23 MR. EMMERSON: Sorry, it's -- you've got 6 and 7. I think it's
24 the page immediately before that on both sides. 4 and 5, not 6 and
25 7.

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1 THE COURT OFFICER: If I may. What we see in English is Chapter
2 IV; am I correct?

3 MR. EMMERSON: No, no, sorry. I'm looking at the pagination at
4 the bottom of the screen. We're looking at Chapter V, which the
5 pagination -- the SPO pagination seems to have slipped off. That's
6 VI, that's Chapter VI. I'm sorry, I'm going to have to take a moment
7 just to give you the right reference for this.

8 JUDGE GAYNOR: It looks like page 5 in the English and page 5 in
9 the Albanian.

10 MR. EMMERSON: Exactly. Very well.

11 Q. Because there's Chapter V of the regulations, all right, which
12 is headed in the subsection I, which then goes on to page 6 but we
13 don't need to look at it: "Commanders and subordinates, officers and
14 non-commissioned officers." First of all, again, from military
15 experience, what is the difference between an officer and a
16 non-commissioned officer?

17 A. Officers are part of the command who have completed the military
18 academy, and the lowest rank is lieutenant and then it goes up.
19 Non-commissioned officers are sergeants and so on.

20 Q. And did you have such a distinction in the KLA?

21 A. No, because we had no ranks at all.

22 Q. So this is just cut-and-paste from a Western army manual, isn't
23 it?

24 A. Yes, the text was taken and translated, and the attempt was to
25 go in this direction.

1 Q. But clearly it can't have ever been implemented on the ground
2 because, as you say --

3 MS. LAWSON: Asked and answered.

4 MR. EMMERSON: Well, with respect, I don't think that's fair
5 objection.

6 PRESIDING JUDGE SMITH: Overruled.

7 Go ahead.

8 MR. EMMERSON:

9 Q. It can't have been implemented on the ground because it is
10 replete with material that is relevant to a conventional Western army
11 but not to the situation of the Kosovo Liberation Army. Do you
12 agree?

13 MS. LAWSON: Argumentative.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 MR. EMMERSON:

16 Q. Do you want me to repeat --

17 PRESIDING JUDGE SMITH: Answer the question.

18 MR. EMMERSON:

19 Q. -- the question?

20 A. You don't need to repeat the question. It is true that we
21 tried, but we did not have ranks. But the actions are the same even
22 without ranks. The commander is direct. And so these existed as
23 positions, not as ranks. Now, could it be fully implemented and was
24 this complied with is a different part, is a disciplinary part.

25 Q. Let me put it to you another way. We don't need to go through

1 the other examples here, but it is, for example -- contains
2 references to the kitchen supervisor and catering responsibilities of
3 the central catering unit. I mean, these have no bearing to your
4 reality, do they?

5 A. From the conventional aspect, that's true. But in a simpler
6 way, there were [kitchens] within the units too. Now, was this used
7 by civilians in private houses, it's still a kitchen. Superiors
8 determined and supervised the eating area. So, it's not that we had
9 the full infrastructure and the premises to have all this -- we were
10 an army in development and tried to compose with existing means. Our
11 main kitchen was provided by the people of Kosovo.

12 Q. Can I ask you also just briefly as we pass through it, the other
13 document that you were taken to of a similar character is P83.

14 MR. EMMERSON: We probably don't need to call it up.

15 Q. It's entitled "The Internal Regulations of the General Staff."
16 And you were taken to some passages of it by Judge Gaynor concerning
17 the role of an intelligence directorate assisting commands of the
18 subordinate units and monitoring combat activities.

19 Again, my question for you: Did you take part in drafting those
20 regulations, "The Internal Regulations of the General Staff," P83?

21 A. If this is about the description of duties and directorates,
22 yes.

23 Q. And, again, was it taken from Western armies or was it something
24 that was tailor-made for the circumstances of the KLA General Staff?

25 A. I was very clear. Everything we did, every restructuring, we

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1 obtained translations from Western armies and adopted them to our
2 circumstances.

3 Q. And so overall, I think you said what we're looking at in both
4 of those documents are, would you accept, aspirational plans for
5 future development?

6 A. All this was done for future developments. We're talking from
7 the time they were translated and the General Staff and the army were
8 restructured.

9 Q. And, of course, at that time none of you knew that the war was
10 going to enter a new phase on 24 March, did you, of 1999, with the
11 involvement of NATO?

12 A. That's very clear. We didn't know when the war would end. We
13 worked with a purpose aspiring to build a proper army that would be
14 able to carry out its duties. This could have happened a month after
15 our restructuring. As we can see, it happened four, five months
16 after. We could not predict when this -- anticipate, know when this
17 would happen. We always worked without knowing when would the war
18 end. We had to constantly prepare its future further development.

19 This army went -- followed this direction of its further
20 development, but we didn't know when would the war end.

21 Q. Thank you. And then the last topic I want to touch on is the --
22 I don't quite know how to describe it, the museum introductory piece
23 that was shown to you by Judge Mettraux purportedly authored by
24 Mr. Selimi called "The path to the formation and organisation of the
25 KLA General Staff."

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1 Now, I think it's been put on our queue, but I don't think it's
2 in any of the others.

3 MR. EMMERSON: So it's SPOE00226856 to 6857, the same number,
4 that's the Albanian, and then with ET in the English. Can I -- once
5 we've identified the document, if we can perhaps go to the second
6 page. Yes, exactly. And the top half of the second page, if it
7 would help.

8 Q. Now, presumably you don't know when this was written; is that
9 right?

10 A. I wouldn't.

11 Q. No. But you know what the substance of it is because it's there
12 for us all to see. It says:

13 "In May 1998, the KLA General Staff established all its
14 constituent [directors], becoming ... formed and structured from the
15 command level, to every other detail involving the organisation of
16 the General Staff."

17 And then there is a series of directorates, including the
18 intelligence directorate, which is described as G2.

19 Now, I want to ask you a series of questions about that. First
20 of all, the nomenclature of G1, G2 was taken from NATO; is that
21 correct?

22 A. Correct, yes.

23 Q. And that didn't enter the language of the Kosovo Liberation Army
24 until much later than May; is that right? The use of terms like G1
25 and G2, they weren't in operation in May 1998.

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1 A. Correct.

2 Q. But more to the point, Mr. Zyrapi, you and Mr. Veseli entered
3 Kosovo on 28 May, three days before the end of that month. Just to
4 situate this apparent recollection of Mr. Selimi's, if that's what it
5 is. When you entered on 28 May 1998, is it conceivable that any of
6 those logistical departments or other departments listed there were
7 in existence at the General Staff level in May 1998?

8 A. I've explained it then and earlier. I did not see any
9 directorates that were developed or this structure in May. Had I
10 known that there were such structures, I would have coordinated with
11 them, but I don't know that there were any.

12 Q. I mean, you said in answer to one of Judge Mettraux's questions
13 about Mr. Krasniqi's book that every single book you've read by
14 somebody in the KLA reminiscing on their war record was an
15 exaggeration and distortion; is that correct?

16 A. Yes, that's correct. I said that and that's true.

17 Q. And it was put to you by Judge Mettraux that you must be
18 suggesting that Rexhep Selimi and Jakup Krasniqi are mistaken in
19 their various recollections. But would you accept the proposition
20 that there's another explanation altogether, and one that's
21 consistent with every other book you've ever read by somebody from
22 the KLA, that people post-war were trying to exaggerate their own
23 importance and centrality and the role that the -- their part in the
24 war had played for all sorts of reasons, including political purposes
25 and their own post-war advancement?

1 A. I'm talking about what I'm reading here and what I could see.
2 What is written in a book and reality do not match. And I'm saying
3 this regardless of who the author of these books were, whether this
4 book was written by Jakup Krasniqi, Rexhep Selimi, or Bislim Zyrapi
5 for that matter. It does not match the reality. I speak here of the
6 reality I found on the ground from May until the end of 1998.

7 I did not read this book, but I've seen other books as well
8 where there were exaggerations. Now, whether for their personal
9 political gains or for something that's -- that I don't know. But
10 the reality was not shown in those books.

11 Q. So you would, therefore, agree that quite apart from the
12 possibility that persons in responsible positions might have got it
13 wrong, it's equally possible that they may be exaggerating war
14 stories and indulging in a bit of myth-making?

15 MS. LAWSON: Asked and answered. That was the exact last
16 question.

17 PRESIDING JUDGE SMITH: Sustained.

18 MR. EMMERSON: Very well. Those are my questions.

19 PRESIDING JUDGE SMITH: Thank you.

20 Mr. Roberts.

21 MR. ROBERTS: Thank you, Your Honour. And thank you,
22 Mr. Zyrapi. I have no questions.

23 PRESIDING JUDGE SMITH: Mr. Ellis -- I'm sorry, Ms. Alagendra.

24 MS. ALAGENDRA: Your Honours, are we taking a ten-minute break?

25 PRESIDING JUDGE SMITH: I'd like to go ahead at this time.

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Further Cross-examination by Ms. Alagendra

1 MS. ALAGENDRA: Sure.

2 PRESIDING JUDGE SMITH: I'm sorry. Witness, do you need to take
3 a break? Do you need to take a break?

4 THE WITNESS: [Interpretation] We can continue. No problem with
5 me.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 Thank you very much.

8 Further Cross-examination by Ms. Alagendra:

9 Q. Good afternoon, Mr. Zyrapi.

10 A. Good afternoon.

11 MS. ALAGENDRA: If I could please have on the screen P901,
12 please. Can we go to page 6967, please. The next page, please.
13 Thank you.

14 Q. Judge Barthe, beginning at page 18369, asked you some questions
15 about this document. Do you recall?

16 A. Yes.

17 Q. And you'll agree with me that this document does not have a date
18 on it; yes?

19 A. Yes, this document doesn't have a date. That's right.

20 Q. And on 10 July, transcript 17946, you were questioned about this
21 entry by Mr. Roberts, and you said:

22 "It occurred in 1999, if I recall correctly in March 1999 ..."

23 Do you recall saying that?

24 A. Yes, that's what I said. That's correct.

25 MS. ALAGENDRA: If we could turn to page 6965, please. The next

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 page, please. Yeah.

2 Q. Do you see, Mr. Zyrapi, that this appears to be a request dated
3 17 February 1999?

4 A. Yes.

5 MS. ALAGENDRA: And if we could now turn to page 6969, please.
6 My apologies, it's the next page. And if you can scroll down in the
7 Albanian version, please. Yeah.

8 Q. And we see a date here. It's 11 February 1999; yes?

9 A. Yes, this is another document. Yes.

10 Q. So is it possible, Mr. Zyrapi, that when you said March 1999, it
11 could have been in mid-February 1999? Looking at the dates found in
12 the pages earlier and behind. Is it possible?

13 A. First of all, I know very well when it was. And when I answered
14 this to the counsel, it was in March. The question was whether there
15 were such cases, and then I said, yes, there was one case, and I
16 explained that Rexhep Selimi used these units in March 1999. I did
17 not say earlier than that.

18 Q. Right. The transcript shows that you said:

19 "It occurred in 1999, if I recall correctly in March ..."

20 "If I recall correctly." So I'm just clarifying. All right?

21 Now, in answer to a follow-up question from Judge Barthe at page
22 18372, you said that:

23 "The order came from the command. The inspector general, upon
24 receiving the information about these events, took measures based on
25 the instructions of the commander or the deputy commander."

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

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1 Do you recall saying that?

2 A. Yes, correct.

3 Q. And if you were correct that the instruction came in March 1999,
4 then you will agree with me that, consistent with what you've told us
5 previously, Jakup Krasniqi was no longer the deputy commander for
6 support at that time. He had resigned, after which he was in
7 Albania; isn't that right?

8 A. From participants, you mean?

9 Q. Yes.

10 A. Yes. For participants, that's correct.

11 MS. ALAGENDRA: If we could have P633 on the screen, please.

12 Q. And at page 18333, line 9 of the transcript, you said:

13 "The time period when this happened, the general commander was
14 outside the country, his deputy was inside the country, and we
15 started the process of replacing the general commander as it can be
16 seen in future meetings with the zone commanders."

17 Do you recall saying that?

18 A. Yes, I recall that. But I did not say we started with the
19 replacement. It's the zone commanders who did that. And I
20 explained, I think very well, how the meeting happened.

21 Q. Yes. I'm reading off the transcript again, Mr. Zyrapi. And my
22 questions would just require a yes-or-no answer. If I require an
23 explanation for you, I'll ask you for one. Yes?

24 Now, the date on this document is 12 February 1999; am I
25 correct?

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

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1 A. Yes, this is 2 February 1999.

2 Q. 12 February. Can you tell us the date again, please?

3 A. 12 February 1999. 12th of the second month, to be more precise.

4 Q. Thank you. Now, at that time, Azem Sylja, Jakup Krasniqi, and
5 the rest of the delegation were in Rambouillet, weren't they?

6 A. On 12 February, no. I know that Jakup Krasniqi was inside, and
7 that's when the change of the general commander occurred.

8 Q. Well, I'm going to put it to you, Mr. Zyrapi, that on 12
9 February 1999, Mr. Krasniqi was not in Kosovo. And I'm going to put
10 it to you as well that when you said the general commander was
11 outside the country and his deputy was inside the country, you were
12 referring to Sokol Bashota. Would you agree with that or not?

13 A. Now you're moving to February, and we were speaking about March.
14 And that statement referred to March. The general commander in March
15 was Mr. Sylejman Selimi.

16 Q. I think you misunderstood me.

17 A. This document has nothing to do with that.

18 Q. I think you've misunderstood me. I was referring you to P633.
19 You've told me the document was dated 12 February, so we're clearly
20 talking about the February period; yes? Do you follow me? Just yes
21 or no, Mr. Zyrapi.

22 A. I'm following you very well. But what has this document to do
23 with the question you're asking? This document has to do with
24 something completely different --

25 Q. Yes, and I've moved on to something --

1 A. -- with something that I refused to sign.

2 Q. Yes, I've moved on to something else. And you're here to answer
3 my questions, not ask me the questions.

4 MS. LAWSON: Tone, Your Honour.

5 MS. ALAGENDRA:

6 Q. Thank you. Now, Judge Barthe went on at page 18333 to ask you
7 about the replacement of Commander Drini. Do you recall that?

8 A. That's correct, yes.

9 Q. And you said:

10 "I don't know the exact procedure that the personnel commission
11 followed. They gave their proposal to the general commander, and the
12 commander who took this decision for the replacement at the time was
13 Sylejman Selimi, the overall commander, and he made that decision
14 ..."

15 Do you recall saying that yesterday?

16 A. Yes, that's correct.

17 Q. And at Part 10 of your 2019 interview, page 18, you have
18 confirmed that it was either a day or two before 14 March 1999 that
19 Commander Drini was replaced by Tahir Sinani as the zone commander.
20 Do you agree?

21 A. That's correct.

22 Q. And Tahir Sinani was appointed by Sylejman Selimi, who was the
23 general commander at that time; correct?

24 A. Yes, correct.

25 Q. And the replacement of Commander Drini occurred after

1 Jakup Krasniqi had resigned his position as deputy commander for
2 support; correct?

3 A. Yes, because he went to Rambouillet and he was no longer there.

4 Q. And on 15 July --

5 MS. ALAGENDRA: We might have to go into private session for
6 this question, Your Honours.

7 PRESIDING JUDGE SMITH: Into private session, please.

8 [Private session]

9 [Private session text removed]

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Witness: Bislrim Zyrapi (Resumed) (Private Session)

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Further Cross-examination by Ms. Alagenda

1 [Private session text removed]

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16 [Open session]

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

18 Thank you.

19 MS. ALAGENDRA: Thank you.

20 Q. You have in the weeks that you have testified here not been
21 shown any report from the personnel commission, have you, Mr. Zyrapi?

22 A. That's correct.

23 Q. And following your evidence today and previously, the personnel
24 directorate itself was only created in November 1998. Do you agree?

25 A. That's correct, yes.

1 MS. ALAGENDRA: If we could have P1414 on the screen, please.

2 Q. Now, you were referred to this document by Judge Barthe. Do you
3 recall that? This is at page 18328 of the transcript of 16 July.
4 And Judge Barthe asked you specifically, at page 18329, how you
5 received the complaints about KLA members wearing masks. And you
6 replied:

7 "I remember this was mostly during my visits in the zones but
8 also during the meetings with the commander."

9 Do you recall that, Mr. Zyrapi?

10 A. Yes.

11 Q. As head of the operations directorate, you have confirmed that
12 you were the one that was going to different zones to help them
13 organise in the summer of 1998; yes?

14 A. Yes.

15 Q. And you heard complaints from the zone commanders, didn't you?

16 A. Yes, from zone commanders, civilians, soldiers.

17 Q. And your evidence is that you took action on some of the
18 complaints that you had received from them, in consultation with the
19 general commander, by issuing the order of 28 November 1998; correct?

20 A. Yes, correct.

21 Q. And that order didn't address the issue of wearing masks, did
22 it?

23 A. The prior order or this one?

24 Q. The 28 November order, 1998.

25 A. That's correct, yes.

1 Q. Right. And Judge Mettraux asked you today whose responsibility
2 it was to ensure that the zone commanders were abiding by your order;
3 right? Do you recall that?

4 A. I do, yes.

5 Q. And your response was:

6 "Of course, it's the responsibility of the [general] staff ..."

7 Yes?

8 A. Yes.

9 MS. ALAGENDRA: If we could go into private session, please,
10 Your Honours.

11 PRESIDING JUDGE SMITH: Back into private session, please.

12 [Private session]

13 [Private session text removed]

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16 [Open session]

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

18 Thank you.

19 MS. ALAGENDRA:

20 Q. I'm putting it to you, Mr. Zyrapi, that Drini would not have
21 been asking you for an order if he did not view you as the authority,
22 firstly, to issue orders and, secondly, for ensuring that orders were
23 implemented as the chief of staff who headed all operational matters.

24 Would you agree with that?

25 A. No. He made a request. It's a different thing that we knew

1 each other from before. We were military officers and we know the
2 procedures. He asked for such a possibility, but this was not
3 carried out. We should make a distinction between authority and
4 personal relations. I was a professional, but I did not have the
5 authority. The authority was with those who were there from the very
6 beginning, the inception of the first structures of the Kosovo
7 Liberation Army.

8 Q. Yes.

9 MS. ALAGENDRA: And if we could have P1414 back on the screen,
10 please.

11 Q. Would you agree with me, Mr. Zyrapi, that in January 1999 it
12 became necessary to issue a further order about masks? Do you agree?

13 A. Yes, and I've explained this, how and why it was issued.

14 Q. And that was something that the zones had asked for; correct?

15 A. Yes, the biggest part of the request came from the zones.

16 Q. And you had communicated that to the General Staff; am I
17 correct?

18 A. The complaints were not directed only to me but also to others,
19 other members. And therefore this decision was made. And it was
20 signed during the meeting with the commanders.

21 Q. And the point of that order was to prevent the commission -- or
22 negative behaviour, so to speak ; am I correct?

23 A. Correct. This was a preventative measure to prevent and put an
24 end to these negative phenomenon.

25 Q. And at the end of the provisional transcript at -- I believe

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 it's page 18329 of the transcript yesterday. You were asked by
2 Judge Barthe:

3 "... was this order, to your knowledge, implemented and
4 followed?"

5 And you replied:

6 "It was sent to all zones. I do not know to what extent was it
7 implemented. We gave and sent many orders but not all of them were
8 fully implemented by zone commanders."

9 Do you recall saying that?

10 A. Yes, correct.

11 Q. And looking at the document before us, Mr. Zyrapi, you'll agree
12 that at paragraph 2 of the document, it says that the implementation
13 of this was by the operational zone command; am I correct?

14 A. That's correct.

15 Q. And when you said yesterday that you do not know to what extent
16 this order was implemented, do you agree with me that if you, as the
17 chief of staff, did not know whether this order was implemented, then
18 the rest of the General Staff would not have known that either; yes?

19 MS. LAWSON: Not a question the witness could answer.

20 PRESIDING JUDGE SMITH: Sustained.

21 MS. ALAGENDRA: For the record, the witness was nodding,
22 Your Honour, so I believe he could have answered that question.

23 PRESIDING JUDGE SMITH: The objection was sustained.

24 MS. ALAGENDRA:

25 Q. Judge Barthe asked you at page 18329:

1 "Can you explain why it was a problem that people or soldiers
2 were wearing masks?"

3 Do you recall that question, Mr. Zyrapi?

4 A. Yes, I do.

5 Q. And your response was:

6 "It was a problem because those who wore masks to avoid being
7 identified were operating in zones where they were not assigned, or
8 they had no authority to deal with civilians or to seize material
9 means or to detain people. So the problem was that we could not know
10 or identify the persons who were detaining or seizing these items,
11 and these were soldiers that did not belong to the said zones; hence,
12 the decision was made."

13 That's accurate, isn't it? That was your evidence?

14 A. Yes, that's correct.

15 Q. There was a problem at the time with people claiming to be KLA
16 wearing masks and doing things they were not authorised by the zones
17 to do, like dealing with civilians or detaining people, such as the
18 complaints you were receiving from the zones which prompted you to
19 issue the 28 November 1998 order; yes?

20 A. Yes.

21 PRESIDING JUDGE SMITH: Ms. Alagendra, you're just asking him if
22 he agrees with what he said previously. There is no question there,
23 there's no dispute.

24 MS. ALAGENDRA: I need to lay a foundation to the questions I'm
25 going to ask, Your Honour.

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MS. ALAGENDRA: I'm laying a foundation for the questions I'm
3 going to ask. I have to take him back to the transcript where he's
4 been asked a particular question.

5 PRESIDING JUDGE SMITH: He's asked it. He's answered it. He's
6 agreed that he answered it that way. There's nothing else to ask him
7 about it.

8 MS. ALAGENDRA: Right.

9 Q. The General Staff did not approve of that behaviour and this
10 order was an attempt to prevent it; am I right?

11 A. Yes, that's right.

12 Q. And the General Staff did not want the KLA to be portrayed as a
13 terrorist organisation either, did it?

14 A. Certainly, yes.

15 MS. ALAGENDRA: If we could have P623 on the screen, please.

16 Q. [Microphone not activated].

17 Mr. Zyrapi, do you recall being shown this document by
18 Judge Mettraux yesterday?

19 A. Yes.

20 JUDGE METTRAUX: I think it was today.

21 MS. ALAGENDRA: Ah, today. My apologies.

22 Q. And this is an ordinance concerning a commission to set up the
23 boundaries of the operational zones. And starting at page 45 of the
24 provisional transcript, you were also shown some meeting notes which
25 discuss this issue. Do you recall that?

Witness: Bislim Zyrapi (Resumed) (Open Session)

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1 A. Yes.

2 Q. Do you also remember being asked the same issue during your 2019
3 interview with the Prosecution?

4 A. Apologies. What they asked me about?

5 Q. Do you recall being asked about this document the same questions
6 in 2019 by the Prosecution?

7 A. No, I did not see this document in 2019. I saw it during the
8 preparation session.

9 Q. My apologies. I'm corrected. Not the document but the same
10 issue. Do you recall being asked about the issue in 2019?

11 A. Yes, there were questions in this sense.

12 MS. ALAGENDRA: And if we could have Part 14, page 16 on the
13 screen, please. And the Albanian is page 14 to 15. And on the
14 Albanian, it starts at line 24. And the English --

15 THE COURT OFFICER: If you can please clarify, are we talking
16 about the same document as currently on the screen or is it --

17 MS. ALAGENDRA: My apologies. It is 083280 which has been
18 marked as --

19 MS. LAWSON: P01355.14.

20 MS. ALAGENDRA: Thank you. So it's Part 14, page 16 in the
21 English. And pages 14 to 15 in the Albanian, please. And 14 would
22 start at line 24. Part 14, please. This is Part 4. The Albanian is
23 at page 14, line 24. It starts there. Yes. Do you have that?

24 Yeah.

25 Q. So you were asked about this issue about a council that was

Witness: Bislim Zyrapi (Resumed) (Open Session)
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1 created to establish the boundaries of the operational zones, and
2 your answer was:

3 "So there is the operational directorate and the officers of the
4 operations directorate, with me at the head. We drafted the maps for
5 the divisions of the zones, with maps, according to the terrain of
6 the operational zones."

7 Yes? You recall saying that in 2019?

8 A. Yes.

9 Q. You then go on to say that there were various meetings about
10 this issue, and you say:

11 "I began to discuss this with my people in November and also
12 December."

13 Do you see that?

14 A. Yes.

15 Q. And when you say "with my people," is that a reference to the
16 operational directorate officers, isn't it?

17 A. Yes, with the personnel within the operations directorate.

18 Q. Right. And you'd agree with me, Mr. Zyrapi, that this task was
19 something that fell within the role and responsibilities of the
20 operational directorate; correct?

21 A. Yes, that's correct.

22 Q. And you went to the zones and observed the local terrain in your
23 discussions about the zone commanders on this issue, isn't it?

24 A. No. We did this before within the directorate because I knew
25 the terrain, I knew the zones, and from the military and operational

Witness: Bislím Zyrapi (Resumed) (Open Session)
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1 perspective I delineated the zones. After this, a commission was
2 designated for problems. I had commanders with whom I conducted
3 these discussions. We went between two zones which were to be
4 delineated to designate the borders of the area of responsibility.
5 After this, then the commission was established, which was a
6 different commission, which had to deal with the matters or problems
7 between two zones, the Nerodime and Pashtrik zone.

8 So they went there, addressed the matter, resolved it, and
9 everything was fine.

10 The responsibility is that of the operations directorate and the
11 chief of staff.

12 MS. ALAGENDRA: And if we can go back to the earlier document,
13 please, that's P623. If we can go to the end of the page, please.

14 Q. And at the bottom of the page, Mr. Zyrapi, you will agree that
15 the initials S.V/SH.A appear. Could you tell us who they are,
16 please?

17 A. The initials are Sali Veseli and Shipe Ahmeti.

18 Q. And Sali Veseli drafted this document; correct?

19 A. Yes, he drafted the document.

20 Q. And he's also one of the people that signed to the work of this
21 commission, according to the document?

22 A. Yes.

23 Q. Right. So to -- if I can understand you clearly on this, this
24 is an operational matter discussed by the operational directorate for
25 months. You and your colleagues in the directorate, the operational

1 directorate, have already discussed it with the zones, and you know
2 the terrain. Your deputy, a former officer, drafts this document and
3 he appoints himself to that position; correct?

4 A. He did not self-appoint. We designated him. I did. The
5 document was prepared to be given to the deputy commander for
6 signature because I have no authority to give them an order to the
7 inspector general to get into the commission. This is why this was
8 given to the deputy commander for signature and from the commission.

9 Q. So you're saying that you gave it to the deputy commander to
10 sign it; yes?

11 A. Yeah, it was prepared by the directorate, drafted for the
12 purposes as indicated. It was then given to him and he signed it,
13 with the explanation what was the purpose of this.

14 Q. Correct. Right. And he didn't have the military education or
15 background to make any comments or changes on it; am I correct?
16 Because you all had made the decision within the directorate, the
17 operations directorate. Would that be fair to say?

18 A. It's not about the decision. It's about the preparation of the
19 document. The decision is made by the commander. He did not have
20 military experience, but he's the authority.

21 Q. And at the transcript, I think it's today's transcript -- and at
22 today's transcript, page 47, line 22, my reference is that, but the
23 question is Jakup Krasniqi was not giving you any orders, as far as
24 this document is concerned, to select the people; am I correct?

25 Based on your answer that you've just given us.

1 A. He asked who would be the members of this commission, but it's a
2 different thing asking for persons who will be assigned. But we also
3 see parts where there are no names because there weren't.

4 Q. Right. So he's asking for information; correct? Information
5 that you had, Mr. Zyrapi; correct?

6 A. Yes, certainly.

7 Q. Now, I'm referring to the provisional transcript, page 33, lines
8 4 to 8. And you were asked by --

9 MS. ALAGENDRA: That's today, Your Honours.

10 Q. Judge Mettraux asked you about the role of the first and second
11 deputy commander. Do you recall that?

12 A. Yes, that's correct.

13 Q. And your evidence is - and again that's in your SPO interview,
14 Part 7 - that the second deputy was, in effect, a subordinate of the
15 first deputy. He would act if and when the first deputy was
16 unavailable or unable to act.

17 That was your answer; correct?

18 And you continued by saying --

19 PRESIDING JUDGE SMITH: He didn't answer.

20 Was that your testimony is the question.

21 THE WITNESS: [Interpretation] Yes.

22 MS. ALAGENDRA:

23 Q. And you went on to say:

24 "Yes. Based on the military rules, this is how it goes."

25 Do you recall saying that, Mr. Zyrapi?

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Further Cross-examination by Ms. Alagenda

1 A. Yes, that's correct.

2 Q. It's correct, isn't it, Mr. Zyrapi, that the KLA did not
3 function as per ordinary military rules?

4 A. It's true that it did not function. It was in the process of
5 being developed.

6 Q. And it did not have enough resources to function as a regular
7 army as well?

8 A. It did not have resources to fully function. As I explained
9 earlier, starting from state institutions that should have been in
10 place, which were not, to its development, which was gradual but
11 could not be completed.

12 Q. All right. And you've spoken about military rules, but you've
13 not pointed to any particular rules or provisions that regulate which
14 deputy commander was a subordinate of which deputy commander. Would
15 that be correct?

16 A. That's correct, yes.

17 PRESIDING JUDGE SMITH: Ms. Alagenda, we need to break now.

18 MS. ALAGENDRA: Yes, Your Honour.

19 PRESIDING JUDGE SMITH: Witness, we are finished for today. We
20 thank you for being with us. Tomorrow we will have you out of here
21 by 11.00, and I'm sure you'll be glad to hear that.

22 Thank you again. You can go with the Court Usher.

23 [The witness stands down]

24 PRESIDING JUDGE SMITH: Mr. Roberts, you had a request.

25 MR. ROBERTS: Thank you, Your Honour. It was just because I was

1 not very clear this morning in relation to the extension of one extra
2 deadline. You've granted us an extension in relation to the response
3 to the Rule 154 motion, which was F2450, I believe. We'd also
4 request a similar extension for the response to the notification of
5 the witnesses and whether we object to the documents that would be
6 used. As you know, they're filed in parallel by the Prosecution.
7 I'd asked for one in relation to the Rule 154 witnesses, but I'd not
8 actually asked or requested in relation to the notification.

9 So -- and I apologise for being unclear. The request is that
10 the response to the notification of those documents also be filed on
11 23 August in parallel to the response for the Rule 154 witnesses for
12 those witnesses who are not testifying straight after the recess.

13 PRESIDING JUDGE SMITH: You should have done that the first of
14 the day when I could still remember.

15 MR. ROBERTS: If I was able to do it at the beginning of the
16 day, I would have done, Your Honour.

17 PRESIDING JUDGE SMITH: I'm kidding. We'll try to straighten
18 that out by morning. All right?

19 MR. ROBERTS: Much obliged, Your Honour. Thank you.

20 PRESIDING JUDGE SMITH: All right.

21 Go ahead.

22 MR. MISETIC: Thank you, Mr. President. Two housekeeping
23 matters. One on the Prosecutor's request to amend P1449, we have no
24 objection to that.

25 PRESIDING JUDGE SMITH: All right.

1 P1449, Mr. Court Officer, is amended as suggested by the
2 Prosecution.

3 THE COURT OFFICER: Thank you, Your Honours. In that case, page
4 1449 will be replaced by the page 1462. Hence, P01449, both in
5 English and Albanian, will be comprised of the pages 1462, 14 --
6 apologies. I will start again. 1451, 1462, and 1472. Thank you,
7 Your Honours.

8 MR. MISETIC: Thank you.

9 And one other issue. Just to alert the Panel that at the end of
10 Mr. Emmerson's re-cross-examination, we believe there's an error in
11 the transcript and will seek a formal request for a check. But at
12 page 120, line 2, it currently says that he said:

13 "It does match reality."

14 And we believe he said:

15 "It does not match reality."

16 So we just wanted to alert everyone before the witness leaves in
17 case it's an issue.

18 PRESIDING JUDGE SMITH: Thank you.

19 MS. LAWSON: And just for the record, it's 9451, 9462, and 9472.
20 But I believe it's clear from the earlier submission.

21 PRESIDING JUDGE SMITH: All right.

22 The Krasniqi Defence has used 45 minutes. You have an hour and
23 15 tomorrow, for the balance.

24 MS. ALAGENDRA: [Microphone not activated].

25 PRESIDING JUDGE SMITH: And that's the maximum. Yes.

1 [Microphone not activated].

2 JUDGE METTRAUX: Thank you, Judge Smith. And it's a request to
3 the SPO.

4 Mr. Misetic, linguist extraordinaire, raised a potential issue
5 of translation in P228, I think that was paragraph 3(f), off memory,
6 of the document, page 3. If you could have that verified and notify
7 us and, of course, the Defence if indeed there is an issue of
8 translation on this, we'd be grateful.

9 MS. LAWSON: Yes, thank you, Your Honour. We took note of it
10 when it was raised.

11 JUDGE METTRAUX: Thank you.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 We're adjourned until tomorrow at 9.00.

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

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