

1 Wednesday, 3 July 2024

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.02 a.m.

5 PRESIDING JUDGE SMITH: Madam Court Officer, you may call the
6 case.

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

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

12 We will continue hearing the evidence of Prosecution
13 Witness W04752.

14 Madam Court Officer, please bring the witness in.

15 I might ask the Prosecutor about how much time do you expect yet
16 to go?

17 MS. LAWSON: I'm aiming to finish either at or before the
18 11.00 a.m. break.

19 [The witness takes the stand]

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

21 THE WITNESS: [Interpretation] Good morning.

22 PRESIDING JUDGE SMITH: We will continue with your testimony
23 today.

24 I remind you to please try to answer the questions clearly with
25 short sentences. If you don't understand a question, feel free to

1 ask counsel to repeat the question or tell them you don't understand
2 and they will clarify.

3 Also, please try to clarify the basis of the knowledge and facts
4 upon which you will be questioned.

5 Please also speak into the microphone and wait five seconds
6 before answering a question and speak at a slow pace for the
7 interpreters to catch up.

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

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

12 I also remind you that, as I advised yesterday, you are not
13 required to answer a question that is incriminating unless and until
14 the Panel compels you to answer, and that if such a question arises,
15 you or your assigned counsel may raise the issue to the Panel and we
16 will proceed to determine whether or not and under what circumstances
17 you might be compelled to answer.

18 So we continue now with the questioning by the Special
19 Prosecutor's Office. Please give them your attention.

20 Madam Prosecutor, you may proceed.

21 MS. LAWSON: Thank you. And good morning.

22 WITNESS: BISLIM ZYRAPI [Resumed]

23 [The witness answered through interpreter]

24 Examination by Ms. Lawson: [Continued]

25 Q. On the Rambouillet agreement, was there a meeting held to decide

1 whether or not to sign that agreement?

2 A. Yes. As we mentioned yesterday, this was one of the meetings we
3 held with -- this is the meeting held after the return of the
4 delegation from Rambouillet and after the signing of the agreement in
5 Rambouillet.

6 Q. Was there a meeting held before the agreement was signed in
7 order to discuss whether or not to sign it?

8 A. The delegation was in Rambouillet, then they returned. This was
9 discussed in the staff. And then they went back to Rambouillet and
10 signed the agreement.

11 Q. Where was this meeting held, the one that was discussing the
12 agreement?

13 A. The meeting was held in the Berisha mountains.

14 Q. Who attended it?

15 A. The delegation, the General Staff, and the zone commanders.

16 Q. Who led the meeting?

17 A. I remember that in this meeting, Hashim Thaci reported on the
18 developments of the negotiations, and then other members of the
19 delegation and members of the staff took the floor.

20 Q. What was the nature of the discussion?

21 A. The discussion was about the signing of the agreement, the
22 positive and negative impacts. Most of it was positive, meaning what
23 we would gain from the signing of the agreement.

24 Q. What was your view on whether or not to sign the agreement?

25 A. I was in favour of the signing the agreement. Based also on the

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17496

Examination by Ms. Lawson (Continued)

1 situation on the ground, I knew that it was necessary to sign the
2 agreement.

3 Q. And was there much resistance to the decision to sign after the
4 delegation had explained the matter to everyone present?

5 A. No. Later, no.

6 Q. So I'm going to go back slightly in time to continue with some
7 materials from February.

8 MS. LAWSON: And would like to call up P00182, please. And
9 we'll go to page 416.

10 Q. Now, this is a note dated 12 February 1999, and it records you
11 as having refused to sign certain appointment decisions. Do you
12 recall this discussion?

13 A. Yes, I do recall it.

14 Q. Who did you have the discussion with?

15 A. I had this discussion with Rexhep Selimi, during which I refused
16 the replacement of the zone commander of the Pashtrik zone.

17 Q. And do you know why decisions had been made to make changes in
18 the Pashtrik zone?

19 A. He was asking for the change of the zone commander at the time.
20 I frequently asked him to explain the reasons why, because if this
21 was based on professional weaknesses, he was capable, skilled, knew
22 the zone. But based on prior reports, there were indications of lack
23 of cooperation of Commander Drini with some officers within that
24 command, which was not coherent because these gentlemen didn't even
25 know their own tasks.

1 From a professional perspective, and to me, it was unacceptable
2 at this period of time to change the commander and bring in a new
3 commander who didn't -- know very little of the units and the
4 situation on the ground.

5 MS. LAWSON: So I'd like to call up, please, P00633.

6 Q. This document is dated that same date, 12 February. And it
7 would have appointed Sali Veseli as the acting commander of the
8 Pashtrik operational zone. Are these part of the appointments that
9 you refused to sign or accept?

10 A. First of all, I've mentioned this before, I've never seen this
11 document before. Secondly, at the time it was not mentioned at all
12 who the deputy commander of the zone commander would be. Now,
13 regarding the other names, the chief of staff cannot proceed with
14 such appointments when we know that the skilled and trained officers
15 are those who review the proposed names and come up with a decision
16 to appoint a commander, deputy commander, the chief of staff, or
17 brigade commanders. It was not my prerogative as a chief of staff to
18 appoint the brigade commander, zone commanders, or battalion
19 commanders.

20 Battalion commanders and officers within the zones were not to
21 be appointed by the commander or the chief of the General Staff.
22 They were appointed by the zone commanders.

23 Now, when we see the list of these names -- this document was
24 not presented during that meeting. Not only this one but no other
25 document, from what I remember, discussing this matter.

1 Q. So we have a series of other documents from this same date, 12
2 February. There is a signature block with your name but not your
3 signature. My understanding of your evidence is that you didn't see
4 those actual documents. You just had the discussion or conversation
5 with Rexhep Selimi about making changes to the Pashtrik zone; is that
6 correct?

7 A. Yes, that's entirely correct.

8 Q. And the reasons, based on your answer just now, that you didn't
9 agree is, firstly, that you didn't agree with the actual replacements
10 based on professional skills; and, secondly, it wasn't your position
11 to make those decisions. Is that correct?

12 MR. ROBERTS: Your Honour, if we could just ask a bit more open
13 question at this point.

14 THE WITNESS: [Interpretation] That's correct.

15 MR. ROBERTS: Sorry to interrupt. That seemed a bit leading to
16 me. If we could just ask him exactly what he believed the reasons to
17 be in open fashion, that would be much better.

18 MS. LAWSON: I'm happy to do that. I was basing it on his
19 prior --

20 PRESIDING JUDGE SMITH: Sure.

21 MS. LAWSON: -- answer, but I can repeat.

22 Q. So I'm going to ask you just openly to repeat, please, what your
23 reasons were for not signing or agreeing with replacements in the
24 Pashtrik zone or changes.

25 A. Briefly. I explained before, there was one reason. I did not

1 want to change the zone commander for professional reasons. And,
2 secondly, it was not my prerogative or competence to replace the zone
3 commander. Very briefly.

4 Q. Thank you.

5 MS. LAWSON: We'll move now to document 072639, and it's not for
6 broadcast, please.

7 Q. Do you know the soldier being referred to here, Samedin
8 Xhezairi?

9 A. Yes.

10 Q. Do you recognise who this order is signed by?

11 A. Yes. This is the stamp of the zone commander of the Pashtrik
12 zone, and the signature is of Commander Drini, Ekrem Rexha.

13 Q. What does this order relate to, and were you consulted on the
14 matter or aware of it at the time?

15 A. Yes, I remember this order very well. And the zone commander
16 consulted with me to appoint a coordinator, Samedin Xhezairi, who
17 would go to the Dragash region, Opoje, with the purpose of forming
18 Brigade 127. But also part of his task was to go in the territory of
19 Brigade 125 because the territory under -- that would be the
20 territory of 127 was still not under the KLA control. So he
21 initially went to the territory of Brigade 125. Eventually, he did
22 not manage to achieve this and implement this order, which was to
23 form, set up this new brigade.

24 MS. LAWSON: Can we go, please, to the next page of the
25 document.

1 MR. EMMERSON: I don't mean to interrupt, but could we resume
2 the practice of dating documents on the record, please?

3 MS. LAWSON: Yes. So, sorry, can we go back one page till I
4 just read the date. So this is dated 1 March 1999. Thank you.

5 Q. Now, this document is dated 22 March 1999. Do you recognise
6 what this is?

7 A. Yes. This is a travel permit in the territory of Kosovo issued
8 to a soldier or an officer to enable them to move from one zone to
9 another. This is issued to Xhezairi, Samedini. It's my signature,
10 and it's a document issued by the General Staff.

11 Q. And who would have had authority to issue these type of permits?

12 A. In such cases, I signed them. Persons who would be able to sign
13 were the zone commander, the area of responsibility commander. Now,
14 with respect to soldiers or officers, this would be also signed by
15 the staff. Also members of the staff, subordinate officers, or
16 police members, police officers would also be issued such travel
17 permits from the staff.

18 MS. LAWSON: And can we go to the next page, please.

19 Q. Now, this is dated 7 July 1999, and we can see Tahir Sinani's
20 name in type at the bottom. Was he the zone commander at the time,
21 as indicated here?

22 A. Yes, Tahir Sinani took over the duties in March 1999, replacing
23 Drini. And this document is dated in June, 15 June as I can read it.
24 7 of June in its written form.

25 Q. The brigade commander is indicated as being in charge of

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17501

Examination by Ms. Lawson (Continued)

1 implementing this decision. Who was the 125 brigade commander at
2 that time?

3 A. At that time, the brigade commander was Nehat Basha,
4 Brigade 125.

5 MS. LAWSON: Your Honour, I'd like to tender this document,
6 please.

7 PRESIDING JUDGE SMITH: Any objection?

8 MR. MISETIC: No objection.

9 PRESIDING JUDGE SMITH: No objection being heard, 072639 -- all
10 three pages?

11 MS. LAWSON: Yes, please. And it should remain confidential
12 because of markings on the document.

13 PRESIDING JUDGE SMITH: The three pages mentioned during
14 testimony will be admitted, and it will remain confidential.

15 THE COURT OFFICER: Thank you, Your Honour. The full ERN that
16 will be admitted is 072639 to 072641 and its English translation will
17 receive Exhibit P01432 and will remain confidential. Thank you.

18 PRESIDING JUDGE SMITH: Thank you.

19 MS. LAWSON: Can we please bring up SPOE00229225.

20 Q. This document is dated 27 March 1999. I believe you already
21 told us this yesterday, but who is Plaku?

22 A. Plaku is Xheladin Gashi.

23 Q. What were his responsibilities?

24 A. He was commander of the logistics base in Albania.

25 Q. And did each of the areas listed in this note fall under his

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17502

Examination by Ms. Lawson (Continued)

1 area of responsibility?

2 A. Yes. These locations mentioned here are the -- where the
3 logistics bases were in the northern part of Albania which were under
4 his responsibility.

5 MS. LAWSON: And I'd like to tender this document, Your Honour.

6 PRESIDING JUDGE SMITH: Any objection?

7 MS. ALAGENDRA: Your Honours, I'm objecting to the -- on the
8 basis that this witness is not the maker of the document. He can't
9 authenticate it. He does not say he was present when it was signed.

10 PRESIDING JUDGE SMITH: The objection is overruled.

11 SPOE00229225 is admitted.

12 THE COURT OFFICER: The document and its English translation
13 will be assigned Exhibit P01433. The current classification is
14 confidential.

15 MS. LAWSON: It can be public.

16 PRESIDING JUDGE SMITH: Reclassified as public.

17 THE COURT OFFICER: Thank you, Your Honour.

18 MS. LAWSON:

19 Q. Witness, in 1999 did the KLA have a base or a unit in Greme in
20 Ferizaj municipality?

21 A. You're thinking the village of Greme. Yes, there was a KLA
22 unit.

23 Q. Which brigade did it fall under?

24 A. I think it was -- it fell under Brigade 161. And I know this
25 because in April 1999, I went through this area in this village.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17503

Examination by Ms. Lawson (Continued)

1 Q. Who was the commander there?

2 A. I don't recall the unit commander, but I met with the deputy
3 zone commander, and I had a -- Mr. Imri Ilazi. I had a conversation
4 with him.

5 MS. LAWSON: Your Honour, with leave, I'll put the paragraph
6 from Prep Note 2 to the witness, please.

7 PRESIDING JUDGE SMITH: Yes, you may.

8 MS. LAWSON:

9 Q. So this is paragraph 26:

10 "[The witness] confirmed that in 1999 Imri Ilazi established a
11 base or a unit of 161 Brigade in Greme ... Ferizaj ... [The witness]
12 knows that someone known as the 'Engineer' was based there. He was
13 together with Ilazi in Greme ... when [the witness] went there."

14 Is that accurate?

15 A. Yes, Imri Ilazi was there as a deputy commander. The Engineer
16 was there, indeed, as a commander. I don't recall him exactly, who
17 he was. But the deputy commander was there and I contacted him. I
18 had a discussion with him.

19 Q. Thank you. In April 1999, was there an evacuation of the
20 wounded conducted?

21 A. Yes.

22 Q. From where to where?

23 A. In April, we had many evacuations in many zones or areas. But
24 in April, I remember it was from Drenica to Pashtrik area. It was a
25 fierce offensive, and the wounded were to be taken from the Drenica

1 area to Pashtrik area. So I remember that at that time the wounded
2 were transferred from Drenica zone to Pashtrik zone.

3 Q. Did members of the General Staff assist in that evacuation?

4 A. Yes, I remember very well. At the time, Kadri Veseli and
5 Rexhep Selimi were from the General Staff when the wounded from
6 Drenica were transferred from Drenica area to Pashtrik.

7 Q. Where was the General Staff based in April 1999? We had
8 previously discussed November to March.

9 A. In April, part of the General Staff was stationed in Divjake,
10 part in Devetak. It's a village in Nerodime area, Devetak.

11 Q. And was the political wing also based there or did it have a
12 separate base at the time?

13 A. No. In April, as far as I recall --

14 MR. MISETIC: Mr. President, if I could just say it's vague as
15 to "political wing."

16 PRESIDING JUDGE SMITH: Well -- overruled.

17 Go ahead.

18 MS. LAWSON:

19 Q. So you may answer. Thank you. Do you want me to repeat the
20 question?

21 A. No, I heard your question. At the time, the provisional
22 government and Hashim Thaci were already there. And at the time he
23 had already entered the territory of Kosovo from Nerodime area, and I
24 met him in the village of Mullopolc.

25 Q. So where were you when the NATO bombing started, and then can

1 you describe your movements after that?

2 A. On 24 March 1999, when the NATO bombing started, I was at the
3 command, that is, in the premises of the General Staff in Divjake.
4 After the beginning of the bombing, I left and moved to Nishor, to
5 Pashtrik area, because in this area, with the beginning of NATO air
6 strikes, the attacks by Serb forces had already begun. And that's
7 why I went to this territory to help out the commander of that zone
8 so that we can improve the defence and help with the withdrawal of
9 the population from the villages that were at the risk of being
10 attacked in that territory.

11 And I stayed there for some time. The fighting there began on
12 the 24th, and I stayed there until 1 April. Then I moved to Berisha,
13 where I stayed for several days. We defended the Berisha area from
14 the attacks of the Serb forces with parts of Pashtrik zone units.
15 That is, parts of the Brigade 124 in Budakove and Nerodime areas. We
16 strengthened these axes, and we concentrated also on the defence of
17 the population that was gathered in Nerodime.

18 And after this time, in Nerodime area, in Devetak village, I
19 organised the operations so that I could follow the movement and the
20 attacks of the enemy forces and also the response of our forces, the
21 defence by our forces.

22 Q. Now, you mentioned you attended a meeting in Mullopolc.
23 Approximately when was that and who attended the meeting?

24 A. At Mullopolc, I was present at that meeting. I briefed the
25 provisional government about the situation in the territory of Kosovo

1 in all zones. At that meeting, I met with Hashim Thaci, Rame Buja,
2 the commander of the Nerodime zone, Agim Ceku. And, as I said, I was
3 attending the meeting and reported on the situation in Kosovo. I
4 also explained the situation in Kosovo.

5 And the next day, or two days after that meeting, we went out
6 with Hashim Thaci and visited all the civilians that were sheltering
7 in Nerodime -- in the area of Nerodime zone, in the mountains, in the
8 woods. And then I continued on with the organisation of the defence
9 of this area.

10 Then after several days, I went back to Berisha. There, I met
11 with the general commander to inform him about the situation on the
12 ground. Then I returned to Nerodime area again. I don't remember
13 how many days afterwards because time has passed. We met at Jezerc,
14 and there the hand over of duty between me and Agim Ceku took place.
15 Q. Thank you. I just want to ask was Operation Arrow discussed at
16 one of these meetings?

17 A. Yes. It was discussed because when we explained about the
18 situation in Kosovo, the Arrow operation was also mentioned. We
19 informed what was going on, and we discussed the Arrow operation,
20 when was it to start. In fact, it had already started during the
21 time of the meeting. On 9 April it had started at Koshare. And
22 discussed other operations that were already planned by the
23 General Staff.

24 At that time, we discussed with Agim Ceku the structures of the
25 operations and operational units and the person who was going to lead

1 at this time. We've deemed that Nexhmedin Kastrati would be fit for
2 that position from the Pashtrik area, who had experience in leading
3 operational units and officers. So he was supposed to go to Albania
4 and to start the preparations to lead this operation.

5 Q. Now, just for the clarity of the record, earlier it's said "the
6 commander of the Nerodime zone Agim Ceku," but I assume you meant
7 "the commander of the Nerodime zone, Agim Ceku." So they were both
8 present, two people?

9 A. I think I mentioned it. The zone commander. Agim Ceku is not a
10 zone commander and was not at the time. The zone commander was
11 Shukri Buja.

12 Q. Now, you mentioned that there was a second meeting at Jezerc.
13 Could you tell me who was present at that meeting, please?

14 A. The meeting held in Jezerc was attended by members of the
15 provisional government and members of the General Staff. At this
16 meeting, Hashim Thaci was also present, Kadri Veseli as well, Adem
17 Grabovci, Agim Ceku. As far as I remember, Sylejman Selimi was also
18 present, and some other members whom I don't remember at this time.

19 As I said, the hand over of duty took place at that meeting
20 between me and Agim Ceku. And I received my new task to go to the
21 Ministry of Defence to help with the development of this ministry and
22 to lead the operations in Albania where the units had already been
23 mobilised with people who had come from the Western countries to
24 proceed with Arrow operation.

25 Q. Thank you. And you've stated previously - this is P01356-ET,

1 page 6049, it's the Sainovic testimony - that once the provisional
2 government was created, reports about KLA forces were sent to the
3 Ministry of Defence; is that right?

4 A. Yes, that's right. The moment the government was created, the
5 Ministry of Defence was also established, and the reports were
6 supposed to go to the Ministry of Defence. So the General Staff was
7 supposed to report to the Ministry of Defence about the situation on
8 the ground.

9 Q. Were you involved in drawing up the operational plan for
10 Operation Arrow?

11 A. Yes.

12 Q. Can you tell me when the plan was developed and what the
13 objective of the operation was?

14 A. Yes. Considering that since January 1999, following the
15 massacre at Recak, it became clear to us that the Serb forces would
16 not remain quiet, that they would undertake other attacks, and that
17 we would find ourselves in not a desirable situation. So we started
18 with the preparations of this plan at the operations directorate, a
19 plan to open the corridors coming from Albania to Kosovo as supply
20 routes for the population and the army with food and for the army
21 with weapons. So this plan envisaged these corridors, the
22 strengthening of the units inside Kosovo, and, as an ultimate goal,
23 the liberation of the country.

24 Q. Thank you. And can you briefly describe what the command
25 structure was for Operation Arrow.

1 A. The operation was envisaged to go into three directions:
2 Koshare, Pashtrik mountains, and Koritnik. Only two directions were
3 active at the time: Koshare and Koritnik. Commander of the
4 Operational Direction 1 was in Koshare; the second one, in Cahan, in
5 Albania. Whereas the command for the entire operation was in Kukes,
6 and I was at the head of that command. It was stationed in a private
7 house in Kukes, and from there we coordinated and led the operation
8 in these two operational directions.

9 Q. And can you please state who was the commander for Operational
10 Direction 1 and Operational Direction 2?

11 A. The Brigade 138, Rrustem Berisha, was for number 1, where for
12 Operational Direction 2 was Nexhmedin Kastrati.

13 Q. Thank you.

14 MS. LAWSON: Can we please call up SPOE00228147.

15 Q. Now, after the Operation Arrow forces entered Kosovo, did the
16 command change? Sorry, it's not connected to the document. I'm just
17 asking a follow-up question.

18 A. Yes. This was also planned. With the entry of the
19 Operation Arrow forces into Kosovo and their merging with the units
20 inside, the command of the operation was going to be dissolved and
21 transformed into the structures. Those who were at the General Staff
22 to go back there, and I was supposed to go back to the Ministry of
23 Defence. Second, also the command of the 2nd Operational Direction
24 was supposed to be transformed to continue with the General Staff.
25 So these were the changes from the entrance of the operation's forces

1 until June.

2 Q. So the forces would go under the command of the General Staff;
3 is that correct?

4 A. Yes, with the entry in Kosovo and joining other forces.

5 Q. Thank you. So now turning to the document on the screen. Do
6 you recognise this stamp at the top?

7 A. Yes, it's a stamp of the General Staff.

8 Q. What do you understand this document to be? And we can turn
9 through the pages slowly just so that you can see the document.

10 A. This is the plan for the development of the KLA, and this type
11 of organisation could be put in place only after the war. As I see,
12 there are many units listed here that could not be formed during the
13 war. If I did not manage to form those units before the bombing
14 started, they could not be formed either after the beginning of the
15 bombing.

16 So to create such units, you need a lot of time and work. You
17 have to put a lot of work into it. So this organisation and this
18 structure was put in place after the liberation.

19 Q. There is a national guard mentioned in the structure. Do you
20 know was that created?

21 A. This began sometime, this organisation, in April, May, but the
22 guards unit usually consisted of former rapid intervention unit and
23 reconnaissance units, and it was envisaged to become a national
24 guard. And as far as I know, it was developed after the war because
25 it could not actually come into existence during the war.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17511

Examination by Ms. Lawson (Continued)

1 Q. Who was put in charge of developing the national guard?

2 A. As far as I remember, at the time it was Sylejman Selimi.

3 Q. And do you recognise the signature here on the last page?

4 A. Yes, I do.

5 Q. Can you just state who it is, please?

6 A. It's Hashim Thaci's signature.

7 MS. LAWSON: The document from the header has a fax date of
8 14 May 1999, and I'd like to tender it, please.

9 MR. MISETIC: Mr. President, I would ask that it be MFI'd
10 because this is -- the Prosecution is only submitting an incomplete
11 document, and we believe the first two pages are relevant, and we're
12 going to go into it in cross-examination, and it should be one
13 document.

14 MS. LAWSON: I believe any additional pages can be added to the
15 existing exhibit number.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 I understand your request, and I agree with what the Prosecutor
18 just indicated. You can certainly add the pages if you can admit
19 them properly.

20 SPOE00228147 is admitted and is -- it may be confidential or
21 public?

22 MS. LAWSON: It may be public.

23 PRESIDING JUDGE SMITH: It can be reclassified as public.

24 THE COURT OFFICER: Thank you, Your Honour. For the record, the
25 full ERN is SPOE00228147 to SPOE00228151, and its English

1 translation, will be assigned Exhibit P01434, and it will be
2 reclassified as public. Thank you.

3 MS. LAWSON: So I'd like to please call up SPOE00228188. The
4 document is dated 27 May 1999. Can we please go to the second page
5 so that the witness can see the signature and stamp.

6 Q. Do you recognise those, and can you indicate what they are,
7 please?

8 A. The stamp is of the General Staff and the signature is
9 Agim Ceku's.

10 MS. LAWSON: We can go back to the first page, please.

11 Q. So you'd already mentioned that after the PGoK was set up, KLA
12 forces reported to the Ministry of Defence. While you were in
13 Albania, what was the extent of the information that you received
14 about forces inside Kosovo?

15 A. It was no longer my duty to take -- receive reports from the
16 staff. What I could still receive from the staff at the time was the
17 positions of the Serbian forces, because I was interested in that.
18 The reports went to the minister of defence. As to how and in what
19 way they were sent and processed, that I don't know.

20 Q. So in paragraph 2 here, we can see reference to the Serbian
21 forces reacting to Operation Arrow. And then further down the page,
22 in number 3 you can see a reference to KLA forces involved in
23 Operation Arrow.

24 Is that information accurate from your knowledge? The date was
25 27 May.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17513

Examination by Ms. Lawson (Continued)

1 A. Yes. As an information regarding the movement of Serbian
2 forces, yes, the information is correct.

3 Q. And regarding the KLA forces in number 3, is that also correct?
4 It mentions Milaj, Gorozhup, and Planej villages.

5 A. Are you referring to the shelling on these villages according to
6 this report?

7 Q. No, sorry, I've moved to number 3 at the bottom of the page
8 where it's describing the KLA forces.

9 A. Yes, I can see that. But this is not accurate because at the
10 time on the 27th, our forces could not manage to get to Gorozhup and
11 Planej, but they did manage to go to Milaj.

12 Q. Thank you.

13 MS. LAWSON: And with that clarification, I would tender the
14 document, please.

15 PRESIDING JUDGE SMITH: Any objection?

16 MR. MISETIC: No objection.

17 PRESIDING JUDGE SMITH: None. No objection being heard,
18 SPOE00228188 is admitted and will be reclassified as public.

19 THE COURT OFFICER: Thank you, Your Honour. For the record, the
20 full ERN is SPOE00228188 to SPOE00228189, and its English
21 translation, will receive Exhibit P01435 and will be reclassified as
22 public. Thank you.

23 PRESIDING JUDGE SMITH: Thank you.

24 MS. LAWSON: Is the Court intending to take a break?

25 PRESIDING JUDGE SMITH: Yes. Is this a convenient time?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17514

Examination by Ms. Lawson (Continued)

1 MS. LAWSON: Yes, we can do it now.

2 PRESIDING JUDGE SMITH: All right.

3 Witness, we'll give you the short ten-minute break at this time.

4 Please do not speak to anyone about this case outside of the

5 courtroom. You may go now with the Court Usher.

6 [The witness stands down]

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

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

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

10 PRESIDING JUDGE SMITH: Madam Prosecutor, it would be helpful
11 when you're tendering the document to mention the entire range of the
12 ERN that you intend to introduce, just for accuracy in the record.
13 Thank you.

14 You can bring the witness in now.

15 [The witness takes the stand]

16 PRESIDING JUDGE SMITH: All right.

17 Madam Prosecutor, you may continue.

18 MS. LAWSON: Thank you. And can we please bring up
19 SPOE00227562. And it's a one-page document so that's the entire
20 range.

21 PRESIDING JUDGE SMITH: Thank you.

22 MS. LAWSON: The date of the document is 17 May 1999.

23 Q. Witness, do you remember the purchase being described --
24 purchase of weapons being described in this document?

25 A. I remember in general purchasing arms, including these, and

1 their delivery.

2 Q. What were these weapons for and were they obtained?

3 A. These arms were needed for the operation. For example, the
4 first one is an anti- -- it's an air defence system which we needed.
5 The second one, anti-tank missile, again needed. The same goes for
6 the third and the fourth. So the second, third, and fourth are
7 anti-tank weapon systems that we needed.

8 The second group is sniper rifles which were needed in the unit.
9 They were purchased from various countries in the world. They had to
10 then come into Albania, so this document was addressed to the
11 Government of Albania. To my knowledge, these weapons entered
12 Albania but did not reach us because the war was over by the time
13 they reached the armament depots.

14 MS. LAWSON: And, Your Honour, I'd tender that item, please. It
15 can be public.

16 PRESIDING JUDGE SMITH: Any objection?

17 MS. ALAGENDRA: No objection, Your Honour.

18 PRESIDING JUDGE SMITH: SPOE00227562 is admitted and is
19 reclassified as public.

20 THE COURT OFFICER: Your Honour, the document and its English
21 translation will receive Exhibit P01436, and it will be reclassified
22 as public. Thank you.

23 PRESIDING JUDGE SMITH: Thank you.

24 MS. LAWSON: Your Honour, for my next series of questions, I'd
25 like to move into private session, please, because of the

Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17516

Examination by Ms. Lawson (Continued)

1 classification of the material.

2 PRESIDING JUDGE SMITH: Into private session, please,

3 Madam Court Officer.

4 [Private session]

5 [Private session text removed]

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17517

Examination by Ms. Lawson (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17518

Examination by Ms. Lawson (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17519

Examination by Ms. Lawson (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17520

Examination by Ms. Lawson (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17521

Examination by Ms. Lawson (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17522

Examination by Ms. Lawson (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17523

Examination by Ms. Lawson (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17524

Examination by Ms. Lawson (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17525

Examination by Ms. Lawson (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17526

Examination by Ms. Lawson (Continued)

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17527

Examination by Ms. Lawson (Continued)

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9 [Open session]

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

11 PRESIDING JUDGE SMITH: Thank you.

12 MS. LAWSON:

13 Q. Now, I have a small number of nicknames and other miscellaneous
14 matters that I'd like to put to you to finish. Do you know the name
15 Bashkim Fino?

16 A. Yes.

17 Q. Who is that and have you met him; and if so, where?

18 A. Bashkim Fino was an officer in 121 Brigade. I met him in the
19 command of 121 Brigade in Berisha mountains.

20 Q. Do you know his proper name?

21 A. I think his name is Naser.

22 Q. Do you know who Fytyra is?

23 A. Yes, I do. He was also an officer of 121 Brigade, and I met him
24 too in the command of 121 Brigade.

25 Q. And do you know his proper name?

1 A. Yes, I do. But I can't recall it right now. I am a bit mixed
2 up with all these names.

3 Q. No problem. I only want you to say what you remember. Van Dam?

4 A. Yes, Van Dam too was a soldier and officer in 121 Brigade
5 command. In the beginning of June when the training conducted by
6 Agim Qelaj of rapid intervention units, Van Dam took part in that
7 training, and then sent to the Brigade 121.

8 I cannot recall his name right now, his real name.

9 Q. Changing slightly. Where was the Drenica zone headquarters
10 during the summer of 1998?

11 A. The headquarters of the Drenica zone was initially in Likoc.
12 And after the summer offensive, it moved to Abri village, and that's
13 where it remained. So these are the two locations where the
14 headquarters of the Drenica operational zone was based.

15 Q. And just because I'm not sure whether the interpretation
16 captured the name of the second village properly, could you give the
17 full village name if you know it?

18 A. During the fighting, the offensive, the commands moved
19 frequently. This one was initially in Likoc, then moved to Baice,
20 and then to Abri. These are the main villages where the command of
21 the Drenica zone was headquartered.

22 Q. Thank you. Who was Bekim Berisha?

23 A. Bekim Berisha was one of the officers with a lot of combat
24 experience. He had taken part in the Croatian -- in the war in
25 Croatia and Bosnia. And in Kosovo, initially he was in the Drenica

1 area and carried out trainings and preparations of the rapid
2 intervention unit in Drenica called Adem Jashari. He trained and
3 prepared this unit.

4 Q. Where was that unit based?

5 A. The unit was based in Abri.

6 Q. Which were the brigades based in Reti?

7 A. In 1998, 1999, Brigade 125 was based in Reti, the command of 124
8 Brigade, and the command of 126 Brigade.

9 Q. Were there Serb attacks shortly before the NATO bombing
10 occurred?

11 A. Yes. With the beginning of the NATO air strikes, the Serb
12 forces started their attacks immediately, initially in Pashtrik, and
13 from there, the attacks moved towards the territories of these
14 brigades that I mentioned - 124, 125, 126. That is, towards Reti and
15 the villages within the control of Pashtrik operational zone.

16 Q. Were there also attacks in Shala shortly before the NATO bombing
17 occurred?

18 A. At the beginning of the NATO bombing, attacks began also in the
19 area of Shala and in other areas, including Drenica, Dukagjin, and
20 Nerodime.

21 Q. Did units from other zones go to assist in Shala?

22 A. At the beginning, with the first attacks in Cicavica, yes. The
23 Drenica units helped out the Shala units to repel the Serbian
24 attacks.

25 Q. Now, we spoke on Monday on how Azem Sylja's role as commander was

1 kept secret. To your knowledge, would Sylejman Selimi have known
2 that Azem Sylja was commander at the time that he - "he" being Selimi
3 - assumed that post?

4 A. That I don't know. I personally found out when I entered
5 Kosovo, when I assumed my duty at the operational directorate. I
6 learned then that Azem Sylja was the general commander. As for
7 Sylejman Selimi, I don't know whether he knew or not. But according
8 to his reaction, I don't think he knew that Azem Sylja was a
9 commander, the general commander. I thought, because of the fact
10 that the zone commanders had been placed in their respective zones
11 earlier, that they did know, but it turned out that they didn't.

12 Q. Thank you. And, Witness, that concludes my questions for now,
13 so thank you for your attention.

14 MS. LAWSON: And my thanks also to the Court Officer for the
15 large volume of documents.

16 PRESIDING JUDGE SMITH: Are you ready to begin now or do you
17 need a few minutes to get set up?

18 MR. MISETIC: I'm ready.

19 PRESIDING JUDGE SMITH: Go ahead.

20 Cross-examination by Mr. Misetiç:

21 Q. Good morning, Mr. Zyrapi. My name is Luka Misetiç. I am
22 counsel for Mr. Thaci, and I have quite a few questions for you, so I
23 will try to get through them as fast as I can. But most of my
24 questions I've tried to phrase so that you can answer with a "yes" or
25 "no" to many of them, and that will help us get through the material

1 as quickly as possible so that we can finish my cross-examination as
2 quickly as possible.

3 If I need you to explain something, I'll ask you to explain your
4 answer, and that will allow you to elaborate longer on a particular
5 issue. Is that acceptable to you?

6 A. Good morning. I'm ready to provide you with all the answers
7 about the things that I know.

8 Q. Okay. Mr. Zyrapi, let me start with this: You are an
9 experienced military officer. Would you agree?

10 A. I would, yes.

11 Q. And you were an officer in three different armies; correct?

12 A. Yes.

13 Q. You went to the higher military academy of the Yugoslav Army;
14 correct?

15 A. Yes.

16 Q. Would you agree with me that, to the best of your knowledge, all
17 armies of the world target collaborators? That's why they have, for
18 example, counter-intelligence services.

19 A. Could you please clarify this question. It's not quite clear to
20 me.

21 Q. So all armies and the systems in which they operate have
22 counter-intelligence services; correct?

23 A. Yes, that's true.

24 Q. And part of the duties of a counter-intelligence service is to
25 uncover potential collaborators within their own ranks; correct?

Witness: Bislim Zyrapli (Resumed) (Open Session)

Page 17533

Cross-examination by Mr. Miletic

1 A. Very correct.

2 Q. Okay. So in principle, would you agree with me that there is
3 nothing wrong, in principle, with an army looking for collaborators?

4 A. Yes, that's correct.

5 Q. Would you also agree with me that what would be wrong is to look
6 for collaborators and then abuse their human rights - torture them,
7 beat them, kill them, things of that nature?

8 A. Yes.

9 Q. Were you ever aware of any agreement, spoken or unspoken, within
10 the General Staff of the Kosovo Liberation Army and in which
11 Mr. Thaci was involved to abuse the human rights of either
12 collaborators or people perceived to be opponents of the KLA?

13 A. No, I wasn't.

14 Q. Were you ever aware of any agreement, spoken or unspoken, to
15 unlawfully intimidate people perceived to be opponents of the KLA or
16 collaborators or to commit violence against them or to remove them so
17 that they KLA could seize power in Kosovo?

18 A. No, I wasn't.

19 Q. Witness, I want to turn to the topic of the definition -- let me
20 start -- in the summer of 1998, would it be fair to say that what you
21 saw of the KLA was an unorganised and not centralised organisation?

22 A. Yes, it would.

23 Q. Would you agree with me that, in the summer of 1998, the
24 General Staff itself struggled to meet and operate in a unified
25 manner?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17534

Cross-examination by Mr. Miseti

1 A. Yes.

2 Q. Now, did you yourself have a definition of what a collaborator
3 is?

4 A. Well, in what aspect, the definition? Please try to be more
5 clear.

6 Q. Well, I'm going to read to you what your answer was when the SPO
7 asked you that question, and you said:

8 "Someone who" --

9 MR. MISETIC: And this is, for reference, P01355.5 at page 2,
10 lines 15 to 25.

11 Q. You said:

12 "I can only talk about the military perspective. Somebody who
13 is an enemy collaborator and is part of a unit, he would disclose
14 information about the unit, what power -- what -- the strength of the
15 unit, how prepared this unit is, and how capable is the unit to act.
16 And this is information for the enemy how to destroy this unit."

17 Is that correct?

18 A. Yes, correct.

19 Q. And you told the SPO that that is your professional definition
20 of a collaborator; correct?

21 A. Yes.

22 Q. Okay. And then you were asked could a civilian fall within the
23 definition of collaborator. And I'll -- and you said --

24 MR. MISETIC: And, again, this is P01355.5, page 3, lines 7 to
25 12.

1 Q. And you said "in the control zone" a civilian could also be
2 perceived as a collaborator. And that's one question I'd like you to
3 explain. What do you mean by a civilian in the control zone could be
4 perceived as a collaborator, from your professional opinion?

5 A. Any civilian who collaborates with the enemy, it's the same
6 whether he is within the ranks of the KLA or outside those ranks.
7 Such person would give the enemy information on our movement and is a
8 collaborator with the enemy. It's the same classification as a
9 collaborator regardless of whether he is a member of a unit, with
10 uniform, or a civilian.

11 If he or she is a civilian, he would observe and surveil our
12 units and report on our movements to the enemy, what activities we
13 undertake, what weapons we have, and so forth. So this person is a
14 collaborator.

15 MR. MISETIĆ: Mr. President.

16 PRESIDING JUDGE SMITH: Witness, it's time for the scheduled
17 half-hour break for this morning, so you may leave the courtroom now.
18 Please do not speak with anyone about your testimony in the
19 courtroom. We will reconvene at 11.30.

20 [The witness stands down]

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

22 --- Recess taken at 11.02 a.m.

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

24 PRESIDING JUDGE SMITH: The Duty Counsel is having some
25 difficulty following, like when you refer to a page, because he only

1 has the ERN numbers. So if you would refer to the ERN number and the
2 page and line, then he can find it in the documents that he's been
3 delivered. I realise that's an extra burden, but I -- to the best of
4 your ability.

5 MR. MISETIC: I will, of course, do that. If I can ask the
6 Panel then to have -- to give me a little bit of extra time in case I
7 need it at the end.

8 PRESIDING JUDGE SMITH: You get one extra minute.

9 MR. MISETIC: Okay. There you go. You'll see me speed reading
10 then through these. Thank you.

11 PRESIDING JUDGE SMITH: No, I understand that it makes it more
12 difficult, but I want to accommodate him as much as possible too.

13 You can bring the witness in now.

14 MR. MISETIC: Could I just inquire, to make it easier, does he
15 have just a complete set of the SPO interview?

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MR. MISETIC: Then is it all right if I just say Part 1, Part 2,
18 and -- it would probably make it easier, wouldn't it? Yeah, okay.

19 PRESIDING JUDGE SMITH: *[REDACTED] Pursuant to In-Court Redaction
Order F02424RED.* is the authority on this, not me.

20 [The witness takes the stand]

21 PRESIDING JUDGE SMITH: We will continue now.

22 And, Duty Counsel, we understand the difficulty you were having.
23 We're going to try to remedy that as much as possible.

24 Thank you. Go ahead --

25 MR. VANREUSEL: Thank you, Your Honour.

1 PRESIDING JUDGE SMITH: -- Mr. Misetić.

2 MR. MISETIĆ: Thank you, Mr. President.

3 And for the benefit of Duty Counsel, I think I'll just refer to
4 whatever part of the interview, which will make it easier.

5 Q. Witness, I will continue where we left off before, and you'll
6 recall that I was asking you for your professional definition of who
7 a collaborator is. And you've told us both who -- from a military
8 perspective, in terms of the soldiers within units who could be
9 collaborators, and then what you meant when you said civilians within
10 a zone or within a control zone could be a collaborator.

11 And my next question to you is, are those the definitions that
12 you applied when you became chief of the General Staff of the KLA in
13 terms of who a collaborator would be?

14 A. Yes.

15 Q. And after you became chief of the General Staff of the KLA, you
16 issued an order on 28 November 1998 giving instructions on how to
17 deal with collaborators; is that correct?

18 A. Instruction? Sorry, which order?

19 Q. Well, I'll read again. You gave an instruction because you had
20 received complaints from people, like zone commanders, about
21 behaviour of people on the ground. First we'll deal with that.
22 Correct? Of soldiers. So a disciplinary order; correct?

23 A. You're referring to the administrative instruction of November;
24 right?

25 Q. Yes.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17538

Cross-examination by Mr. Miseti

1 A. Yes.

2 Q. And you did that after -- you say after consulting with the
3 general commander; correct?

4 A. Correct.

5 Q. And just so we're clear, the general commander was Azem Sylja?

6 A. Yes.

7 Q. And then you had a meeting to follow up on that instruction with
8 the zone commanders and explained that instruction to them; correct?

9 A. Not only in relation to this instruction. This was a general
10 meeting addressing other matters - the organisation of the army, the
11 staff needs, requests. The meeting was not held only to deal with
12 this matter.

13 Q. Let me read to you what you said to the SPO.

14 MR. MISETIC: And this is Exhibit P01355.5. And for the benefit
15 of Duty Counsel, that's Part 5, page 13, lines 2 to 17.

16 Q. And you're discussing that meeting, and the question is:

17 "Okay. The zone commanders were not in this meeting?"

18 "A. No, they came later on.

19 "Q. They came latter to another meeting?"

20 And you say:

21 "Yes, in another meeting. There were other meetings with the
22 zone commanders.

23 "Q. Where you discussed the issue of collaborators?"

24 "A. This was discussed too.

25 "Q. May I ask you, did the zone commanders have any questions

1 to you how to do this practically?

2 "A. I did explain this in practice how this -- practically how
3 they were to implement this. I explained to them that if there was a
4 suspicion, the person can be ..."

5 And then the interpreter clarifies.

6 And you say the person can then be sent off to the legal sector.
7 Is that what you told the zone commanders in dealing with
8 collaborators?

9 A. Yes.

10 Q. And so what you had done or what you meant was that a
11 detained -- a person detained suspected to be a collaborator had to
12 go through a legal process and appear before a court; correct?

13 A. Correct. Be sent before the legal sector.

14 Q. And the legal sector was set up in November 1998; correct?

15 A. It started at that time and then continued in December, January.

16 Q. And is it correct that the creation of the legal sector was
17 intended to be part of the process of professionalisation of the KLA
18 with your arrival as well?

19 A. Not only with my arrival, because I arrived before the
20 restructuring started, but these were the needs and requests. Before
21 that, we were not able to do these things because of the Serb
22 offensives in the summer 1998. In this period of time, starting from
23 November, we started restructuring the KLA as per the needs at the
24 time, including the creation and development of the sector.

25 Q. I'm going to get into all of that with you in terms of what

1 happened in the summer and what you encountered that would have
2 prevented you from creating a legal sector.

3 But is it fair to say that it was your understanding that it was
4 for the legal sector which was in charge of overseeing the process of
5 investigating collaborators and to provide an assessment of who
6 amounted to a collaborator?

7 A. Yes.

8 Q. And is it correct that the legal sector had the authority to
9 issue arrest warrants?

10 A. Yes.

11 Q. And those arrest warrants would then be implemented by the
12 military police and, if need be, by special units; correct?

13 A. Correct. By the military police.

14 Q. Now, to be specific, when you refer to the legal sector as
15 overseeing the process of assessing who is a collaborator, you're
16 referring specifically to Sokol Dobruna and his military court
17 formation?

18 A. Yes.

19 Q. And is it your testimony that Sokol Dobruna reported directly to
20 the general commander Azem Syla?

21 A. Yes, to the commander.

22 Q. And after Sylejman Selimi became the general commander, did
23 Sokol Dobruna report to Sylejman Selimi?

24 A. Based on the rules, he should have.

25 Q. Based on what actually happened, if you know, who was

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17541

Cross-examination by Mr. Misetić

1 Sokol Dobruna reporting to after Sylejman Selimi became the general
2 commander?

3 A. I don't know exactly. When Sylejman Selimi became a commander,
4 the Serb offensive started. We were under shelling. I don't know to
5 what extent was he able to report at the time. But he, based on the
6 rules, would have had to report to him.

7 Q. When you say "the Serb offensive started," which offensive are
8 you referring to?

9 A. After the start of the bombing on 24 March.

10 Q. Okay. So do you know between, let's say, 12 February and
11 24 March who Sokol Dobruna was reporting to?

12 A. He, based on the rules, had to report to the general commander
13 Sylejman Selimi.

14 Q. Okay. But in actual practice do you know? Do you have any
15 information about who in reality he was reporting to?

16 A. No.

17 Q. Witness, the rest of my cross-examination is going to be now
18 assessing the factual basis of some of the things you've said in the
19 first questions that I've asked, including your denial of knowledge
20 of any spoken or unspoken plan to abuse people suspected of being
21 collaborators or opponents of the KLA.

22 So we're going to go through now the facts of from the moment
23 you entered Kosovo until the end of the war, so it will take some
24 detail. But the first question I had is for you, again, as a
25 military officer.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17542

Cross-examination by Mr. Miseti

1 MR. MISETIC: And if we could please put on the screen
2 Exhibit P628, please.

3 Q. Witness, I'm -- I'll wait for the Albanian to come on.

4 Witness, I'm not interested in the substance of this order but
5 in the form. So the first question is --

6 MR. MISETIC: If we could go to the last page, please, for a
7 signature -- or the bottom. Yes.

8 Q. For an order to be effective in the KLA -- and you, as a
9 professional officer, I'm asking you now about how an effective order
10 would have been created in the KLA. Is a signature required?

11 A. Yes.

12 Q. And now I'm only talking about written orders, not oral orders,
13 obviously. Was the stamp required in order for the order to be
14 effective?

15 A. For an order to come into force, a written ordinance needs to
16 have the signature, the stamp, and the protocol number.

17 Q. Okay. If it doesn't have those things, is it an effective
18 order? If it's missing one of those components.

19 A. If there is no signature or stamp, it cannot come into effect
20 because the administrative steps have not been completed for that
21 order to come into effect.

22 Q. You were shown by the Prosecutor this morning an order that had
23 been prepared on 12 February to replace Commander Drini. Do you
24 recall that discussion?

25 A. Yes.

1 Q. It was unsigned and therefore was ineffective, and in effect --
2 and in reality, you never signed it because you didn't agree with it;
3 correct?

4 A. Correct.

5 Q. So to know whether an order that is unsigned was actually
6 effective, we'd have to speak to the person who is purported to have
7 issued order, do you agree, to see whether he ever actually signed
8 it? I know it's confusing, but there may be various versions of an
9 order. We may have an unsigned copy. There may have been a signed
10 copy later that we don't have a copy of. You can't really know
11 unless you speak to the person or have some other evidence that it
12 was signed and effective; correct?

13 A. Correct.

14 MR. MISETIC: And if we could go to the top of the order,
15 please.

16 Q. The opening paragraph, "Pursuant to ..." Why do you identify
17 the basis upon which or the legal basis upon which you're issuing an
18 order?

19 A. This is the legal basis of the chief of staff prerogatives about
20 the reporting of the zone commanders, how they have to report and
21 where. This is the prerogative of the chief of staff. It is based
22 on the regulation of the General Staff, and not only in relation to a
23 particular army like our army being formed, but any other army.

24 Q. Right. But is it correct that, for example, when you were
25 trained to be an officer, you were trained to invoke the basis upon

1 which you're issuing an order, the legal basis? So, for example, if
2 the commander ordered you to do something with your units, you would
3 invoke that commander's order in your written order and then submit
4 it to your subordinates; correct?

5 A. Correct. And this is based on the regulation of the
6 General Staff.

7 Q. Thank you. I'd like to change topics and start now
8 chronologically going from your entry into Kosovo. And you had to
9 wait approximately two months in Albania before you entered Kosovo;
10 correct?

11 A. Correct.

12 Q. And while you were there, you were helping the KLA with
13 logistics; correct?

14 A. I assisted in the logistics sector with the inspection of
15 weapons, the technical inspection.

16 Q. And you said you were providing some training, too, to people
17 who would be KLA soldiers; correct?

18 A. Correct.

19 Q. Now, you were waiting for two months because, as you understand
20 it, you were undergoing a background check; is that correct?

21 A. Correct.

22 Q. And you told the SPO that you don't believe that the background
23 check had anything to do with checking your prior political
24 positions; correct?

25 A. I did not have any prior political positions in this sense. The

1 background check was about my military service in the Yugoslav Army
2 and my place of residence prior to this time.

3 Q. Yes. But they weren't, for example, checking to see your party
4 -- if you had a party affiliation?

5 A. Before joining the Kosovo Liberation Army, I was not associated
6 with any political party.

7 Q. You were also in a group with other former Yugoslav Army
8 officers, is that correct, waiting to enter Kosovo?

9 A. At the time, there was a group of former officers of the popular
10 Yugoslav Army where we worked, and then we lived abroad in the West,
11 and we were waiting for these verifications to be conducted and then
12 to enter and join the Kosovo Liberation Army.

13 Q. And if we could just identify them, that would be -- former
14 Yugoslav Army officers waiting with you were Agim Qelaj; correct?

15 A. One of them.

16 Q. Kadri Kastrati?

17 A. Yes.

18 Q. Kemal Shaqiri?

19 A. Yes.

20 Q. Binak Gashi?

21 A. Yes.

22 Q. Mahir Hasani?

23 A. Yes.

24 Q. Any others that I've left out?

25 A. Shaban Draga, Naim Maloku, and others.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17546

Cross-examination by Mr. Misetić

1 Q. Would it be fair to say then that, as far as you know, the
2 people who you recognised as being in the Central Staff at the time
3 did not have a particular problem with people who had been officers
4 in the Yugoslav Army?

5 A. Correct. Not only from the staff here but also abroad before
6 I -- because I had contacts with members of the staff before where we
7 discussed how to proceed with a view of entering the country.

8 Q. And the people you had contacts with were Fehmi Lladrovci and
9 Xhemajl Fetahu; is that correct?

10 A. Correct.

11 Q. You knew them to be in the KLA?

12 A. Yes. They themselves told us that they were members of the
13 staff in the KLA. We had lengthy discussions and made preparations
14 to enter Kosovo.

15 Q. Right. So would it be fair to say not only were they not
16 opposed to people with a Yugoslav military background, but they were
17 looking for professionals such as yourself and these others that I've
18 identified to go into Kosovo and help them; is that correct?

19 A. Correct.

20 Q. Okay. And you've said that you were ultimately given the green
21 light to enter Kosovo by Azem Syla; correct?

22 A. Correct.

23 Q. And he gave you instructions and saw you off before you entered
24 Kosovo at the end of May 1998; correct?

25 A. Yes. He met us in May, in the beginning of May. We met,

1 including with other members of the staff, and we discussed this, and
2 at the end of May we entered Kosovo.

3 Q. But, nevertheless, as you entered Kosovo at the end of May, you
4 were not aware that Azem Syla was the overall commander of the KLA at
5 that time; correct?

6 A. Correct.

7 Q. You were introduced to Hashim Thaci when entering Kosovo in May
8 1998; is that correct?

9 A. Correct.

10 Q. And you've just mentioned that you had this meeting with
11 Azem Syla in Albania. Was Mr. Thaci present at that meeting?

12 A. No.

13 Q. So your first contact with Mr. Thaci was on or about the day
14 that you were entering Kosovo. That's when you were introduced to
15 him, as far as you can recollect?

16 A. Yes, the first time was in May 1998.

17 Q. Okay. You told the SPO, and I'm just asking if this refreshes
18 your recollection, that you may have, together with Agim Qelaj,
19 previously met him at Hotel Tirana in Albania in April 1998; is that
20 correct?

21 A. Yes, it might be correct. Correct.

22 Q. And you entered Kosovo together with Agim Qelaj, Hashim Thaci;
23 correct?

24 A. Correct.

25 Q. Kadri Veseli?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17548

Cross-examination by Mr. Misetić

1 A. Yes.

2 Q. Adem Grabovci?

3 A. Yes.

4 Q. But you told the SPO you did not receive instructions from
5 Mr. Thaci, Mr. Veseli or Mr. Grabovci of what was expected of you
6 once you entered Kosovo; is that correct?

7 A. Correct.

8 Q. And I'm now referring to a witness statement you gave to the
9 ICTY.

10 MR. MISETIĆ: And this is for the benefit of the parties, and I
11 don't know if Duty Counsel has this, but it's U016-0791-U016-0817 at
12 paragraph 26.

13 Q. Is it correct that, in fact, it was you who was leading
14 Mr. Thaci, Mr. Veseli, and Mr. Grabovci into Kosovo because you were
15 a professional?

16 A. Correct. I led the column to Kosovo. I was the commander of
17 the column.

18 Q. Now, at this time -- I'm asking you now about what you
19 understood to be Mr. Thaci's role in the Central Staff, or later the
20 General Staff. And you told the SPO that Mr. Thaci's role was that
21 he was covering media and public relations directorate in June 1998;
22 is that correct?

23 A. Correct.

24 Q. And you say that eventually he became the political
25 representative of the KLA. And my question to you is, to the best of

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17549

Cross-examination by Mr. Miseti

1 your recollection, how long was Mr. Thaci leading the media and
2 public relations directorate, and when did he switch over to being
3 the political representative?

4 A. His position as director -- of the director for media and
5 communication was held by him until November 1998. And the need
6 became present to start talks with internationals, partners in
7 Serbia, and we needed a separate part, the political part, as a
8 result of which the political directorate was formed, and it started
9 its work I think sometime in December. Mr. Thaci was appointed to
10 this position because of his prior experience with the public and the
11 media and knew also the international aspects. So he was assigned to
12 this task which he carried out until Rambouillet, when he was then
13 appointed prime minister of the provisional government resulting from
14 the Rambouillet negotiations.

15 Q. Okay. Thank you for that. Let me start with your arch or your
16 trajectory in the Kosovo Liberation Army. When you entered Kosovo,
17 you did not have an assigned position or role in the KLA; correct?

18 A. Correct.

19 Q. And is it correct that when you joined the KLA, you did not know
20 most of the people then in the Central Staff; correct?

21 A. Correct.

22 Q. And you've testified previously --

23 MR. MISETIC: And for the record, this is IT-04-84 T3154-3255 at
24 page 3203.

25 Q. You've testified previously that when you entered -- it was only

1 when you entered Kosovo and got to Likovc that you and Agim Qelaj
2 were given your assignments; is that correct?

3 A. Correct. This is when I received the task as an officer for
4 development and training in -- within the operational directorate.

5 Q. Yes. Now, in that same testimony that I've just cited, and this
6 is in the Haradinaj trial in 2007, you said you were given the duties
7 of an officer in the operational department of the General Staff
8 responsible for the development of the KLA; is that accurate?

9 A. Yes, that's accurate.

10 Q. Now, I'd like to be precise here. Did you consider yourself to
11 be a staff officer?

12 A. I -- I considered myself as an officer of the operational
13 directorate of the General Staff.

14 Q. What I'm asking you is did you, in June 1998, believe you had
15 the authority to issue orders yourself directly to local staffs, for
16 example, or were you a staff officer assisting others?

17 A. No. At the time, I was assisting others and I did not have the
18 right to issue orders nor the prerogative to do so.

19 Q. So based on that answer, did you believe at the time, and we're
20 talking about June, July, August -- actually, June, July for now,
21 before you become the head of the directorate of the operations. Did
22 you believe in June or July, for example, you could issue an order to
23 two local staffs and say: I order you to be joined into one staff?

24 A. No, it did not function with orders. At the time, it was based
25 on an agreement with all the units operating in those territories. I

1 would go there to unify them, and then I would report to the
2 operations directorate on the outcome.

3 So my objective was to organise them from the professional point
4 of view, how to function as a unit.

5 Q. But when you would go there, would you speak with the authority
6 of a commander or were you trying to mediate between two or more
7 groups?

8 A. I did not have the authority of a commander, but I had the
9 authority of an officer with the objective to help them, assist them,
10 and reorganise them, acting upon the instructions from the operations
11 directorate.

12 Q. Thank you, Witness. So is it -- based on this, your answers
13 now, when you visited places in June 1998, like Drenoc or the
14 Dukagjin plain or Suhareke, you were giving them advice on how to
15 make themselves more professional?

16 A. Yes, precisely.

17 Q. And then you've testified again, and you did again on
18 questioning by the Prosecutor, that it wasn't until mid-July 1998
19 that you became the director of the operational department in the
20 General Staff; correct?

21 A. Yes, correct.

22 Q. Now, in the Haradinaj trial in 2007 - and this is at transcript
23 page 3277 to 78 of that trial - you testified that in the period of
24 the summer of 1998, only the Dukagjin and Drenica zones existed, and
25 the Llap, Pashtrik, Karadak zones formed later and didn't function as

1 proper zones. Is that accurate or do you wish to change that?

2 A. I testified very clearly during that testimony. The Dukagjini
3 zone was more active. When I say "more active," I mean in terms of
4 combat. The other zones, they did exist. The commands were there,
5 put in place, but these zones were not well organised and they were
6 not very active in terms of combat.

7 Q. Just to clarify. When you say "they were not well organised,"
8 I'm asking now if you as a professional, if you could tell the Panel
9 what you mean by "they were not well organised"? What was missing to
10 make it an organised zone?

11 A. Well, speaking about June, July, and not being well organised,
12 this is due to the fact that there were different groups in these
13 territories. There were such groups in Drenica and Dukagjini areas
14 as well, but the organisation there functioned better because the
15 units were closer to each other and functioned better together.
16 Whereas in the other zones, let's say Pashtrik as an example, you had
17 Pellumbi, Lisi, Lumi, all these units, and they were not connected
18 into one command. And that's why at the end of June, the commander
19 of the Pashtrik zone was created. Maybe there was a command before
20 that, but I'm not aware of that.

21 So these units operated depending on the needs and the situation
22 on the ground. So this is why they were not well organised. These
23 units lacked cooperation among them, so discussions with them were
24 needed so that they can get closer and develop cooperation.

25 So the Pashtrik -- in the Pashtrik zone, the command was

1 created. In July and August, in Nerodime the command was created.
2 And then in Shala, there were some groups active there, and later on
3 they were organised into command. And in September, the other zone
4 was organised into a proper zone.

5 That's why I'm saying not well organised, since you did not have
6 the structures of a command for these areas to be properly active in
7 a military point of view.

8 Q. Okay. And to be fair to you, you did say that in your testimony
9 in the Limaj trial, pretty much word for word what you just said.

10 MR. MISETIĆ: And for the benefit of the parties, that is
11 transcript page 6823 to 25 of the 2005 testimony in Limaj.

12 Q. With regard to Pashtrik, in the Limaj trial you said, and I'll
13 read it to you:

14 "... I came across many self-organised units and units that were
15 not unified in the command. This zone was not active at the time.
16 In June, the preparations for the zone began and of course in June
17 and July we couldn't reach the highest level of organisation of this
18 zone. As I said, there were many Serb offensives in June and July.
19 The restructuring, however, continued to the next months but it did
20 not reach the desirable level, as was the case with the other zones
21 as well."

22 MR. MISETIĆ: And that's at page 6825 of the 2005 Limaj
23 testimony.

24 Q. Does that accurately describe the situation?

25 A. Yes, correct.

1 MR. MISETIĆ: If we could please put on the screen

2 Exhibit P01346-ET, please.

3 Q. Now, Witness, do you recognise the map here?

4 A. No.

5 Q. I should say that -- you're right. I should clarify. I don't
6 mean the markings on the map. Just can you locate Rahovec in the
7 upper middle part of the map?

8 A. Yes, I can see Rahovec.

9 Q. Okay. And if you -- I don't know if you can read the numbers,
10 but this purports to show the location of the KLA brigades by number.
11 For example, right in the middle you see Brigade 123. And it
12 purports to define the zones of the brigades. Do you see that?

13 A. Yes, I see that.

14 Q. Did all of these brigades exist in these defined zones in July
15 1998?

16 A. In July 1998 they started to be created. They were in the
17 process of formation. However, brigades as such, they started to
18 become organised in late July, beginning of August.

19 As for the seats of these units, yes. Brigade 123 was in
20 Berisha mountains; 122 is in Malisheve; and then 123, in Suhareke;
21 and 125 -- I can see battalion -- 1st Battalion, 2nd Battalion, but I
22 don't know. Yes, these are under the responsibility of 123 Brigade.

23 So more or less, they were groups of units. And 124 belonged to
24 the local staff of Rahovec, which was created later on at the end of
25 July and beginning of August, as far as I remember. But the zones of

1 responsibility were divided and delineated by the zone commanders.

2 Q. Okay. Let me be more specific. Did these brigades exist in
3 these zones before and during the events in Rahovec around July 17?

4 A. Not before, but the units -- their respective units existed.
5 But following the Rahovec event, they did.

6 Q. I'm not sure of your answer. Maybe it's a translation issue,
7 Witness. But what you've said is:

8 "Not before, but the units -- their respective units existed."

9 Can you clarify: Did the brigades exist as Brigades 121, 122,
10 123, before and during the events of Rahovec?

11 A. I stated it clearly. The brigades were created after Rahovec
12 events. Before the Rahovec events, there were no brigades. There
13 were units.

14 Q. Okay. And I'm just going to read your testimony in Limaj, and
15 this is the 2005 testimony at page 6831. You said:

16 "... brigades began to be formed in August 1998, and this
17 process continued in September, October, and November. There were
18 efforts to develop these brigades. They reached a medium level.
19 However, taking into consideration all the fighting that was going on
20 in August and September and then in March, the units did not reach a
21 full military organisation of the brigade."

22 Is that accurate?

23 A. Yes, entirely accurate.

24 Q. Okay.

25 MR. MISETIC: And if we could please put on the screen

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17556

Cross-examination by Mr. Misetić

1 Exhibit 1D00164.

2 Q. Witness, you were shown this document by the Prosecutor in
3 direct examination. And do you recall what it is?

4 A. Yes.

5 Q. On line 8 in the original - and if we could blow that up for the
6 witness to see - and I'd just ask you to confirm whether or not that
7 is your signature.

8 A. Yes, it is my signature, under number 7.

9 Q. And do you recall signing a document such as this at this
10 meeting?

11 A. Yes.

12 Q. Okay. Now, the meeting was held on the 26th -- or purports that
13 the meeting was held on 26 June 1998 in Studencan. Does that
14 accurately reflect your recollection of when and where the meeting
15 took place?

16 A. Yes, fully.

17 Q. And the document reports that the decision that was reached to
18 merge the two units was reached by the Celiku 50 and Lisi units
19 themselves; is that correct?

20 A. Yes, these two units met. I was present during that meeting.
21 And at this meeting, I and Gafur Elshani took part in this meeting to
22 assist these units to come closer to each other and create the local
23 staff.

24 Q. And the document does reflect what you just said, in the last
25 sentence, that you were just present at the meeting; correct?

Witness: Bislim Zyrapli (Resumed) (Open Session)

Page 17557

Cross-examination by Mr. Misetlic

1 A. Yes.

2 Q. Is it correct that you did not come to this meeting and order
3 the unification of those two units from any authority of the
4 General Staff?

5 A. No, there was no such order to unify these units. From the
6 operations directorate, I went there to see -- to identify the
7 problems. And the talks began for these two units to be brought
8 together and create the local staff. And then later, I helped them,
9 from the structural and organisational point of view, how to create a
10 command.

11 There was no strict order to create a joint unit, but the
12 unification occurred in line with the needs and the talks that were
13 held.

14 Q. Okay. And now let's turn to the Dukagjin zone around the same
15 time.

16 MR. MISETIC: So if we could please put on the screen P01364,
17 please.

18 Q. Witness, this is a meeting of 23 June, and it's the minutes of
19 the working meeting of the Glllogjan valley staff, Dushkaja, Baran
20 valley, Lushan valley, and Drin valley staffs. Do you see that?

21 A. Yes.

22 Q. Were you present at this meeting?

23 A. No.

24 Q. Let me just show you and see if this -- what's happening at this
25 meeting is consistent with your understanding of the state of the KLA

1 in the Dukagjin zone at the end of June. And it's a meeting of the
2 local staffs that resulted in the creation of the Dukagjin valley
3 zone command.

4 Now, first, let me ask you, you would know the -- this question:
5 It wasn't the General Staff that created the Dukagjin valley zone
6 through an order; correct?

7 A. Yes, correct. According to this.

8 Q. So if we go to -- and there's a discussion amongst all of these
9 groups. And if you could just explain, Dukagjin valley -- sorry, the
10 Glllogjan valley, Dushkaja, Baran valley, Lushan valley, Drin valley
11 staffs, this is basically self-organised KLA units in various parts
12 of Dukagjin; correct?

13 A. Yes.

14 Q. And they're meeting to see if they can come to an agreement to
15 create a command that would command all of them and coordinate all of
16 their activities; correct?

17 A. Correct. It's almost identical to the activities in Suhareke to
18 unify those units into a local staff.

19 Q. Yes.

20 MR. MISETIC: And if we go to numbered page 5 of this document,
21 which is page 2.

22 Q. It reports --

23 MR. MISETIC: If we could go to page 2 in the English as well.

24 Q. It quotes the Major, who I believe is Sali Veseli, proposing a
25 unification of all the local staffs of the Dukagjin zone under one

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17559

Cross-examination by Mr. Miseti

1 command. Do you see that?

2 A. Yes.

3 Q. And if we go to page 3, in the bold type it notes:

4 "The formation of the Operational Staff of the Plain of Dukagjin
5 was agreed and proclaimed unanimously."

6 And then it continues in the next bullet point:

7 "It was unanimously approved that the Staff should comprise: a
8 commander, a deputy commander, an assistant for [morale] guidance and
9 political affairs, a chief of staff, an assistant for logistics, for
10 intelligence and counter-intelligence."

11 Now, is it correct that the Dukagjin valley here is being
12 created by a vote of the local KLA units?

13 A. According to this process described, yes.

14 Q. Okay.

15 MR. MISETIC: And if we go to page 4 of the document; page 3 in
16 the Albanian still, I believe.

17 Q. The person identified as Smajl, which is, I believe, Ramush
18 Haradinaj, says:

19 "The Central Staff has not been giving us the instructions we
20 require, it has been absent."

21 Do you know why -- do you have any reason or understanding of
22 why Ramush might have said that he felt the Central Staff had been
23 absent up until that point in the Dukagjin valley?

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

25 Q. And then it goes on that there was a vote to determine whether

1 Smajl, Ramush Haradinaj, or Magjup, who I believe is Lahi Brahimaj,
2 should be zone commander, and Smajl is elected by a majority vote of
3 the local staffs; correct?

4 A. Correct, according to these minutes.

5 Q. So zone commanders -- in this case, the zone commanders being
6 elected from -- if I can use the term from below and not appointed
7 from above. Would you agree?

8 A. According to the minutes, yes.

9 Q. Well, do you have any reason to think that Ramush Haradinaj was
10 appointed to his position by some order from above him? Do you have
11 any reason to dispute what's in these minutes?

12 A. No, I didn't say that now or before. When I arrived there, I
13 found those commanders there. I don't know how they came and were
14 assigned to their positions.

15 Q. Okay. And then it goes on to note --

16 MR. MISETIĆ: If we can scroll down, please.

17 Q. "Following this the Chief of Staff, the Major, provided a
18 professional explanation of the duties of the Commander, Deputy
19 Commander, Chief of Staff and Deputy Chief of Staff."

20 So if we stop there, it would appear that somebody needed to
21 explain to these people what these functions actually mean; correct?

22 A. Yes, correct.

23 Q. And then it says:

24 "Ten persons with various types of military responsibilities in
25 Dukagjin were also appointed to the Operational Staff of the Plain of

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17561

Cross-examination by Mr. Miseti

1 Dukagjin."

2 So, again, even the staff is being selected by the local
3 self-organised KLA units; correct?

4 A. Yes, according to the minutes.

5 Q. Now, I'd like to just show you a different version of these
6 minutes which is more detailed than what's listed here. And let me
7 just ask you: Sali Veseli, the Major, he's also a former JNA
8 officer; correct?

9 A. Yes.

10 Q. So what these minutes show is you all as the JNA officers were
11 coming into a situation explaining to people basic things like what a
12 commander's duties are; right?

13 A. Yes.

14 MR. MISETIC: If we could please see on the screen
15 KSC-BC-2020-06 IT-04-84 P00141.E.

16 THE COURT OFFICER: If counsel can please repeat just the last
17 number starting with P.

18 MR. MISETIC: Yes, P00141.E.

19 Q. And these notes actually provide more detail of who said what at
20 this meeting. And so Sali Veseli, again the former JNA officer, on
21 page 2, page 1 in Albanian.

22 MR. MISETIC: If we could also have the Albanian on the screen,
23 please.

24 Q. And it says, on page 2, Sali Veseli says:

25 "... we must move to an operational army."

1 MR. MISETIC: And then if we go to page 2 in Albanian, page 3 in
2 the English.

3 Q. Again, it's Sali Veseli who's saying:

4 "I am in favour of forming an operational staff for the Dukagjin
5 area ..."

6 And Rrustem Tetaj is recorded as saying:

7 "In my opinion: There is little consolidation of forces.

8 "In order to proceed we need coordination, a single command."

9 So is it correct that, through June, there was little
10 consolidation of forces in Dukagjin?

11 A. Yes, not only in Dukagjin but the entire territory of Kosovo.
12 In all the zones, there were reorganisation going on. But as far as
13 this is concerned, yes.

14 Q. That was going to be my next question, so thank you for
15 explaining what was happening throughout Kosovo at the time. And
16 Rrustem Tetaj was also a former JNA officer; correct?

17 A. Yes. From the names that I see here, Rrustem Tetaj,
18 Sali Veseli, and Shemsedin, they were all former JNA officers.

19 MR. MISETIC: Okay. And if we can go to the last page, page 4.
20 Towards the end. In the Albanian, page 4, sorry. In the English
21 the -- yes, the very last page in English. Yes, if we can scroll to
22 the bottom.

23 There seems to be -- it's there in the Albanian and not in the
24 English, so if we could just have a second. Perhaps if I can just
25 read it out to save some time, if there's no objection? Okay.

1 Q. Witness, what the document records, and I believe you have it in
2 Albanian in front of you, is that Sali Veseli, the professional
3 soldier, is asked by Ramush Haradinaj to explain the duties of a
4 commander, a deputy commander, and a chief of staff; is that correct?

5 A. I don't know if that happened, but that's the question.

6 Q. But is that reflected in the document?

7 A. Yes.

8 Q. So if the document is accurate, it was Ramush Haradinaj himself
9 who was asking basic questions like what are the duties of a
10 commander and his staff; correct?

11 A. Correct.

12 MR. MISETIC: Mr. President, I tender this document into
13 evidence. And it's page 7, for the record, in the English
14 translation.

15 PRESIDING JUDGE SMITH: Just page 7?

16 MR. MISETIC: No, the whole document.

17 PRESIDING JUDGE SMITH: Any objection?

18 KSC-BC-2020-06 IT-04-84 P00141.E is admitted.

19 Is this to be confidential or public?

20 MR. MISETIC: It can be public.

21 PRESIDING JUDGE SMITH: It will be reclassified as public.

22 THE COURT OFFICER: Your Honour, the document and its English
23 translation will receive Exhibit 1D00165, and it will be reclassified
24 as confidential. Thank you.

25 MR. MISETIC: I believe it should be reclassified as public.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17564

Cross-examination by Mr. Misetić

1 THE COURT OFFICER: Apologies. It will be reclassified as
2 public.

3 PRESIDING JUDGE SMITH: All right.

4 MR. MISETIĆ: Thank you. Thank you, Mr. President.

5 Thank you, Madam Court Officer.

6 Q. Witness, what we've just gone through in Suhareke and in
7 Dukagjin, would you agree that this demonstrates how zone commanders
8 throughout the KLA derive their authority from local KLA units and
9 not from any appointments by the General Staff? Would that be fair?

10 A. At the time, the zone commanders derived this from their
11 internal units. When I arrived, I found this in place. Based on the
12 minutes and as it is recorded, this came from bottom up, from the
13 lower units to them.

14 Q. Okay. I'd like to show you your witness statement to the ICTY
15 in 2005.

16 MR. MISETIĆ: And if we could please put on the screen
17 SPOE00183317 to 00183342 at paragraph 14, please.

18 Q. Now, Mr. Zyrapi, I'm going to read this to you because it
19 relates to what we've just gone through. The paragraph reads:

20 "The members of the KLA General Staff were not all stationed in
21 the same place but many of its members were based in Albania. At the
22 time, in order to carry out important combat operations, the forces
23 on the ground in theory had to obtain the approval of the
24 General Staff. However, in practice this was not happening. Until
25 late 1998, it is an obvious fact that more power laid in the hands of

1 the zone commanders than in the hands of the General Staff."

2 Do you still stand by that assessment?

3 A. Entirely, yes.

4 Q. And is the fact that the zone commanders had more power in their
5 hands than the General Staff related to the fact that they had their
6 own local power bases from which they had obtained their positions as
7 zone commanders?

8 A. Yes.

9 Q. Are there any other factors that you base that assessment on,
10 the fact that the zone commanders had more power through late 1998
11 than the General Staff? What else, if anything?

12 A. I base this on the fact that this authority came from their
13 units inside their zone. They had the authority there, but this was
14 also based and supported by the population. The Central Staff at the
15 time existed, but it was not known who its members were. Very few
16 commanders knew who the members of the Central Staff were. And these
17 did not have an authority in front of the public opinion. They were
18 not known or they could not exert a higher authority. Therefore, the
19 zone commanders had full authority and more powerful than the
20 General Staff. During my visits in these zones, during my work in
21 1998, this was also visible.

22 Q. Thank you. Now, in the first Haradinaj trial in 2007 - and this
23 is at IT-04-84 T3154-T3255 at pages 3206 to 07 - you said, and I'll
24 quote: In your visits -- sorry, not a quote. That in your visits to
25 the territories from Mitrovice to Kline, "there was a command at the

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17566

Cross-examination by Mr. Misetić

1 village level or neighbourhood level, but there was no command
2 structure, there was no proper military command structure with a
3 proper ranking and so on. There were groups that were not
4 coordinated with each other. And that's why I went there, to give
5 advice and expertise how to coordinate."

6 Is that correct?

7 A. Yes, correct.

8 Q. And then you went on in the 2011 Haradinaj trial.

9 MR. MISETIĆ: And this is at IT-04-84bis T675 to T771, at page
10 697.

11 Q. You went on to say that while you cannot say that there was no
12 General Staff in existence in June 1998, you did say that there was
13 no proper coordination between the staff and operational zones. Is
14 that accurate?

15 A. Yes.

16 Q. And can you explain what was lacking in the coordination and why
17 wasn't there a proper coordination between the General Staff and the
18 zones?

19 A. The military aspect was lacking. We explained this, and it can
20 be seen in the reports, that there were multiple self-organised
21 units, and it needed time to unify them. We managed to unify and
22 create a military system in which orders would come top-down and that
23 the reporting would go from the zones to the staff. So this was done
24 at a later stage. It was not present at that time. Some zone
25 commanders would, perhaps, know a member of the staff, but there was

1 no coordination in terms of authority in the zone.

2 Another reason was also the fact that parts of the territory
3 were disconnected, they were not totally under control, and the
4 organisation from a military point of view was not proper to
5 establish that. This is the context I made this assessment.

6 Q. And let's talk about the membership in the General Staff or the
7 Central Staff in the summer of 1998. It's a fact that many of the
8 members of the General Staff, including the overall commander, were
9 in Albania; correct?

10 A. Correct.

11 Q. Or even in other countries; correct?

12 A. Correct. Correct.

13 Q. And so how many members of the General Staff, as far as you
14 know, were in Kosovo at the time?

15 A. At the time, June, July, members of the staff were Hashim Thaci,
16 Kadri Veseli, Rexhep Selimi, Sokol Bashota, Jakup Krasniqi --

17 Q. And --

18 A. -- as a spokesperson. These are the people I knew. There were
19 no others inside the country. Adem Grabovci would be in and out.

20 Q. And you had also said previously that Hashim Thaci would also go
21 in and out; is that correct?

22 A. Precisely. You asked me about members who were inside the
23 country and whom I knew. Now, I mentioned the names, but their
24 movements were frequent. In particular, those of Hashim Thaci and
25 Kadri Veseli who went abroad frequently. The others remained inside

1 the country most of the time.

2 Q. And were there regular meetings of the General Staff in the
3 summer of 1998?

4 A. It was difficult to hold regular meetings. I am speaking from
5 the time when I received my duties as the operational directorate
6 director. Attacks started throughout the territory of Kosovo. We
7 dealt with these operational matters. So we would meet, we would
8 have *ad hoc* meetings, not with the -- all the members of the staff,
9 but we -- this was not frequent, rather rare. We changed venues very
10 frequently. Depending on the needs, operations, and combat
11 situations, we would move from one zone to another.

12 Q. Let me show you again something that has been shown in this
13 trial and ask you to comment on it. And you mention it in your
14 testimony as well in the Limaj trial.

15 MR. MISETIĆ: If we could -- actually, let me first lay the
16 foundation.

17 Q. You said in the Limaj trial in 2005, at transcript page 6827,
18 that you participated with Agim Qelaj in making propaganda videos in
19 the summer of 1998 to make the KLA look more professional than it
20 really was; is that correct?

21 A. Yes, it's correct. And I mentioned this yesterday and the day
22 before yesterday to the questions of the Prosecutor, that I was at
23 the -- in the area of Brigade 121, in the pass of Duhle, where I
24 helped, assisted on how to line up soldiers, how to report, how to --
25 how soldiers should line up.

1 Q. I would like to show you one video and ask you to comment on it
2 afterwards.

3 MR. MISETI: It's P01278. And I'm not sure if it has audio.
4 And for the record, the transcript of this is at 061427-27-TR-ET. If
5 we could play the video for the witness.

6 [Video-clip played]

7 MR. MISETI: I guess there's no audio in Albanian.

8 [Video-clip played]

9 THE INTERPRETER: [Voiceover] "I am a senior military officer
10 trained in military schools, but I also have the experience of
11 previous wars. We, as senior members of Kosovo Liberation Army, are
12 working with all the bodies of Kosovo Liberation Army to train the
13 officers and soldiers of Kosovo Liberation Army. During our training
14 of the soldiers and officers, we are very much impressed by the
15 ability and the speed at which the soldiers and officers of the
16 Kosovo Liberation Army who are trained and become so quickly prepared
17 to meet the needs of the KLA and the needs related to the battles and
18 fighting waged on the territory of Kosovo. We, the senior military
19 officers, are obliged to our fatherland to carry out our obligation
20 for training the entire military personnel of KLA."

21 MR. MISETI:

22 Q. Now, Witness, can you identify the person in the video?

23 A. Yes, I am the person in the video.

24 Q. Do you recall making that video?

25 A. Yes.

1 Q. Can you tell us when and where it was shot?

2 A. This was recorded in June 1998 in the village of Luzhnice, in
3 the territory of the Berisha mountains, in the area of responsibility
4 of Brigade 121 later on.

5 Q. Does what you say on the video reflect your accurate assessment
6 of the KLA's organisation at the time, or was it a propaganda video
7 as you reference in the Limaj trial?

8 A. It is true that this was shot at a time where units were not
9 organised or unified or well organised. It's a part of propaganda,
10 which at the time was meant to say, to indicate that we are going in
11 this direction. But it was not, in fact, as organised as shown in
12 this interview that I gave.

13 Q. Let's turn to Drenoc for a few minutes before lunch. You
14 testified in many cases that when you entered Kosovo in late May
15 1998, you were stationed in Drenoc for a few days; is that correct?

16 A. Correct.

17 Q. And is it correct that you stayed there for three days?

18 A. Yes.

19 Q. Are you sure it was three days or could it have been longer?

20 A. It might have been a bit longer.

21 Q. Okay. Now, you say the reason you stopped specifically in
22 Drenoc was its location near the border; is that correct?

23 A. Correct.

24 Q. And during those -- your stay in Drenoc on those days, you
25 trained officers of the Drenoc staff; is that correct?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17571

Cross-examination by Mr. Miseti

1 A. Correct.

2 Q. And this was at the request of the local staff for Drenoc at the
3 time?

4 A. Correct.

5 Q. And one reason they asked you for training - and this is what
6 you told the SPO - is that you were a former officer and as such
7 would be best placed to train them?

8 MR. MISETIC: And this is at P01355, Part 1, page 28.

9 Q. Is that correct?

10 A. Correct.

11 Q. And is it correct that the local staff in Drenoc was also
12 interested in adding former JNA officers to their staff?

13 A. Correct.

14 Q. And you told the SPO in Part 1 of your interview at page 30 that
15 it was personally a member of the local staff in Drenoc named Mensur
16 Zyberaj who requested that two of your group of former officers stay
17 with them in Drenoc; is that correct?

18 A. Correct. Not only Zyberaj asked this, but it was asked also by
19 Gjermani, the commander of the local staff. So upon their request
20 two officers remained there, Mahir Hasani and Binak Gashi.

21 Q. And is it correct that Mahir Hasani and Binak Gashi also
22 expressed their own wish to stay in Drenoc?

23 A. Yes, correct.

24 Q. Now, while you were in Drenoc, you told the SPO in Part 1 of
25 your SPO interview at page 26 that you stayed, but Hashim Thaci and

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17572

Cross-examination by Mr. Misetić

1 Kadri Veseli went to Decan; is that correct?

2 A. Correct.

3 Q. So I may have mixed that up. You stayed in Decan first and then
4 went to Drenoc; is that correct? Let me rephrase.

5 Hashim and Kadri went to Decan, and you were in Drenoc and you
6 waited for them to return; is that correct?

7 A. When we first arrived in Drenoc, we went together. From there,
8 he went to the Dukagjini area, in Decan, because there was fighting
9 ongoing there, to assess the situation. We stayed in Drenoc and
10 waited for him to return.

11 Q. And then once they returned, you told the SPO:

12 "We then moved to Drenoc-Likoc."

13 Is that correct?

14 A. Then we continued on to Likoc.

15 Q. So if you entered Kosovo on 29 May and stayed for three or four
16 days, it would have been around 1st or 2nd June that you all then
17 went on to Drenoc, Likoc; correct?

18 A. Most probably, yes. I can't recall the exact date.

19 Q. Asking you now what you found in Drenoc when you got there. You
20 said to the SPO that you noticed that the staff was localised and did
21 not cooperate much beyond surrounding villages; is that correct?

22 A. Correct.

23 Q. So the situation in Drenoc is basically similar to what was in
24 Dukagjin, where you had locally organised KLA villages or groups that
25 weren't having a lot of coordination with each other?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17573

Cross-examination by Mr. Misetić

1 A. Correct, yes.

2 Q. And is it correct, therefore, that the commanders of these local
3 groups were also appointed by people within the villages or local
4 areas themselves? Is that correct?

5 A. They had already been appointed by these groups, neighbourhood
6 units or groups.

7 Q. Do you recall an incident in June 1998 where you had to mediate
8 a dispute between Smajl Latifi and Xheme Gashi of the Drenoc staff
9 because Smajl Latifi refused to work with the Drenoc staff?

10 A. Yes, yes.

11 Q. Can you tell us what was the dispute about and how it was
12 revolved?

13 A. As we mentioned before, there were problems between these units
14 because they were disparate local units. So every -- some of them
15 did not agree to come under the command of a person in specific or to
16 unify the unit with other units. So these were the problems at the
17 time. And I remember that this one -- one of those cases between
18 Smajl Latifi and Xheme Gashi.

19 Therefore, I went there for talks several times, and we had
20 discussions to bring these units closer. So after several
21 conversations with Smajl and Xheme, or known as Commander Gjermani,
22 they came closer and unified.

23 Q. You told the SPO in Part 1 of your SPO interview at page 32,
24 that while you were in Drenoc:

25 "... there was no such thing such as military police or really

1 military structures. I didn't see -- I didn't see any military
2 police, I didn't see any insignia, I wasn't introduced to anybody
3 from the military police."

4 Is that correct?

5 A. Correct. At this time, when we arrived, there was none. I did
6 not see any military police. I did not see any signs of any military
7 police.

8 Q. You then said to the SPO in Part 1 at page 32, describing the
9 situation on the ground, you said these local groups "were
10 uncoordinated, not connected to each other, [they] had no contact
11 with each other. Everybody was calling themselves a commander and
12 believed to be above everybody else."

13 Does that accurately describe what you found in Kosovo as you
14 entered in June 1998?

15 A. Yes. This describes the entire situation not only in this
16 territory but in many others.

17 Q. And you said at Part 1, page 33 of your SPO interview:

18 "... Drenoc was not connected to the staff," meaning the
19 General Staff. "The command, on the other hand, that was just there,
20 this was a transit line between Albania and Kosovo [and] from Kosovo
21 to Albania."

22 And then I'll skip. And then you said:

23 "At the time these units were not directly connected to the
24 staff. They were connected to the operational zones, where
25 operational zones were then connected to the staff."

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17575

Cross-examination by Mr. Miseti

1 Correct?

2 A. Correct.

3 Q. Did this continue to be the case into the late summer, into
4 August 1998? Let me rephrase to be more specific. This issue of
5 local staffs not coordinating with each other, did that continue to
6 be a problem throughout the summer of 1998?

7 A. In some places, yes, we had problems, including in June, July,
8 August. But then in August, we started the restructuring of the
9 brigades, and we had less of these types of problems. I cannot
10 recall now exactly in which territories but less. In June and July,
11 though, we had many such problems.

12 Q. And quickly just touching on the Prizren zone before lunch. You
13 say at Part 2 of your SPO interview -- you were asked:

14 "Where was the Prizren local staff based?"

15 And you said:

16 "When I first arrived, there wasn't a staff as such; there were
17 various groups ... these groups all joined up together and the local
18 staff was then ... for the area of Drini/ Vrrini was situated in
19 Jeshkove."

20 A. Vrrini.

21 Q. Is that still your testimony?

22 A. Yes, that's correct.

23 MR. MISETIC: Mr. President, I note the time.

24 PRESIDING JUDGE SMITH: Witness, we will take a lunch break now,
25 and we will reconvene at 2.30. Remember not to speak to anyone about

1 your testimony outside of this courtroom. That's all for now. Thank
2 you. You may go with the Court Usher.

3 [The witness stands down]

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

5 --- Luncheon recess taken at 1.01 p.m.

6 --- On resuming at 2.31 p.m.

7 PRESIDING JUDGE SMITH: I have an oral order on the matter of
8 the Selimi Defence motion for the exclusion of evidence of W04445,
9 which is document F02414.

10 The Selimi Defence seeks to exclude evidence regarding what it
11 says is new information disclosed to the SPO by W04445 during his
12 preparation session, which includes an assertion by the witness that
13 Mr. Selimi was present at a particular location while the witness was
14 detained there. The Defence seeks exclusion of this evidence on the
15 basis that it goes beyond the scope of the allegations alleged in the
16 indictment and pre-trial brief, that it is irrelevant to the charges,
17 and that the late notice of this new allegation renders it
18 inadmissible and prejudicial to Mr. Selimi.

19 The SPO submits that the Panel should dismiss the Selimi Defence
20 motion because the disclosure does not include new material facts,
21 and in light of the Defence's opportunity to cross-examine W04445,
22 the probative value of the evidence is not outweighed by its
23 prejudicial effect.

24 The Panel rules as follows.

25 The Panel agrees with the Selimi Defence that the incident

1 recounted in W04445's preparation session constitutes new information
2 not already in the possession of the Defence. The Panel also accepts
3 that the presence of Mr. Selimi at the location specified by the
4 witness is not expressly charged in the indictment, does not feature
5 explicitly in the SPO pre-trial brief, and did not feature in the
6 earlier statements of W04445 disclosed to the Defence.

7 Nevertheless, the Panel is satisfied that the evidence is
8 relevant to facts and circumstances validly pleaded in the
9 indictment, in particular to the pleaded state of mind of Mr. Selimi.
10 The Panel is also satisfied that although this information was
11 disclosed late, it is very specific in nature and narrow in scope.
12 The Defence will have a full and fair opportunity to cross-examine
13 the witness on it.

14 The Panel is therefore satisfied that the late provision of this
15 information does not cause undue prejudice to the Defence. The Panel
16 is therefore prepared to allow the SPO to lead this evidence.

17 Should the Selimi Defence need to conduct additional
18 investigation in respect of this new information and consider that
19 information generated by this investigation should have been put to
20 W04445, it could seek to re-call the witness at a later stage in
21 these proceedings in relation to this particular issue.

22 This concludes the Panel's order.

23 Madam Usher, you may bring the witness in.

24 MR. ROBERTS: Your Honour, just one brief scheduling matter. It
25 doesn't stop the witness coming in. But just in light of that

1 decision, we will require the full hour and a half and possibly a
2 little bit longer for cross-examination tomorrow. And just to alert
3 the Prosecution, given the schedule for this witness, that may likely
4 mean that that is the only witness that is due to be called tomorrow.

5 I think at the moment there is an intention to call both. So
6 just to put the Prosecution and the Panel on notice of that as soon
7 as possible.

8 PRESIDING JUDGE SMITH: Understood. You cross-examine how you
9 need to cross-examine.

10 MR. ROBERTS: Certainly. It's just in terms of the scheduling,
11 Your Honour.

12 PRESIDING JUDGE SMITH: No, I appreciate that.

13 MR. ROBERTS: Thank you.

14 PRESIDING JUDGE SMITH: Thank you.

15 [The witness takes the stand]

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 I'm sorry. We will continue now with the cross-examination
18 right now by the Thaci Defence. Please give them your attention.
19 Go ahead.

20 MR. MISETIĆ: Thank you, Mr. President.

21 Q. Good afternoon, Mr. Zyrapi.

22 A. Good afternoon.

23 Q. I'd like to pick up where we left off at the break by just going
24 through the zones, and these will be brief.

25 In the Llap zone, is it correct that Commander Remi was

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17579

Cross-examination by Mr. Misetić

1 effectively already the commander of the zone by the time you first
2 came into contact with him?

3 A. Yes, he was the zone commander.

4 Q. And do you know how he came to be the zone commander?

5 A. No, I don't.

6 Q. Do you know or is it your assessment that he came to be zone
7 commander in a manner similar to how the Dukagjin zone commander was
8 selected; in other words, he had a local -- the support of the local
9 units of the KLA in the Llap zone and they supported him to be the
10 commander of the zone?

11 A. I don't know how things were before that. But from -- we could
12 notice and observe he did have authority in his zone over his units.

13 Q. Okay. And in Drenica, with respect to Sylejman Selimi, do you
14 know how he came to be the commander of the Drenica zone?

15 A. Similarly to the other zone commanders.

16 Q. In other words, he had a local -- support of local KLA units
17 that put him in the position of the authority in the zone?

18 A. Yes.

19 Q. Now, there came a time later in the summer where the
20 General Staff and you were issuing formal appointments. Do you
21 recall that?

22 A. It was in 1998, yes. But I don't recall -- don't recall it
23 being during summer or the exact time.

24 Q. Well, why would you issue -- can you explain, if you already
25 found these people to be in command of the zones, why did you issue

1 formal appointments of these people as the commanders?

2 A. From what I know, these appointments started in autumn with the
3 reorganisation of the staff and that of the KLA. I don't know if
4 there were such appointments before that.

5 Q. Okay. Well, let's start from what you do know. If you believe
6 they were issued after the reorganisation started, nevertheless, my
7 question is why issue formal reappointments or appointments of them
8 to the zone if they're already the zone commanders?

9 A. I was very clear in my answer before. I don't know how it was.
10 But when the staff started being organised and the KLA started being
11 organised, these were issued. Because before there were subzones,
12 then they became zones. There were no brigades. And then brigades
13 were formed, commands were formed, and as a consequence, orders were
14 needed for the appointments of commanders and other officers in the
15 command.

16 Q. And then as we've already established, you said in the middle
17 July you became the director of the operational directorate.

18 MR. MISETIĆ: And if we could please put on the screen
19 Exhibit P0643-ET at page SPOE00229213 in both the English and
20 Albanian.

21 JUDGE BARTHE: Mr. Misetić, I'm very sorry for interrupting you,
22 but I think there is a mistake on page 86 of the provisional
23 transcript or realtime transcript where your question is recorded as:

24 "... is it correct that Commander Drini was effectively already
25 the commander in the zone," the Llap zone.

1 And probably you meant Commander Remi.

2 MR. MISETIĆ: Yes, but I don't know if I misspoke or -- but
3 probably it is that I misspoke and I'll accept the blame. But yes.

4 JUDGE BARTHE: The witness confirmed that it was --

5 MR. MISETIĆ: It was Remi is who I meant. I'm sorry if I said
6 Drini. Thank you. Thank you, Your Honour.

7 Q. Witness, you were shown this document by the Prosecutor in
8 direct examination, and I'd just like to go through it with you. It
9 purports to be the minutes of the KLA meeting of 29 July, and then it
10 goes on and it starts reporting about 23 July.

11 So in 23rd July -- under the 23rd of July, it says:

12 "Bislim Zyrapi comes to the headquarters and assumes the
13 position of chairman of the operational directorate. The Rahovec
14 case was discussed."

15 Now, if we can stop there. Do you recall that it was 23 July
16 when you assumed the position of chairman of the operational
17 directorate?

18 A. No, it was not on 23 July. It was before that.

19 Q. Okay. So would this be, in your view, then a mistake in the
20 notes of this discussion?

21 A. Yes. From what I can read here, when it's reporting about me:

22 "Bislim Zyrapi comes to the headquarters and assumes the
23 position of chairman of the operational directorate. The Rahovec
24 case was discussed."

25 It does not say that I was appointed on this day.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17582

Cross-examination by Mr. Misetić

1 Q. Yes, but what I'm asking is, is it true that you assumed the
2 position on 23 July?

3 A. No, I said earlier I -- this happened before that.

4 Q. Okay.

5 MR. MISETIĆ: If we scroll up for a second in the Albanian.

6 Q. And it is the line where you see the name Xhavit Haziri. I
7 believe there is a translation error in the English, and I'd ask you
8 to read out that sentence if you could, please, for us.

9 A. First of all, I don't know Xhavit Haziri.

10 Q. Yes, but if you could just read the sentence above where it says
11 "Xhavit Haziri"?

12 A. "In this meeting selected or appointed or" -- it's not legible.
13 It's incomprehensible. And the part above are minutes from a
14 previous meeting on the day before.

15 Q. Okay. I'd ask you to see if it looks to you -- if I suggest to
16 you that it says:

17 "Xhavit Haziri was assigned as chief of the General Staff at
18 this meeting."

19 Could it say that in Albanian?

20 A. That's what it reads.

21 Q. Do you know who Xhavit Haziri is?

22 A. No. I've not heard his name and I don't know him.

23 Q. Okay. Okay. Now, this appointment to be the director of the
24 operational directorate, you said to the SPO, in Part 2 at page 9,
25 that you received the appointment from Sokol Bashota; is that

1 correct?

2 A. Yes, correct.

3 Q. And it was only after you received this appointment that you
4 learned that Azem Sylja was the overall commander of the KLA; is that
5 correct?

6 A. Correct.

7 Q. And that's at Part 2 of your SPO interview at page 11.

8 Now, you say to the SPO, in Part 2 at page 11, that the general
9 commander of the KLA would approve any of your proposals and make
10 appointments; is that correct?

11 A. Yes.

12 Q. So was it -- as far as your experience, was it the practice that
13 you would make the proposals for, let's say, appointments and the
14 general commander would approve it?

15 A. According to the rules, yes, proposals were made. From the
16 military perspective, the General Staff level, there is also the
17 personnel directorate who possesses the data of the officers proposed
18 for commanding positions. The chief of staff's opinion is required,
19 naturally, because he's dealing with these matters, and he has
20 knowledge about the officers in question. But this went through
21 the -- mostly through the officers commission, and then the general
22 commander would issue the order to appoint senior officers in their
23 positions.

24 Q. I'm talking now specifically about your relationship
25 specifically to Azem Sylja. Do you recall a time where you made a

1 suggestion for an appointment of an officer and Azem Sylja rejected
2 it?

3 A. As far as I can remember, no, never.

4 Q. When you were -- in terms of your criteria for who -- who would
5 you select, what was your criteria for choosing people to or -- or
6 suggesting people for certain positions in the KLA?

7 A. I personally considered the military aspects, knowledge,
8 education, and skills, capabilities, and authority.

9 Q. Did you consider political affiliation as a criteria? You have
10 to answer audibly.

11 A. No, never.

12 Q. If someone was a member of the LDK, would you reject them as a
13 possibility for a position in the KLA?

14 A. No.

15 Q. Are you aware of an appointment that was made by Azem Sylja that
16 you opposed?

17 A. No, I'm not aware of.

18 Q. Witness, turning to Rahovec. You have testified that you were
19 in -- you received information that you were to leave Dukagjin, where
20 you were staying, and head to Rahovec in July 1998; correct?

21 A. Correct.

22 Q. And the reason for this move was due to recent attacks that the
23 KLA had undertaken in Rahovec; correct?

24 A. Correct.

25 Q. Now, if we look at the document on the screen, the document

1 says -- in the middle of the page in English, it says:

2 "In both places - when concerning Rahovec as well as /illegible/
3 and upper - the instructions from the KLA General Staff were to not
4 enter in an attack. The instructions of the [General Staff] /?were
5 not/ ... considered, so after [we] entered the [General Staff] was
6 /?forced/ to take protective measures."

7 Does that accurately describe what happened as far as you know?

8 A. Yes, that's correct. As it is described, when the Rahovec case
9 occurred, we as General Staff did not give the green light, we did
10 not suggest for this to go forward with the attack, because it would
11 have required more time and preparation, equipment, and units to
12 conduct such an operation in civilian-inhabited areas. In this case,
13 the commander of this local unit carried out an action without asking
14 us, entered Rahovec, conducted the assault, which resulted in
15 negative consequences for us.

16 Q. Yes. And what were the negative consequences?

17 A. Negative consequences in loss of personnel, territory,
18 authority, and these -- this event was then followed by numerous
19 attacks throughout the territory of Kosovo. We were destabilised as
20 a result of this, and it took quite a long time to reorganise,
21 regroup, and come back to a military form of organisation after the
22 Rahovec attack.

23 Q. What was the effect on the Albanian civilian population?

24 A. After these reverses, these losses, the civilian population was
25 not satisfied with our action and there were consequences, obviously.

1 Q. Yes, but when -- after Rahovec the offensive started; is that
2 correct? The Serbian offensive.

3 A. I just explained then the offensive started after this,
4 including in other territories, throughout the territory of Kosovo.
5 So there were consequences.

6 Q. Yes. And you were asked by the SPO and shown a report
7 purporting to be written by local staff, at P01355.3, beginning at
8 page 11, and you testified that you had never seen that report before
9 it was shown to you by the SPO; is that correct?

10 A. Correct.

11 Q. And did you order the local staff to conduct any diversionary
12 attacks on Serbian forces so as to distract them and protect the
13 civilian population?

14 A. No.

15 Q. Do you know if anyone in the General Staff ordered such
16 diversionary tactics?

17 A. From what I remember, some of the staff members were close to
18 me; others, in other zones. But to my knowledge, they didn't.

19 Q. Now, you've testified that Mr. Thaci was there with you at one
20 point; correct?

21 A. Correct.

22 Q. And then you say to the SPO, at Part 2, page 33, that he left
23 Drenica shortly thereafter; correct? Left to Drenica shortly
24 thereafter; correct?

25 A. Correct.

1 Q. But you told the SPO, at Part 2, page 34, that Hashim Thaci
2 personally helped by cutting off the main road that connected Rahovec
3 with Malisheve by driving a bulldozer in the middle of the road so as
4 to block the advancement of Serbian forces. Did you say that?

5 A. Yes, I said that.

6 Q. Why would Hashim Thaci have to drive a bulldozer?

7 A. First of all, Hashim Thaci did not drive the bulldozer. There
8 was a driver. He was close by. I found him there when I arrived in
9 the Rahovec territory. The road was being blocked, and this was the
10 appropriate decision to make in order to prevent motorised armoured
11 units to further progress into the territory. This was the reason,
12 to disconnect the road Rahovec-Malisheve.

13 Q. And you say -- or you were asked about your knowledge of
14 allegations that Serbian civilians had allegedly been abducted, and
15 you were asked this by the SPO at Part 3, page 14. And your answer
16 was that you were not aware of any civilians being abducted at the
17 time of the Rahovec operation; is that correct?

18 A. Correct.

19 Q. But then you said you heard about it from the media at the end
20 of August 1998; is that correct?

21 A. Correct.

22 Q. And you said you learned this from a denial that had been issued
23 by the KLA which you heard about through the media; correct?

24 A. Correct.

25 Q. Okay. Now, you were asked by the SPO whether an investigation

1 had been conducted into the abduction of these Serbian civilians, and
2 this is what you said, and I'm going to ask if this is still your
3 testimony. This is what you said to the SPO at Part 3, page 17,
4 lines 10 to 17:

5 "I can't talk about others, but during this period of time I
6 personally couldn't carry out any investigation to find out the
7 culprits. My position was such that I was engaged only on the
8 operational side and the training. On the other hand, there are
9 others and they should have carried out investigations, but I do not
10 know to what extent the members of the General Staff could have been
11 able to have undertaken any investigation."

12 Is that correct?

13 A. Yes, correct.

14 Q. And then at Part 3, page 18, lines 13 to 19, you say:

15 "I'm talking [about] from my perspective, and when the KLA was
16 being reorganised in November onwards, it has to be emphasised that
17 the staff that was in place until then wasn't a professional staff
18 and they didn't have investigators and lawyers that could have
19 potentially investigated this incident."

20 Is that correct?

21 A. Yes, that's correct.

22 Q. "We were developing that staff at the time, including myself,
23 and also the units that were subordinate to the staff, training and
24 preparing everyone so they would know what their tasks would be and
25 to turn this into a proper army that would have a chain of command

1 that would go from bottom down to -- from top down to bottom up.

2 "I personally didn't have any time to deal with this issue or to
3 investigate every incident that had happened earlier on."

4 Is that correct?

5 A. That's correct.

6 Q. Now, just some factual questions here. In August 1998, did you
7 have the ability to arrest, for example, a zone commander? And I'm
8 not talking about theoretically. I'm talking about in real life.

9 A. No.

10 Q. Did you have a military police unit at your disposal as the
11 director of the operational directorate?

12 A. No.

13 Q. If you could have arrested them, what could you have done with
14 them once arrested? In other words, what kind of discipline could
15 you impose on a zone commander or brigade commander?

16 A. We did not take any such measures at the time. We did not have
17 the structures to take such measures. All we could do eventually was
18 to replace the officer in question from the commanding position and
19 remove him.

20 Q. Did you have investigators available to you to investigate the
21 facts?

22 A. No.

23 Q. My questions now, the same questions but with respect to
24 Hashim Thaci as the director of the media directorate. Did he have a
25 military police unit available to him to arrest commanders in the

1 field?

2 A. No.

3 Q. Did Hashim Thaci, as director of the media directorate, have
4 investigators at his disposal to investigate what happened in the
5 field?

6 A. No.

7 Q. Did Hashim Thaci, as director of the media directorate, have an
8 ability to impose punishment on a commander in the field in his
9 position as a member of the General Staff responsible for media?

10 A. No.

11 Q. Was Hashim Thaci, to your knowledge, in operational command of
12 any units that participated in the Rahovec attack?

13 A. No.

14 Q. Now, you've told the SPO that matters of discipline fell solely
15 at the zone level - and this is at Part 4, page 14, lines 21 to 24 -
16 until the restructuring. Is that correct?

17 A. The commanders of the units of the zones had the responsibility
18 for their forces within their zones. And even after the
19 restructuring, this was the system in place in terms of
20 responsibilities. At the staff, then the legal sector would deal
21 with certain aspects or matters.

22 Q. Staying right now with the period before the restructuring. If
23 a zone commander imposed discipline, would he report that discipline
24 to anyone?

25 A. Not to my knowledge at the time.

1 Q. And you were asked a question by the SPO at Part 4, page 18, of
2 what would happen in cases where a soldier from one zone had
3 committed an offence and then was from another zone and how that kind
4 of discipline would be handled. And you testified that that was a
5 matter to be resolved between the two zone commanders, to discuss it
6 and resolve it, is that correct, before the restructuring?

7 A. Correct.

8 Q. How did the offensives, Serbian offensives in July, August, and
9 September affect, if they did at all, your ability in the
10 General Staff to discipline subordinates or conduct investigations?

11 A. In what sense? Could you clarify the question, please.

12 Q. Well, could you -- how did the offensives, if at all, impact the
13 organisation of the KLA?

14 A. Yes. I mentioned it before. At this time, during the
15 offensives which started in July and continued on to September,
16 October, many units suffered consequences, zones, brigades. Most of
17 them were destabilised completely. So this required a reorganisation
18 afterwards in order to bring them back to a military organisation.
19 So there were severe consequences.

20 Q. And is it fair to say that it was the cease-fire in October that
21 opened up an opportunity to restructure the KLA?

22 A. Yes, absolutely. This gave us the opportunity to reorganise
23 lower-level units and the General Staff.

24 Q. I want to turn to a different topic which was discussed with you
25 in direct examination, and that was the reinstatement of Ramush

1 Haradinaj as the Dukagjin zone commander in early September 1998.

2 So let me start with this: Were you aware in mid-August 1998
3 that there was a public dispute over who would represent the Kosovo
4 Albanian community in negotiations with the Serbian government? A
5 dispute between Mr. Rugova on one side, and the KLA General Staff on
6 the other.

7 A. No, I was not aware of this.

8 Q. Let me show you a document and see if it refreshes your
9 recollection.

10 MR. MISETIĆ: It's 1D00100, please. Page 2 in both languages.

11 Q. And while that's coming up, let me ask it a different way. Were
12 you aware that Mr. Rugova had formed a negotiating team representing
13 Kosovo Albanians that excluded the KLA as part of the negotiations in
14 August 1998?

15 A. I was not aware of this.

16 Q. Here's what the article says. It says:

17 "Rugova names negotiating team..."

18 It's 13 August. It says:

19 "The new body represents" -- sorry.

20 It says:

21 "... Ibrahim Rugova said in Prishtina on 13 August that he has
22 appointed a negotiating team for talks with the Serbian authorities.
23 The new body represents Rugova's Democratic League of Kosova, the
24 Christian Democrats, and the Social Democrats."

25 "Adem Demaci and Mehmet Hajrizi, who are close to the Kosova

1 Liberation Army ... declined Rugova's invitation to join."

2 "The UCK issued a statement to the Kosovar and Albanian media on
3 13 August announcing its forces are making a 'tactical withdrawal' in
4 response to the Serbian offensive. The text also made clear that
5 Rugova's team does not speak for the guerillas. Instead, the UCK's
6 announcement said that the guerillas have asked Adem Demaci to be
7 their chief representative and to resign his other positions in
8 Kosova's political arena."

9 THE INTERPRETER: Interpreter's note: We could not see the
10 latter part of the text. Thank you.

11 MR. MISETIĆ: I apologise. If we could scroll down, please. In
12 Albanian.

13 Q. I'll just read the text. It says -- the last part of the text.
14 It says:

15 "The [UCK] text also made clear that Rugova's team does not
16 speak for the guerillas. Instead, the UCK's announcement said that
17 the guerillas have asked Adem Demaci to be their chief representative
18 and to resign his other positions in Kosova's political arena."

19 Do you have any knowledge of any of that?

20 A. No.

21 Q. Were you aware that Adem Demaci had been appointed in August
22 1998 by the General Staff to be its representative?

23 A. Adem Demaci was assigned before that, in July, August, in his
24 functions as a political representative of the KLA.

25 Q. And then the reason I ask is because after this, on 17 August,

1 this happens in the Dukagjin zone.

2 MR. MISETIC: And if we could please have P00487-ET.8 in both
3 English and Albanian.

4 Q. Were you aware that subordinate units of the KLA for the
5 operative units of Lugu i Baranit --

6 MR. MISETIC: It should be page 2761 in the Albanian, please.
7 2761, so another 120 pages. Yes.

8 Q. This is a communiqué issued by the KLA Lugu i Baranit operative
9 units. Do you recall an issue arising of these units in the Dukagjin
10 zone issuing a release in support of Mr. Rugova and saying that they
11 would not allow individuals such as Demaci, Qosja, Hajrizi, and their
12 failed satellites to play with the people, nor are they allowed to
13 lead the KLA operative units in Lugu i Baranit, and that this was
14 prepared by Nazif Ramabaja who signs the document.

15 Did you know Nazif Ramabaja at the time?

16 A. Yes, I did.

17 Q. Were you aware that Nazif Ramabaja did this on August 17th?

18 A. No. I knew he had problems, also with Tahir Zemaj, this. But
19 this communiqué, no, I do not know. It's the first I see it.

20 MR. MISETIC: Okay. If we could have Exhibit P00914, please.

21 Q. And this is an announcement that Nazif Ramabaja sent to local
22 units of the KLA in the Dukagjin zone inviting them to a meeting on
23 20 August, where they would be invited to discuss "the reorganisation
24 of the operational units and territorial defence"; "the professional
25 or unprofessional cadre, 'your opinion'"; and "support of the

1 institutional line."

2 Were you aware that such a meeting had been called by Nazif
3 Ramabaja and this is the meeting where Tahir Zemaj wound up replacing
4 Ramush Haradinaj?

5 A. Back then he replaced him, that is, Tahir Zemaj, Ramush
6 Haradinaj. But I had no knowledge of this, this type of communiqué
7 or announcements.

8 Q. Okay. Now, the fact that they're convening the local units
9 again to discuss who the commander was going to be, that's similar to
10 how Ramush in June had become commander. So is it fair to say that
11 throughout the summer the local power bases still were in control of
12 command in the KLA in the zones, at least in the Dukagjin zone?

13 A. Well, when one looks at this, and back then, not all local units
14 were under the command of the KLA, so they were also influenced by
15 other aspects, and one can see it in these documents, but also the
16 action that was undertaken by Tahir Zemaj in August, Tahir Zemaj
17 et al.

18 Q. Yes. And we're going to get into that now. Tahir Zemaj
19 replaces Ramush Haradinaj as commander of the Dukagjin zone in late
20 August 1998; correct?

21 A. Yes.

22 Q. Do you recall how many meetings you attended in the Dukagjin
23 zone to address the issue of Tahir Zemaj having taken over for
24 Ramush Haradinaj as commander?

25 A. Once. There was a meeting once.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17596

Cross-examination by Mr. Misetić

1 Q. That was the meeting on September --

2 A. Yes.

3 Q. Yeah, September 2, I believe. You weren't at any meetings in
4 the Dukagjin zone in late August to discuss Tahir Zemaj taking over?

5 A. As I said, yes, I was. And there was just one meeting which was
6 convened for the replacement of Ramush Haradinaj. So this meeting
7 was convened, we went to Dukagjin and discussed the matter. There
8 haven't been multiple meetings.

9 Q. And as part of the delegation of the General Staff that went to
10 that meeting, it was you, Hashim Thaci, Rexhep Selimi, and
11 Lahi Brahimaj; correct?

12 A. Yes. Yes, that's correct.

13 Q. And you went there for the purpose of re-appointing or
14 re-instituting Ramush Haradinaj to be the commander in the Dukagjin
15 zone?

16 A. We went there first of all to see what was happening, what had
17 happened, how they had got to that, and then for the zone commander
18 to be reinstated to his position, because we had no information
19 whatsoever about such changes, as was said back then, about an
20 agreement of this sort for Tahir Zemaj to become commander, to take
21 over in the zone. So we, the staff, did not have that information,
22 and neither was there a permission by the general commander that this
23 change takes place.

24 So we were there and we discussed the matter, and
25 Ramush Haradinaj was reinstated as zone commander. And we proposed

1 that Tahir Zemaj should be deputy commander. He did not accept this
2 position, and he returned to his position as brigade commander
3 instead.

4 Q. Was there any issue that you can recall about a picture of
5 Ibrahim Rugova hanging in Tahir Zemaj's office?

6 A. I cannot remember that.

7 Q. You've stated that during that meeting, Tahir Zemaj told you
8 that he had been appointed as zone commander based on a decision of
9 the government-in-exile. And that's at Part 3 of your SPO interview
10 at page 23. Is that correct?

11 A. Yes, it is.

12 Q. And he even claimed that there was an agreement between the
13 government-in-exile and political representatives of the KLA? That's
14 what you told the SPO; correct?

15 A. Yes, it is.

16 Q. And you responded by saying these alleged political
17 representatives of the KLA were not members of the General Staff that
18 you worked with; correct?

19 A. I responded back then that we did not know who were the
20 representatives that had come to this agreement, and we, from the
21 general commander, have no information nor orders either that these
22 changes take place.

23 Q. Did other members of the General Staff who were present at the
24 meeting indicate to you that they knew anything about an agreement
25 between KLA political representatives and the government-in-exile?

1 A. What I know also going there, but as we were there as well -- I
2 do not know that there was such an agreement.

3 Q. Yes, I just want to know did Mr. Thaci or Mr. Selimi or
4 Mr. Brahimaj indicate to you that they were aware of any agreement
5 between alleged KLA political representatives and the
6 government-in-exile?

7 A. No, I cannot remember. No.

8 Q. Do you remember where the meeting took place?

9 A. The meeting took place at a school in a village. I think
10 Bardhaniq it was called. If I'm not wrong, that is.

11 Q. I want to show you the *Zeri* interview from 1999 that's been
12 discussed with you by the Prosecutor and show you what you said in
13 1999 about this incident and see if you still accept that.

14 MR. MISETIC: It's 1D00102 in both English and Albanian. And it
15 should be at page U002-2986.

16 Q. And it's the question that starts:

17 "Where did you meet, and what did you speak about with
18 Tahir Zema?"

19 And your response is:

20 "We held the meeting in a school in the village of Bardhaniq,
21 where the brigade was also stationed. At the meeting we drew Tahir's
22 attention to the fact that in an army there is no voting by villages
23 or members of the public ..."

24 And if we stop right there. So you were aware at the time in
25 1999 that what had happened was the villages had voted for

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17599

Cross-examination by Mr. Misetić

1 Tahir Zemaj to replace Ramush Haradinaj; is that correct?

2 A. Yes.

3 Q. And you continue:

4 "... and that appointments are made top-down. I told Tahir that
5 he knew how appointments are to be made in the army, in accordance
6 with the rules of service. So we told him that a commander could
7 only be appointed by the Main Staff. Then we gathered the villages
8 together, including the villages concerned, and after a long meeting
9 we persuaded them that they had no right to vote for and appoint a
10 military leader."

11 We stop there.

12 You use the word "persuading" rather than "ordering." Can you
13 explain -- and it's an important word. Can you explain why you said
14 you persuaded them and not that you ordered them?

15 A. Yes, we persuaded them. And I remember it quite well then, that
16 we -- and I spoke to those local staffs of the villages, and we
17 discussed this matter, how an officer is appointed and how he's
18 placed in commanding positions. And then the persuasion took place
19 that local staffs could no longer decide by way of vote but instead
20 from a military point of view, and that is that the staff decides and
21 appoints the senior officers, commanders, and that's the way how it
22 had to be done. And they agreed, and the change took place in
23 that -- at that time.

24 Q. But is it fair to say that you still needed the consent of the
25 villages to put Ramush Haradinaj back in command?

1 A. When it was explained to them, not only did they give their
2 consent, but they realised that appointments could no longer be done
3 the way they were done, perhaps, in the past, because it was not a
4 political party. It's an army. We were forming an army in which
5 there would be rules and discipline. And that was the reason why we
6 went there and explained these. And, of course, they agreed that
7 Ramush should be reinstated. They knew him, and he did carry
8 authority back then as well.

9 Q. You say:

10 "After the meeting with the villages we returned to the meeting
11 in Bardhanic. Then I read out the statement of the Main Staff that
12 the commander of the ... Dukagjin Operations Zone was Ramush
13 Haradinaj as appointed by the senior military leadership, and that
14 Tahirr Zema could be Ramush's deputy. Tahir Zema did not accept the
15 posting. He had a satellite telephone close by and called Ahmet
16 Krasniqi, informing him of everything that had happened. Then
17 Hashim Thaci and I spoke with Ahmet Krasniqi on the telephone. I
18 said to Ahmet, how can you have voting for a commander, when there is
19 a Main Staff in Kosovo? Ahmet replied ..."

20 If we turn the page in Albanian:

21 "... 'You guys take care of your own business and don't
22 interfere with my officers.' I then said to him, 'Sir, these are KLA
23 officers,' and he replied, 'No, they're my officers, and you have no
24 business interfering.'"

25 Does that refresh your recollection of the conversation that you

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17601

Cross-examination by Mr. Misetiç

1 had on the phone with Ahmet Krasniqi?

2 A. Yes, it does, fully.

3 Q. And so what was happening was that the government-in-exile's
4 Ministry of Defence was claiming -- or trying to take over command of
5 the Dukagjin zone through Tahir Zemaj; is that correct?

6 A. Yes, it's precisely that. So even if they did have an agreement
7 and they wanted to do what they did, but actually it went this way,
8 in fact.

9 PRESIDING JUDGE SMITH: Mr. --

10 MR. MISETIC: I know.

11 PRESIDING JUDGE SMITH: We need to take a break. Is this
12 convenient at this point?

13 MR. MISETIC: I'll pick up with the document after the break.
14 Thank you.

15 PRESIDING JUDGE SMITH: All right.

16 We'll give you a ten-minute break, Witness.

17 [The witness stands down]

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

19 --- Break taken at 3.29 p.m.

20 --- On resuming at 3.40 p.m.

21 PRESIDING JUDGE SMITH: Please bring the witness in.

22 MR. MISETIC: I had one housekeeping matter just to --

23 PRESIDING JUDGE SMITH: Oh, okay. Hold on.

24 MR. MISETIC: To correct. We were advised by the Court Officer
25 concerning an issue with the English translation of an exhibit that

1 was admitted as 1D00165. And there were apparently two translations.
2 The one that was admitted was the ICTY translation, and there has
3 since been a revised translation by this Court, and we would like to
4 move that translation into evidence. So we would like to keep
5 P00141-ET as the translation instead of P00141.E.

6 PRESIDING JUDGE SMITH: There's no objection shown. P00141-ET
7 will be the exhibit then.

8 THE COURT OFFICER: That translation will now receive
9 Exhibit 1D00165_ET and will replace the previously admitted one. The
10 classification for this one is confidential while the previous one
11 was reclassified to public.

12 MR. MISETIC: I think it should be public.

13 PRESIDING JUDGE SMITH: It is therefore reclassified as public.

14 THE COURT OFFICER: Thank you.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 And now you can bring the witness in, Madam Usher.

17 [The witness takes the stand]

18 PRESIDING JUDGE SMITH: Whoever has the mobile phone could
19 please turn it off. We heard it beep up here. [Microphone not
20 activated].

21 MR. MISETIC: It may have been the security guard's radio.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. MISETIC: Thank you, Mr. President.

24 PRESIDING JUDGE SMITH: Go ahead Mr. Misetic.

25 MR. MISETIC: Thank you, Mr. President.

1 Q. Witness, let's pick up in the document on the screen and
2 continue with what you said in 1999 to Zeri. In the second line, it
3 says:

4 "We went back to the meeting ..."

5 This is after your conversation with Ahmet Krasniqi on the
6 phone. You said:

7 "We went back to the meeting and said that he," meaning
8 Tahir Zemaj, "should stay as deputy commander of the zone. He said
9 he would not accept these assignments and would remain commander of
10 the 131 Brigade based in Prapaqan. We then decided that he would
11 remain commander of this brigade, but on condition that he was not to
12 enter into any kind of civilian affairs as he had done before."

13 If we stop there for a second.

14 Now, that line there that you told him he was not to enter into
15 any kind of civilian affairs, do you recall specifically what he had
16 done in the realm of civilian affairs before?

17 A. When we left the meeting, shortly after, he took his unit with
18 him and left the territory of Kosovo and left the front lines and the
19 civilians defenceless.

20 Q. Yes, maybe I didn't ask the question properly. My question is
21 that sentence you say that you told Tahir Zemaj at this meeting that
22 he was not to enter into any kind of civilian affairs as he had done
23 before. So my question was what did Tahir Zemaj do before the
24 meeting that you considered to be in the realm of civilian affairs?

25 A. The issue when we mention civilian matters is referring to local

1 staffs, village councils. This was the matter discussed and this is
2 why this was used.

3 Q. Could it be that it was related to the issue of the dispute over
4 who would represent the KLA and Tahir Zemaj's involvement in issuing
5 political communiqués from the zone? I'm asking you -- I guess I
6 should ask you do you have any reason to dispute if I were to suggest
7 to you that it was related to Tahir Zemaj and Nazif Ramabaja issuing
8 political communiqués from the zone?

9 A. Based on what I saw, the communiqué, yes, it seems -- it is
10 political.

11 Q. Okay. It goes on -- what you say here, you say:

12 "After that, as you know, the offensive started, and Tahir
13 withdrew all the troops, abandoned the front line and handed over a
14 large arsenal of weaponry. This action, during the offensive last
15 year, showed who had what goals and who was committed to fighting for
16 the freedom of Kosovo."

17 Now, I'm asking, first question, who did Tahir Zemaj hand over a
18 large arsenal of weapons to?

19 A. He left the weapons arsenal in the villages, and then when the
20 Serbian forces entered these villages, seized the entire arsenal. So
21 it fell in the hands of the Serbian army.

22 Q. Did you have an understanding or belief as to why Tahir Zemaj
23 abandoned the front line and withdrew the troops?

24 A. From the military perspective, or any perspective, he was not
25 happy to be where he was. He didn't achieve his goals and he left

1 the territory of Kosovo. But in brief, I will say that those who are
2 willing to fight, have the desire to fight, they don't consider
3 political aspects or any other aspects. Military officers like
4 myself and others are there to support the population, despite the
5 negative or positive aspects. He should have been -- he should have
6 remained close to the civilians. And certainly that after a time,
7 after having gained also the trust of the civilians and the military
8 personnel, he would have achieved his set goals.

9 Q. When you say he didn't achieve his goals and you're referring to
10 his goals, what do you think his goals were?

11 A. His goal was very clear: To become zone commander, to lead the
12 zone, to take it under his control. This was his goal.

13 Q. Was part of that goal of becoming zone commander then to also
14 put the zone under the command of the Ministry of Defence of the
15 government-in-exile?

16 A. I'm referring to what he was aiming at. Most probably what
17 you're saying was part of it, but I'm not in a position to confirm
18 that. But his goal, his aim was to become zone commander.

19 Q. And just one more point on Tahir Zemaj. In your SPO interview
20 at Part 3, page 32, lines 17 to 21, you say:

21 "I asked Tahir Zemaj, if he wanted, he could join me in the
22 operational department, himself and a couple of other officers, so we
23 could complete the operational department and then develop the army
24 further, but he didn't -- he didn't accept this offer."

25 Is that correct?

1 A. Correct. This was before this event. When I went there on the
2 first occasion, I discussed with him and other officers, but he
3 declined to join.

4 Q. You went to the Llap zone in August 1998, and did you meet with
5 Commander Remi on that trip?

6 A. Yes.

7 Q. And was Mr. Thaci with you on that trip?

8 A. Yes, we were together on that trip - myself, Mr. Thaci, and
9 Mr. Rexhep Selimi.

10 Q. And did you confirm Commander Remi as the commander of the Llap
11 zone on that trip?

12 A. From what I can remember, we went there for a reason. We wanted
13 to go through this territory and then to Prishtine because we had
14 information that Agim Qelaj was recovering from having been wounded.
15 When we reached the zone, I and the deputy commander visited the
16 front lines and the units. Whereas Hashim Thaci and Rexhep Selimi
17 entered Prishtine to look for Agim Qelaj. They found out he was not
18 there. Upon their return from Prishtine, we continued our trip. It
19 was becoming dark, which allowed us to move to the zone of Drenica.

20 So we returned from the Llap zone. I am not aware, I did not
21 see any such confirmation you mentioned, and at least I did not take
22 any such steps.

23 Q. Did you discuss command structure with Commander Remi or with
24 Kadri Kastrati?

25 A. Yes, I discussed personally with Kadri Kastrati.

1 Q. And this trip that Mr. Thaci and Mr. Selimi -- you say they --
2 you stopped in the Llap zone at the command and they continued on
3 into Prishtine looking for Agim Qelaj?

4 A. Yes.

5 Q. And they had heard that he had been injured?

6 A. Yes, this is what we heard, that he had been injured and he was
7 recovering. He was being treated there.

8 Q. Yes. But is it correct that when they got to Prishtine, what
9 you learned later was it wasn't Agim Qelaj, but they found another
10 person in Prishtine; correct?

11 A. Correct.

12 Q. Now, in September you told the trial chamber in the Djordjevic
13 case - and this is at P01356, transcript page 6178 - that you were in
14 Albania trying to recruit more former JNA officers into the KLA; is
15 that correct?

16 A. Yes. I went not only to Albania but in other Western countries
17 to meet with former military officers to offer, propose them to join
18 the KLA.

19 Q. And did you do that on your own initiative, or was that
20 something that had been discussed among the members of the
21 General Staff, that you should go, try to recruit more JNA officers?

22 A. We discussed together. And it was obvious that we needed to
23 recruit more officers to reorganise and further strengthen the Kosovo
24 Liberation Army.

25 Q. With whom specifically in the General Staff did you have such

1 discussions?

2 A. Usually we did this in the framework of our work or with
3 Mr. Rexhep Selimi, Hashim Thaci, and other members of the staff.

4 Q. While you were -- well, let me ask this question. Were you ever
5 in Kosovo in October 1998?

6 A. No.

7 Q. When did you -- after you left in September, when was the first
8 time that you re-entered Kosovo?

9 A. In November when we returned to Kosovo together, myself and
10 Kadri Veseli. It was November.

11 Q. Okay. Now, while I'm in October, you were asked some questions
12 by the SPO about the detention of Cen Desku and Jakup Kastrati. Do
13 you recall being asked questions about that?

14 A. Yes.

15 Q. And you say -- you told the SPO that the order to arrest them
16 came from the commander or deputy commander of the General Staff. My
17 question is they were arrested the end of October. If you weren't in
18 Kosovo, how do you know the circumstances around which or in which
19 they were arrested?

20 A. I was not there in October, that's correct, but I received this
21 information upon my return in November.

22 Q. Well, you told the SPO that when you brought up the issue of
23 Desku and Kastrati at a meeting of the General Staff, no one tried to
24 explain or justify it. That's what you said at P01355, Part 3, page
25 38, lines 1 to 9. Does that refresh your recollection that when you

1 asked a question about it, no one tried to explain it or justify it?

2 A. I don't know. I don't recall. But I know I have discussed this
3 several times. I was not given any specific or particular
4 justification.

5 Q. Yes. And you say, at Part 3, page 39, lines 4 to 9 of your SPO
6 interview, that no one explained to you the reason they were
7 detained. And my question to you is could it be that no one tried to
8 explain or justify it because no one on the level of the
9 General Staff was involved?

10 A. Most probably, yes.

11 Q. You're not aware of whether it could have been a local issue
12 involving KLA units on the ground or not because you weren't there;
13 correct?

14 A. Correct, I don't know.

15 Q. Now, at this same time, is it correct that you're in Albania
16 negotiating with the government-in-exile about unification of the KLA
17 and FARK?

18 A. Yes.

19 Q. And that agreement was concluded on 2 November 1998, so several
20 days after Mr. Desku and Mr. Kastrati had been detained. Did the
21 issue of their detention come up in your conversations with the
22 government-in-exile that you can recall?

23 A. Not as far as I can remember.

24 Q. The members of the government-in-exile, as far as you can
25 recall, were they members of the LDK?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17610

Cross-examination by Mr. Miseti

1 A. I don't know if they were. Yes, some of them were.

2 Q. Do you recall specifically who from the government-in-exile or
3 with whom you were negotiating to unifying the KLA and FARK?

4 A. Yes, my first meeting outside Albania in Turkey. I was with
5 Mr. Kadri Veseli representing the General Staff, and Bujar Bukoshi,
6 Isa Mustafa, Halil Bicaj, Kadri Balaj were representing the
7 government-in-exile.

8 Q. And you told the SPO that what you were hoping for in these
9 meetings was to get more former officers and professional staff
10 joining the KLA; is that correct? And that's at transcript page --
11 or Part 14, page 35.

12 A. Correct.

13 Q. Did you have the support of the general commander for these
14 negotiations?

15 A. Yes, the general commander sent us.

16 Q. Do you recall whether he was present in any of these meetings?

17 A. As I mentioned, not in the first meeting held in Istanbul. I
18 don't remember on the second meeting. I know Xhavit Haliti attended
19 in his capacity as political representative member of the staff,
20 Kadri Veseli, myself. Perhaps somebody else was there, but we were
21 there, the persons I mentioned.

22 Q. Okay.

23 MR. MISETIC: Madam Court Officer, if I could have, please, on
24 the screen DHT03873 to DHT03877, which is the English version of the
25 FARK-KLA agreement. And in Albanian, it is 061167 to 061171. Can we

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17611

Cross-examination by Mr. Misetić

1 scroll down in the Albanian, please. Next page, please. Yes. There
2 we go.

3 Q. Mr. Zyrapi, do you recognise the document on the left side of
4 the screen?

5 A. Yes.

6 MR. MISETIĆ: And if we can scroll down.

7 Q. Is this the document that you signed on behalf of the KLA to
8 unify FARK and the KLA?

9 A. Yes.

10 Q. And to the best of your recollection, is the date on the
11 document, 2 November 1998, accurate?

12 A. Yes, it is.

13 Q. And it calls for the unification of the two, correct, FARK and
14 the KLA?

15 A. Correct.

16 Q. Now, there's a P.S. there, and it says:

17 "In order for it to become final, the present decision also
18 requires the approval of the subsequent meeting to be held between:

19 "Adem Demaci

20 "Bujar Bukoshi

21 "The KLA Representative [and]

22 "Halil Bicaj"

23 Now, why in these negotiations was the approval of Adem Demaci
24 required?

25 A. In addition of this being a military agreement, there would be

1 need for another political agreement. So here we have Adem Demaci as
2 a political representative and the KLA political representative in
3 Albania. So in addition to this, the political aspects were --
4 needed to be approved for it to be final and to reach a political
5 agreement for the other side to sign the same agreement, which, based
6 on our negotiations in Istanbul, this would be signed under the
7 auspices of the Albanian government which would be the guarantor for
8 the implementation of this agreement.

9 Q. Do you recall who or which side stipulated that Adem Demaci's
10 approval was needed for the political agreement?

11 A. I don't recall.

12 MR. MISETIĆ: If we could turn the page, please.

13 Q. Witness, there was an annex to the agreement.

14 MR. MISETIĆ: And one more page, I'm sorry.

15 Q. And it has a proposed structure of the General Staff; correct?

16 A. Correct.

17 Q. And Agim Ceku, according to the agreement, was supposed to take
18 the place of Azem Sylja as the general commander; correct?

19 A. Yes, that's correct.

20 Q. But explain -- or as you explained in your SPO interview,
21 Part 14, page 39 -- actually, let me just ask you.

22 First of all, why was Agim Ceku chosen to be the overall
23 commander?

24 A. He was chosen -- in the conversation we had during the
25 agreement, it was agreed that the general commander of the KLA should

1 be a professional, impartial, who was not siding with the
2 government-in-exile or the KLA, but a neutral professional who has
3 experience and who would be chosen as a consensual general commander.

4 Q. And as we know, Agim Ceku did not become the commander of the
5 KLA until April. And so can you explain why it took five months?

6 A. I don't know the reason why. I know that at the time he was
7 still active in the Croatian army, and he needed to carry out some
8 actions or steps to demobilise. However, eventually he entered
9 Kosovo and took up his duties in April 1999.

10 Q. You told the SPO that initially, pursuant to this agreement,
11 Hashim Thaci was also planned to join the government-in-exile, and
12 he's listed here as J.1. Do you see that?

13 A. Yes.

14 Q. Can you explain a bit as to what the concept was or what
15 Mr. Thaci was supposed to do in the government-in-exile?

16 A. In our conversation in Istanbul, part of the conversation was
17 the idea to have some members of the General Staff joining the
18 government-in-exile in different positions. I do not recall now
19 exactly what position. And not only Hashim Thaci but some other
20 members as well, such as the minister of defence or minister of
21 finances, to my recollection. So this was part of the discussions.

22 Q. Is my understanding correct that your evidence is that the
23 agreement was that the FARK joins the military under the KLA, and
24 then the KLA appoints political -- its own political representatives
25 into the government-in-exile, and it's sort of a joining of not only

1 the military but also political aspects of both organisations?

2 A. Yes, that's correct.

3 Q. And you say but some of the positions here in the annex were
4 later changed due to developments on the ground, and more
5 specifically because negotiations had started with the
6 internationals. And that's also at Part 14, page 38 of your SPO
7 interview; correct?

8 A. Correct.

9 Q. And you told the SPO that as a result of the negotiations
10 starting, a political directorate needed to be founded in the
11 General Staff; is that correct?

12 A. That's correct.

13 Q. And Hashim Thaci was then appointed to be leading the KLA
14 political directorate; correct?

15 A. That's correct.

16 MR. MISETIC: Mr. President, I want to tender the document on
17 the screen. And there is one version already in evidence, and it's a
18 Prosecution exhibit, P652-ET, but that version does not contain the
19 annex. And so either we can replace P652 with the one with the
20 annex, which is fine with me, or if the SPO wants to keep its
21 version, then I would ask that this be admitted as a Defence exhibit.

22 PRESIDING JUDGE SMITH: P6352 does not seem to be a proper
23 number.

24 MR. MISETIC: Again, I take full responsibility. P652.

25 PRESIDING JUDGE SMITH: P652.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17615

Cross-examination by Mr. Misetić

1 MR. MISETIĆ: Yeah.

2 PRESIDING JUDGE SMITH: Okay. Any objection to joining the two,
3 adding the annex onto the document itself -- the original?

4 MS. LAWSON: My understanding is --

5 PRESIDING JUDGE SMITH: [Overlapping speakers] ... document.

6 MS. LAWSON: My understanding is that P652 is only one page of
7 the document. We've no objection to this being admitted. And if
8 there are any translation issues, we'll raise them *inter partes*
9 afterwards.

10 MR. MISETIĆ: That's fine.

11 PRESIDING JUDGE SMITH: So the --

12 MR. EMMERSON: May I add, this is obviously an important
13 document, and there is some uncertainty as to why we have two
14 versions, one with and one without. And so in those circumstances, I
15 would respectfully request that they be admitted separately rather
16 than, so to speak, adding or substituting.

17 PRESIDING JUDGE SMITH: We were intending to admit them
18 separately.

19 MR. EMMERSON: I'm grateful.

20 PRESIDING JUDGE SMITH: So I just want to make sure I have the
21 ERN right. It's DHT03873? Is that the correct one?

22 MR. MISETIĆ: Yes, I'll --

23 PRESIDING JUDGE SMITH: To DHT03877 in the English.

24 MR. MISETIĆ: Yes.

25 PRESIDING JUDGE SMITH: And 061167 to 061171 in the Albanian.

1 MR. MISETIĆ: That's correct.

2 PRESIDING JUDGE SMITH: All right. That is admitted.

3 And I take it this can be a public document.

4 MR. MISETIĆ: As far as we're concerned, yes.

5 PRESIDING JUDGE SMITH: Any objection?

6 It's reclassified as public. Please assign a new exhibit number
7 to it.

8 THE COURT OFFICER: Your Honour, Albanian version and its
9 English translation will be assigned Exhibit 1D00166, and they will
10 both be reclassified as public.

11 PRESIDING JUDGE SMITH: Thank you.

12 Go ahead.

13 MR. MISETIĆ: Thank you, Mr. President.

14 Q. Now, as part of the restructuring, Witness, I want to take a
15 minute to discuss your title because we've used two different terms
16 for you in this trial, and I want you to tell us which term is
17 correct.

18 Now, in the military there is something called the chief of
19 staff and there is something called the chief of the General Staff.
20 And is it correct that your title was chief of the General Staff and
21 not chief of staff?

22 A. In this formation, I was chief of staff of the General Staff.

23 If we take -- if you consider the context of today, the chief of
24 staff is the chief of defence. We had the commander, the deputy, and
25 the chief of staff at the time.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17617

Cross-examination by Mr. Misetić

1 Q. Okay. Then I want to show you some documents that were shown to
2 you by the Prosecutor.

3 MR. MISETIĆ: If we could please put on the screen P00624.

4 Q. This is an ordinance or order that you issued on 4 January 1999.

5 MR. MISETIĆ: And if we could scroll down to the signature
6 block, please.

7 THE WITNESS: [Interpretation] Yes.

8 MR. MISETIĆ:

9 Q. In English, it says: "Chief of the KLA General Staff." What
10 does it say in Albanian?

11 A. "Chief of the General Staff of the KLA."

12 Q. Right. So chief of the General Staff, would you agree with me,
13 is a command position; correct?

14 A. It is when there is no general or overall commander. But since
15 it had a commander, in this context the chief of staff would be in
16 the third position in terms of command.

17 Q. Okay. But is it correct -- how you signed the document there
18 under that heading -- I can just put to you without having to put all
19 the documents on the screen. There's P631, P630, P628, you signed
20 them all as chief of the General Staff; correct?

21 A. Yes.

22 Q. And in the Milutinović trial, P01356, page 5958, lines 3 to 4,
23 you said -- you told the trial chamber there it was your
24 responsibility to order combat operations. Do you recall testifying
25 to that?

1 A. The responsibility of the chief of staff is to prepare all the
2 operations on a strategic level in all the territory of Kosovo. At
3 certain moments he can order the movement of troops, but in -- with
4 the approval of the commander, the general commander.

5 Q. You say in the Milutinovic trial:

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

8 Correct?

9 A. Yes. It is the duty of the chief of staff to work with the
10 directorates at the General Staff, to administrate them, prepare
11 them, give tasks, and to facilitate the work of these directorates at
12 the General Staff.

13 Q. Okay.

14 MR. MISETIĆ: If we could please call up Exhibit P01356 at page
15 5945 in both the English and Albanian. In English, it's line 16 to
16 19. In Albanian, lines 12 to 14.

17 THE COURT OFFICER: Can counsel please indicate which part?

18 MR. MISETIĆ: Yes, I apologise. Actually, I don't have a part.
19 It's an ICTY transcript. P01356, IT-05-87.1 P00428. And it's in the
20 Albanian at lines 12 to 14; and in English, 16 to 19.

21 Q. And this is now a question that was asked of you in that trial
22 about the document the interim rules on the organisation of internal
23 life. And your testimony there was:

24 "There is a preliminary document which was prepared at the end
25 of 1998. This document regulated the organisation of the internal

1 life. In order to prepare this document, we looked at the rules of
2 the Western armies."

3 Now, on Monday, at transcript page 17405, you told the
4 Prosecutor that you were aware that these rules existed before
5 November 1998. Here you say that this preliminary document was
6 prepared at the end of 1998. And I'm -- would it be fair to say that
7 your recollection in the Milutinovic trial was better than your
8 recollection today as to when those rules, the preliminary rules,
9 were prepared?

10 A. No, not at all. Then and now. It only depends on which rules
11 the question was asked about and for which period of time.

12 Q. Okay. Well, we're talking about the preliminary rules on
13 internal life. You said you prepared this document, which I assume
14 must have happened after you became chief of the General Staff, so in
15 November or later, and you say that:

16 "... we looked at the rules of the Western armies."

17 So those preliminary rules, your testimony was that they were
18 prepared at the end of 1998, presumably after you became chief of
19 staff; correct?

20 A. Correct. I pointed out when I was chief of staff and when we
21 worked on the reorganisation and on the internal regulations.

22 Q. Yes. And you told the Prosecutor on Monday that you never saw
23 any other disciplinary regulations before the preliminary regulations
24 that you prepared; correct?

25 MS. LAWSON: Objection. I don't believe that's the witness's

1 evidence, so I would prefer if counsel could use the transcript on
2 this point.

3 MR. MISETIĆ: I think it's a fair --

4 PRESIDING JUDGE SMITH: Overruled.

5 You can answer the question, if you can.

6 MR. MISETIĆ:

7 Q. Is it correct that you never saw any other disciplinary
8 regulations of the KLA -- I'm sorry, any rules on the internal life
9 of the KLA?

10 A. First of all, counsel, you asked me about the internal rules.
11 There is a difference between internal rules and disciplinary rules.
12 These are two different documents.

13 As for the discipline one, I know that there was something. I
14 don't know what exactly. But we were talking about the internal
15 rules.

16 Q. Yes, I corrected myself, so let me ask the question again --

17 MS. ALAGENDRA: Your Honours, I believe the transcript has
18 stopped.

19 PRESIDING JUDGE SMITH: It has. Thank you.

20 [Trial Panel and Court Officer confers]

21 PRESIDING JUDGE SMITH: I think you're going to have to ask this
22 question again tomorrow.

23 MR. MISETIĆ: That's what I suspected. Thank you.

24 PRESIDING JUDGE SMITH: I'm sure we'll be up and running by
25 morning.

1 Mr. Witness, we're going to have to excuse you now. You'll be
2 back here tomorrow morning at 9.00. Thank you for being with us
3 today. Sorry about the bad ending for today, but we'll get it
4 straightened out.

5 Remember not to speak to anyone about your testimony outside of
6 the courtroom. You may go now. Thank you.

7 Thank you, Mr. Duty Counsel, too, for being here.

8 [The witness stands down]

9 PRESIDING JUDGE SMITH: All right. We're adjourned until
10 9.00 a.m. tomorrow -- I'm sorry, did you have something --

11 MR. EMMERSON: I do apologise. I wonder if we could take stock
12 of schedule for tomorrow, partly because I know, from my own
13 experience, that the further a person [REDACTED] Pursuant to Post-
Session Redaction Order F02448.

14 [REDACTED] Pursuant to Post-Session Redaction Order F02448.

15 and I just don't really want to start the at the last minute --

16 MS. LAWSON: Your Honour, can we go to private session, please,
17 and redact.

18 PRESIDING JUDGE SMITH: Yes.

19 MR. EMMERSON: I'm so sorry. I thought we were in private
20 session.

21 PRESIDING JUDGE SMITH: We will go into private session. Oh, we
22 can't go into private session.

23 We understand your point. I think I do.

24 I just want to ask you if you can give us some idea of your time
25 remaining.

1 MR. MISETIC: I expect to take the first session tomorrow for
2 sure. But I am making good progress, so I will be within my time
3 estimate if not less.

4 PRESIDING JUDGE SMITH: And at this time do you know,
5 Mr. Emmerson?

6 MR. EMMERSON: Well, I'm aiming to remain within the four hours
7 that we've set out, which I think is probably the shortest of the
8 time estimates. But I'm anxious about starting with a witness at
9 that stage of the process if there's a short period of time only to
10 go before a break.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 He said he would be here and will be here, so we'll have to deal
13 with it the best we can.

14 MR. EMMERSON: Very well.

15 PRESIDING JUDGE SMITH: But we will [REDACTED] Pursuant to Post-
Session Redaction Order F02448.

16 [REDACTED] Pursuant to Post-Session Redaction Order F02448.

17 [Microphone not activated].

18 MR. ROBERTS: No change in my estimate so far, Your Honour.

19 MS. ALAGENDRA: No change at the moment on timing, Your Honours.
20 But I have a separate issue. I understand I'm in public session, but
21 I have raised with the Court an issue with Mr. Krasniqi. If his
22 attendance tomorrow can be dispensed with and allow him to appear by
23 videolink.

24 PRESIDING JUDGE SMITH: [Microphone not activated] We've stated
25 our rule that we need to have a [REDACTED] Pursuant to Post-Session
Redaction Order F02448. with that.

1 MS. ALAGENDRA: We have applied for it, Your Honours, but the
2 *[REDACTED]* Pursuant to Post-Session Redaction Order F02448., and I've
notified the Court earlier.

3 Maybe --

4 PRESIDING JUDGE SMITH: The same rule still applies. You'll
5 have to make sure they understand that at the --

6 MS. ALAGENDRA: Yes.

7 PRESIDING JUDGE SMITH: -- facility.

8 We're adjourned until tomorrow at 9.00.

9 --- Whereupon the hearing adjourned at 4.30 p.m.

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