

1 Thursday, 4 July 2024

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.00 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 that the accused are all present  
11 in court today. We will continue now to hear the evidence of  
12 Prosecution Witness W04752.

13 Madam Court Usher, please bring the witness in.

14 [The witness takes the stand]

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

16 THE WITNESS: [Interpretation] Good morning.

17 PRESIDING JUDGE SMITH: I remind you to please try to answer the  
18 questions clearly with short sentences. If you don't understand a  
19 question, feel free to ask counsel to repeat the question or tell  
20 them you don't understand and they will clarify.

21 Speak into the microphone, wait five seconds before answering a  
22 question, and speak at a slow pace for the interpreters to catch up.  
23 I remind you of all these things, but I know you've been doing it so  
24 far, so you really don't need the reminder.

25 If you feel the need to take a break, please make an indication

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1 and an accommodation will be made. I remind you that you are still  
2 under an obligation to tell the truth as stated by you in your solemn  
3 declaration.

4 I also remind you again that, as advised previously, you are not  
5 required to answer a question that is incriminating unless and until  
6 the Panel compels you to answer. And that if such a question arises,  
7 you or your assigned counsel may raise the issue to the Panel, and we  
8 will proceed to determine whether or not and under what circumstances  
9 you might be compelled to answer.

10 We continue now with the questions from the Thaci Defence at  
11 this time.

12 Mr. Misetic, you have the floor.

13 MR. MISETIC: [Microphone not activated].

14 Thank you, Mr. President.

15 WITNESS: BISLIM ZYRAPI [Resumed]

16 [The witness answered through interpreter]

17 Cross-examination by Mr. Misetic: [Continued]

18 Q. Good morning, Mr. Zyrapi.

19 A. Good morning.

20 Q. I would like to start today with a discussion of the  
21 reorganisation of the KLA in November of 1998. But I would like to  
22 start first with an understanding of some principles that may or may  
23 not have been applied in the restructuring.

24 Are you familiar, from your time in the Yugoslav Army and in the  
25 army of Bosnia, with the principle of singleness of command? In

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1 Serbian, they would say *jedinstvenosti komandovanja*.

2 A. Entirely, yes.

3 Q. And the principle is singleness of command plus subordination in  
4 the structure of an army. Would you agree?

5 A. Yes.

6 Q. Was singleness of command plus subordination a principle, as far  
7 as you were taught in the higher military academy, that applied in  
8 the Yugoslav Army?

9 A. Yes.

10 Q. Is that a principle, when the reorganisation began, that you and  
11 Mr. Sylva tried to apply in restructuring the KLA, applying the  
12 principles of singleness of command?

13 A. We made attempts from the beginning to the end, but it's not the  
14 same. I need to explain this, I apologise, if you allow me. The  
15 development of a regular army, development of the command, compare it  
16 to reach such a unified command, but we are talking here about an  
17 army who has schools, structures, to reach this single command at the  
18 highest level.

19 We were not able to implement entirely these principles because  
20 of many reasons, including the fact that we have inexperienced  
21 military personnel, we didn't have military academies, but to the  
22 extent of our possibilities, available means, we tried. So there are  
23 distinctions between a regular army command in terms of the  
24 principles you mentioned and what we achieved.

25 Q. Yes. My -- first, explaining the singleness of command, it

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1 means that there is only one commander for each command echelon; is  
2 that fair?

3 A. Yes.

4 Q. So in the restructuring, Azem Sylja, as far as you were aware,  
5 was the overall commander. He was the first echelon of command; is  
6 that correct?

7 A. Yes.

8 Q. And then there were lower echelons, but the General Staff  
9 ultimately answered to Azem Sylja?

10 A. Yes. Yes, based on principles and rules.

11 Q. And you would receive from Azem Sylja, as I understand your  
12 testimony, orders and instructions on what steps needed to be taken?

13 A. Yes. When it was possible to receive, when he was inside the  
14 country and he could send those, but not all the time.

15 Q. I'm going to get into in a minute one such example of that where  
16 you've testified that you've consulted with Mr. Sylja before a  
17 decision was made.

18 But if we can continue on. You've described yourself in the  
19 Milutinovic trial, at P01356, page 264, as head of administration of  
20 the General Staff, including disciplinary measures and its duties.  
21 Do you recall that? I can read it to you if you wish. Well, let me  
22 read it out to you to be fair to you.

23 You were asked to describe your position. You said:

24 "Well, as Chief of Staff, concrete duties would include  
25 preparations to raise the level of training of the staff and the KLA

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1 in general operations, disciplinary measures, as well as logistic and  
2 procurement issues, high-level of readiness of the staff and the  
3 entire KLA personnel. This was, in short, the duty."

4 Would that be fair?

5 A. Yes, this is what I stated as one of the duties.

6 Q. And the directorates -- as I understand the restructuring, the  
7 directorates of the General Staff would have been subordinate to you  
8 as the chief of the General Staff; is that correct?

9 A. Yes.

10 Q. Now, you've testified in your SPO interview at P01355, Part 3,  
11 page 38, that because the KLA in November 1998 was now also dealing  
12 with international representatives in political negotiations, it  
13 needed a political body to represent it internationally; is that  
14 correct?

15 A. Correct. This is how it happened and this is how the  
16 reorganisation started.

17 Q. And you said to the SPO in that excerpt that the reorganisation  
18 was closely linked to the talks and the ties that the KLA had  
19 established with the international community; is that correct?

20 A. Correct.

21 Q. Now, in November 1998, were you anticipating a spring Serbian  
22 offensive for the spring of 1999?

23 A. First of all, we dealt with the reorganisation. Secondly, it is  
24 the duty of the operational directorate of the General Staff to think  
25 defence plans but also anticipating offensives. So we are talking

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1 about this time in November where we're -- there was this unilateral  
2 cease-fire. We were implementing it, not the Serbian side. So we  
3 consequently were planning in advance and preparing for potential  
4 offences.

5 Q. And you told the Milutinovic trial at P01356, page 5987, that  
6 during the winter of 1998, 1999, the KLA forces were "still in  
7 development." Is that an accurate assessment?

8 A. Yes, this is entirely correct.

9 Q. Now, do you recall an incident in December 1998 involving  
10 Commander Remi on the Podujeve line that then caused international  
11 representatives, including Shaun Byrnes, to try to get Commander Remi  
12 to pull back his forces from the Podujeve line? Do you recall that  
13 incident?

14 A. Yes, I recall it.

15 Q. And do you recall that the operational directorate of the  
16 General Staff -- that Commander Remi wouldn't listen to requests from  
17 the General Staff operational directorate to withdraw his forces from  
18 the Podujeve line?

19 A. Yes, that's correct.

20 Q. Is that an example of some of the difficulties that you still  
21 had in terms of the zone commanders even into December not  
22 necessarily listening to orders or instructions coming from the  
23 operational directorate?

24 A. Yes, this is true.

25 Q. Now, from roughly mid-November 1998 until early March 1999, did

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1 you physically see Mr. Thaci in Kosovo?

2 A. No, until the time he returned from Rambouillet.

3 Q. Do you know where Mr. Thaci was outside of Kosovo between  
4 mid-November 1998 and early March 1999?

5 A. From November, December, he was abroad in Albania and in talks  
6 with internationals. This was a time where preparations were being  
7 conducted in view of the Rambouillet talks held in February. I know  
8 that during this time he was active and working in this direction.

9 Q. Now, as you were continuing the process of restructuring, you've  
10 told the SPO that you divided the General Staff into two groupings,  
11 the operational and the political groups; is that correct?

12 A. Yes, the general -- not the General Staff. The General Staff  
13 was not separated in two groups. But the political part was divided  
14 in two groups to deal with internationals, OSCE, and other  
15 international observers in Kosovo. And the military side would deal  
16 with military matters.

17 Q. Okay. So the political group would be dealing with negotiations  
18 with the internationals; correct?

19 A. Correct, with negotiations.

20 Q. And then the political group would not be involved in military  
21 matters; is that fair?

22 A. That's correct.

23 Q. It was the operational group, the General Staff, with you as the  
24 chief of staff, and the other directorates that would be involved in  
25 preparing combat operations, training, and professional improvement;

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1 is that correct?

2 A. That's correct.

3 Q. And you told the SPO in Preparation Note 2 at paragraph 22 that  
4 you would not get involved in political matters, that you were  
5 dealing strictly with military aspects; correct?

6 A. That's correct.

7 Q. Now, you told the trial chamber in 2008 in the Haradinaj trial,  
8 at transcript page 3291, that from May until September, combat  
9 operations were not authorised in advance by the General Staff  
10 anywhere in Kosovo; is that correct?

11 A. That's correct.

12 Q. You also told the trial chamber in the 2008 Haradinaj trial, at  
13 transcript page 3291, that from the time you first entered Kosovo  
14 until you left in September, there weren't regular communications  
15 between the General Staff and zone commanders; is that correct?

16 A. Correct. That's correct.

17 Q. Now, before November 1998, how would you, for example,  
18 communicate with zone commanders?

19 A. It was difficult to communicate unless I physically went to the  
20 zone or the person in question would come to the staff and we would  
21 be then able to communicate. But it was difficult. We didn't have  
22 any communication devices. We didn't have phones or a radio. The  
23 only way to communicate with them was to physically meet.

24 Q. But after the restructuring, you told the Milutinovic court that  
25 there was a communications room with a duty officer assigned; is that



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1 correct?

2 A. Yes. This is after the reorganisation of the General Staff,  
3 operational directorate is set up, and within it we have the  
4 operations room where all reports, information is received from the  
5 zones, processed, and then delivered to the command reporting on the  
6 situation on the ground from the said zones.

7 Q. And you told the Milutinovic trial chamber at P01356, page 5944:  
8 "The role of the duty officer was to contact the operational  
9 zones, learn about their requests, and transmit these requests to the  
10 staff, but also have a clear idea of what was going on in the whole  
11 territory of Kosovo."

12 Is that accurate?

13 A. Yes, this is an accurate description of the officer of the  
14 operational directorate.

15 Q. And the question of satellite phones. You were shown pictures  
16 of satellite phones in the Prosecution's examination. You told the  
17 SPO at Part 14 of your SPO interview that satellite phones only came  
18 into the KLA in December 1998 and thereafter; is that correct?

19 A. Yes, to my knowledge. Correct.

20 Q. So are you aware of any satellite phones being used in the KLA  
21 prior to December 1998?

22 A. I am not aware. I did not have such cases or where I could have  
23 seen such phones or used them.

24 Q. Okay. Is it fair to say, however, that from mid-July when you  
25 became the director of the operational directorate of the

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1 General Staff, the operational directorate did not have satellite  
2 phones from mid-July until December 1998?

3 A. That's correct.

4 Q. Now, Mr. Thaci was selected to head the political directorate;  
5 correct?

6 A. Correct.

7 Q. And you said that, at your SPO interview, Part 7, page 18, that  
8 Mr. Syla and all the other directors too recognised Mr. Thaci's  
9 political abilities; is that correct?

10 A. That's correct.

11 Q. Now, while still talking about the political directorate, you've  
12 testified, in Part 7 of your SPO interview, at page 15, that the  
13 political directorate wasn't lined up below you, as the chief of  
14 staff, but was lined up in a different manner; correct?

15 A. Correct.

16 Q. And as I understand your testimony to the SPO, your  
17 understanding was that Mr. Thaci was directly communicating with  
18 Mr. Syla; is that correct?

19 A. Correct.

20 Q. And from 1998 into March 1999, as far as you understand it,  
21 Mr. Thaci was dealing with diplomatic issues with internationals and  
22 conducting negotiations and reporting to Mr. Syla; correct?

23 A. Correct.

24 Q. Now, you were asked a question by the SPO as to whether -- and  
25 this is at Part 7, page 16, of your SPO interview, beginning at line

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1 5. You were asked whether the political directorate oversaw the  
2 decisions of the general commander to make sure that they were as  
3 they should be, and your answer was:

4 "No, the political directorate did not oversee the decisions  
5 taken by the general commander."

6 Is that accurate?

7 A. Yes, it is.

8 Q. And is it correct, as you stated in Part 7 of your SPO  
9 interview, at page 20, that the political directorate did not operate  
10 as some sort of civilian body overseeing the KLA's work?

11 A. Correct, this is what I stated.

12 Q. And in your SPO interview at Part 7, beginning at page 22 and  
13 going into page 23, you were asked whether there was civilian control  
14 over the KLA, and your response at line 18 is:

15 "There wasn't such control. The control was with the general  
16 commander."

17 Correct?

18 A. Correct.

19 Q. Now, once -- the political directorate, as I understand it, was  
20 created for negotiations with internationals. But once the  
21 provisional government was formed in March 1999, is it correct that  
22 the political directorate then ceased to exist within the KLA?  
23 Within the -- yes, within the KLA.

24 A. That's correct.

25 Q. Is it fair to say that you did not issue any orders to Mr. Thaci

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1 and Mr. Thaci did not issue any orders to you?

2 A. This is correct.

3 Q. Now, you've testified, at Part 10 of your SPO interview at  
4 page 21, that you did not know who Mr. Thaci's deputies were within  
5 the political directorate; is that correct?

6 A. That's correct.

7 Q. And would that be because you didn't have anything to do with  
8 what Mr. Thaci was doing in the political directorate?

9 A. Precisely, because I did not deal with this matter at all.

10 Q. And would it also then be fair to say that you didn't know who  
11 his deputies were because they didn't have anything to do with what  
12 you were doing?

13 A. Yes, that's correct.

14 Q. Now, continuing on with the topic of the restructuring. Let me  
15 start by showing you a document. I want to return to how -- a  
16 discussion now about the imposition of discipline, the creation of  
17 the military court, et cetera, and how that system came to be.

18 MR. MISETIC: But if we first put on the screen, please,  
19 DHT03866 to DHT03868, please.

20 Q. And, Witness, I apologise, we don't have an Albanian version of  
21 this. This is testimony from a person named Zoran Stijovic. Have  
22 you heard of that person?

23 A. No, I don't know who this gentleman is.

24 Q. He is someone who testified before the ICTY publicly and worked  
25 for the Serbian State Security service, and he testified that Serbian

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1 State Security had at least 200 live sources, meaning collaborators,  
2 within the KLA.

3 Now, were you aware, as you were undertaking the restructuring,  
4 that the KLA had a collaborator problem within its ranks?

5 A. At the time, during the restructuring process, but even before,  
6 we had problems in particular in cases where in some villages  
7 civilians would put on the uniform as local police officers,  
8 specifically in the Dukagjini zone. Later on, I am not able to know  
9 exactly because the inquiries were not conducted as such. I am not  
10 able to confirm whether this number is exact, meaning sources within  
11 the ranks of the KLA, because I did not conduct any specific  
12 investigation on that. There are other departments who are supposed  
13 to deal with that - the counter-intelligence and legal department.  
14 But if they -- I would say that if this number was correct, that such  
15 a great number of persons were sources within the ranks of the KLA,  
16 we wouldn't probably be here at all today.

17 Q. Well, let me first ask you this issue about people in the  
18 Dukagjin zone. Can you clarify a little bit more what the problem  
19 was with people putting on uniforms of the Serbian police?

20 A. Yes. Local policemen in some villages in Dukagjini area, they  
21 would wear the uniform of Serbian local police, which was a uniform  
22 of the enemy, and were more dangerous than any other soldiers that  
23 fought against us because those people knew the area and could cause  
24 more damage compared to somebody from outside. For example, somebody  
25 from a unit from Serbia, let's say.

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1 Q. And what was it about them putting on the uniform that created  
2 the problem, if I understood you correctly?

3 A. Our movements, our position in those areas. If we -- they were  
4 with local police uniforms, we had to confront them. And it was an  
5 obstacle in terms of our movements and our further development in  
6 that territory.

7 Q. Okay. Well, you mention now that this was proper for the  
8 military court and counter-intelligence, but let me discuss that with  
9 you now.

10 You told the ICTY in a 2005 statement at paragraph 37, and  
11 that's SPOE00183317 to 00183342, that there was no military court in  
12 the KLA until the end of 1998; is that correct?

13 A. Can you please repeat? Until the end of which year? Can you  
14 please repeat the question?

15 Q. Yes. You said that there was no military court in the KLA until  
16 the end of 1998. I'm told that the interpretation is translating it  
17 as "1999." It should be 1998.

18 A. That's why I stopped and asked you to repeat. Yes, 1998.  
19 That's correct.

20 Q. Okay. Thank you. Now, you testified to the SPO, at Part 4,  
21 page 12 of your SPO interview, that during the summer months when you  
22 visited various KLA local staff, as well as in the first few weeks  
23 after you returned to Kosovo in November 1998, you received a number  
24 of complaints from zone commanders about behaviour in their zones as  
25 well as lack of orders and rules from above to tackle such issues; is

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1 that correct?

2 A. Yes.

3 Q. And you told the SPO at Part 4, page 19 of your SPO interview,  
4 that when you heard these complaints you reported them back to the  
5 overall commander, Mr. Syla; correct?

6 A. Yes, correct. During the time he was there.

7 Q. Now, in November and December 1998, were you aware of  
8 information from internationals, such as Shaun Byrnes, that were also  
9 reporting concerns to the General Staff at this time about lack of  
10 discipline?

11 A. Yes, in some case -- of some cases, yes.

12 Q. And so when I say "internationals," you are obviously, aware of  
13 Shaun Byrnes or KDOM or OSCE or the Red Cross or Human Rights Watch?  
14 Those matters were -- you were made aware of the incidents that they  
15 were reporting; correct?

16 A. Yes, I remember a little bit.

17 Q. Okay. After you became chief of staff, the KLA began to grant  
18 access to the OSCE and ICRC to visit people who had been detained.  
19 Did you encourage zone commanders to grant the OSCE and ICRC access  
20 to detainees?

21 A. I don't remember this apart from the situation in the Shala  
22 zone, the command there.

23 Q. Okay. Do you know why the OSCE was able to gain access to  
24 detainees, for example, in the Llap zone? Was that a decision of  
25 Commander Remi's or would that have been something coming from you as

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1 the chief of staff?

2 A. No. I know a little bit about this case. It involves  
3 Commander Remi. And this was discussed with the political  
4 representative Adem Demaci, and then Remi allowed them. There was no  
5 discussions with members of the staff, at least not with me. Maybe  
6 there were discussions with some other member of the staff, but that  
7 I'm not aware of.

8 Q. Okay. As part of the reorganisation, you were the one  
9 addressing the concerns that the zone commanders had raised to you;  
10 correct?

11 A. Yes.

12 Q. And as a result you issued an order.

13 MR. MISETIC: And if we can put it on the screen, please. I  
14 believe it's 1D29, please. Then the English version, which I -- is  
15 SPOE00119161 to SPOE00119161-ET Revised.

16 MR. EMMERSON: I think that is already admitted as 1D00029-ET.

17 THE COURT OFFICER: It was not in the presentation queue, the  
18 English translation.

19 MR. MISETIC: Then if we can just call it up with the number I  
20 just read out which is in the queue. Yeah.

21 Q. Witness, do you recognise this order?

22 A. Yes.

23 Q. And is this the order that you issued on 28 November 1998 in  
24 response to information you had received about lack of discipline  
25 amongst KLA soldiers?



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1 A. Yes, precisely.

2 Q. Now, point 4 of the order says:

3 "The arrest, detention or imprisonment of persons without an  
4 order from a brigade commander or above is prohibited, except in the  
5 case of a critical combat situation or when various criminal offences  
6 are being committed against members of the KLA, against individuals  
7 or the civilian authorities."

8 Now, why did you include that provision in your order?

9 A. I included it because there were complaints even before this  
10 time. And since it was a cease-fire and we had contacts with the  
11 internationals, the aim was to discipline all the soldiers. There  
12 were groups that were still not under full command, so the idea was  
13 to discipline all those groups and soldiers.

14 Q. Yes. In your answer you said "we had contacts with the  
15 internationals." Is this order in response to the complaints that  
16 you had also received from internationals?

17 A. This order that we compiled with the general commander includes  
18 commanders, civilians, and internationals.

19 Q. Witness, I'm being warned I'm speaking too fast, so I'll try to  
20 slow down for the benefit of the court reporter and interpreters.

21 Now, part 6 of this order says:

22 "Immediate measures of isolation, disarmament and escort to the  
23 organs of the KLA military court are to be undertaken against the  
24 perpetrators of criminal offences or violations of military  
25 discipline."

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1 Now, the reference to a "military court," was the military  
2 court, as far as you know, set up also to deal with these issues of  
3 discipline and also perpetrators of criminal offences?

4 A. In general, the legal sector was created at that time for these  
5 issues, that is, for disciplinary measures and also more serious  
6 offences.

7 Q. And you told the SPO at Part 5, page 10 of your SPO interview,  
8 and I'll just read it to you:

9 "Before this order was issued, we held a meeting as the  
10 General Staff and it was discussed that the way things were being  
11 dealt with ... in particular for the collaborators and every other  
12 action now had to follow the legal procedure. And it was up to the  
13 -- it was for the legal sector to decide whether this person was a  
14 collaborator, or not or to decide whether somebody had committed a  
15 criminal offence or not."

16 Is that correct?

17 A. Yes, this is also correct.

18 Q. So part of this order, your testimony is that also if someone  
19 was suspected to be a collaborator, you wanted that person to be sent  
20 to the legal department for processing?

21 A. Yes, yes. Precisely.

22 Q. Now, you were asked who was present at this meeting of the  
23 General Staff where this was discussed, and this is at Part 5 of your  
24 SPO interview, at page 11. You did not identify Mr. Thaci as being  
25 present at the meeting; correct?

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1 A. Yes, correct.

2 Q. Now, someone needed to be appointed as head of the military  
3 court, and you told the SPO in Part 13 -- or, sorry, not the SPO.  
4 It's P01356. You told the ICTY, at page 136, lines 16 to 18, you  
5 were asked:

6 "Can you please tell us who appointed Mr. Dobruna to this post?"

7 Your answer was:

8 "It was requested that a military court be formed, and following  
9 a proposal of the general commander, this is how he was appointed."

10 So, first of all, the person that was appointed was Sokol  
11 Dobruna; correct?

12 A. Correct, yes.

13 Q. And he was appointed at the proposal of Mr. Sylaj; is that  
14 correct?

15 A. Yes, of the command, and also it was a proposal by the commander  
16 of the Dukagjini zone.

17 Q. Okay. That would be Mr. Haradinaj?

18 A. Yes, because he came from his zone.

19 Q. And when did Mr. Haradinaj make that proposal to you?

20 A. After the request was made to find a soldier, a military person  
21 who has the relevant legal qualifications and able to take up that  
22 position.

23 Q. How many candidates were there that were within the KLA and had  
24 the requisite legal qualifications to head a military court? Do you  
25 remember how many candidates there were?

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1 A. No, I don't. I didn't deal with that matter.

2 Q. Okay. Mr. Dobruna was a member of the LDK; is that correct?

3 A. I don't know of which party he was a member.

4 Q. When the military court was formed, was it intended to be a  
5 proper and functional military court?

6 A. The objective of every army and restructuring was to make it  
7 functional, but we had to take into consideration the conditions and  
8 the circumstances of the time. We could not make it fully  
9 functional. From the very beginning, when we started with the  
10 restructuring, and up until the end of the war, we did not manage to  
11 make certain structures fully operational.

12 Q. Well, let me ask it a different way: Was the military court  
13 created as a ruse to make the KLA look better in front of  
14 internationals?

15 A. To look better in front of the internationals but also in terms  
16 of disciplinary measures against its own members.

17 Q. So it was both to actually impose discipline which would then  
18 please internationals; is that fair?

19 A. In general, yes.

20 Q. Why wasn't a military court established before November 1998?

21 A. It could not be established before that because the KLA itself  
22 was not militarily formed. From the military aspect, it was still  
23 being developed, still from different groups and units. As I  
24 explained earlier, I explained how it was from the moment I entered  
25 Kosovo and until the moment of reorganisation. So it was impossible

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1 to do that. Even the staff itself could not function before that as  
2 a military staff.

3 Q. Okay. And, again, was it the cease-fire in October that gave  
4 you an opportunity then to restructure and also to create effective  
5 review procedures for review of cases of crime and collaboration?

6 A. This was the time when we had to reorganise and work to further  
7 develop.

8 Q. Yes, but was it only because of the cease-fire that you then had  
9 the time to create effective review procedures or to create --  
10 attempt to create effective review procedures such as establishing a  
11 military court?

12 A. Yes. I said yes. It gave us the opportunity to restructure, to  
13 develop, to create the court. Everything.

14 Q. Now, you're aware that Mr. Thaci is not a lawyer?

15 A. Yes.

16 Q. As far as you know, did Mr. Thaci have a role in overseeing the  
17 work of the military court?

18 A. As far as I remember, he didn't. That was not possible at the  
19 time.

20 Q. Were there other lawyers available to you or to the  
21 General Staff to appoint to the military court other than  
22 Sokol Dobruna, as far as you know?

23 A. I don't know. As far as I remember, there was this other  
24 person, Agron Berisha. There were some others as well. But as I  
25 said, I didn't deal with this matter to remember precisely how many

Witness: Bislim Zyrapi (Resumed) (Open Session)  
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1 candidates there were and who was who.

2 Q. Did you or the General Staff have more resources that you could  
3 have given to the military court, such as additional lawyers or  
4 additional staff or additional money, to make the court more  
5 effective?

6 A. No. I mentioned it earlier. As I said, I personally didn't  
7 know how many lawyers were available. As for funds, whatever we had  
8 were also means designated to this institution, but I cannot give you  
9 any other detail.

10 Q. Now, as to the order on the screen. You sent this order to all  
11 of the zone commanders; is that correct?

12 A. Yes, to all the commanders.

13 Q. And then you told the SPO, at Part 5, page 11 of your SPO  
14 interview, that you conducted -- following delivery of this order,  
15 you conducted in-person meetings with them for further clarifications  
16 on how to implement it; is that correct?

17 A. Yes, after this, because we also had meetings with zone  
18 commanders.

19 Q. And you discussed this order in particular?

20 A. No, not in particular. It was discussed that this order was  
21 received by zone commanders and that they had to implement it.

22 Q. And then you told the SPO, in Part 4, page 6, that by December  
23 1998, all matters related to discipline and compliance with the rules  
24 had been delegated to the head of the legal department,  
25 Sokol Dobruna; is that correct?

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1 A. Yes, correct.

2 Q. And so among his roles, Sokol Dobruna was in charge of reviewing  
3 serious offences, whereas disciplinary offences were dealt with by  
4 the zones; is that correct?

5 A. Yes, every zone commander would take the disciplinary measures.  
6 For example, brigade commanders would take disciplinary measures in  
7 their own area.

8 Q. And just for the record, you said that at Part 4, page 23 of  
9 your SPO interview. And then the Prosecution asked you to clarify  
10 what you mean by "serious offences." And your response was, at  
11 Part 4, page 22, that:

12 "Serious offences were ... I clarify that by taking a civilian  
13 meant arresting a civilian. Mistreating people. And if a soldier  
14 and commander had broken the rule of using the weapon, especially at  
15 the checkpoints, or has broken [the rule] ... not followed orders of  
16 the superiors ... these were considered serious offences ..."

17 So in the case of the arrest of a civilian, you said that  
18 wouldn't be a matter for the zone commander. That would be a matter  
19 for Sokol Dobruna. Is that correct?

20 A. Yes, this is what I said.

21 Q. And that included -- the system that had been set up included a  
22 detention facility that was established at the level of the  
23 General Staff in Lladrovç; is that correct?

24 A. Yes.

25 Q. Now I'd like to show you a document.

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1 MR. MISETIC: This is P613. If we could have it on the screen,  
2 please.

3 Q. Witness, just take a look at this document. Have you seen the  
4 document before? It's unsigned.

5 A. No, never.

6 Q. It purports to be a document of you reviewing an appeal on  
7 10 December 1998, concerning an appeal of a soldier who had been  
8 sentenced. Do you see that?

9 A. Yes, I see that.

10 Q. Did you ever sign a document like this that you can recall?

11 A. To what I recall, never.

12 Q. Okay. Did you have a role in reviewing appeals of the military  
13 court or have any other role in the military court?

14 A. No, I didn't. If there was a complaint made by me and addressed  
15 to the legal department.

16 Q. So could a soldier, for example, who was dissatisfied with a  
17 sentence that had been given to him by the military court address you  
18 with a complaint?

19 A. No. That would go to the legal sector and then to the command.

20 Q. Who was responsible, as far as you know, for setting up how the  
21 system of military justice would work?

22 A. The legal sector.

23 Q. That would be Sokol Dobruna?

24 A. Yes.

25 Q. So he would decide how many courts there would be; is that



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1 right?

2 A. Of course, because it's the legal sector, and he is a  
3 professional in that field and he would be able to make the  
4 assessments.

5 Q. Just so we have it on the record, you don't have a legal  
6 background; is that correct?

7 A. I don't. Correct. It's not my profession.

8 Q. Okay. Did anyone else on the General Staff, other than Sokol  
9 Dobruna, have a legal background as far as you recall?

10 A. As far as I can recall, Fatmir Limaj had such a background. He  
11 had knowledge of legal matters.

12 Q. Now, you've testified to the SPO, at Part 4, page 8, that  
13 Sokol Dobruna was in charge of the day-to-day operations of the legal  
14 -- of the detention facility in Lladrovç; is that correct?

15 A. Yes, correct.

16 MR. MISETIC: I'm sorry, I see the time, Mr. President. We can  
17 take a break now.

18 PRESIDING JUDGE SMITH: We'll give you a ten-minute break,  
19 Witness.

20 [The witness stands down]

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

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

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

24 PRESIDING JUDGE SMITH: Please bring the witness in.

25 [The witness takes the stand]

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1           PRESIDING JUDGE SMITH: All right. Witness, we will continue  
2 with the questions from Mr. Misetic.

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

4           Q. Mr. Zyrapi, let me pick up where we left off discussing the work  
5 of Sokol Dobruna.

6           You told the SPO, at Part 4, page 21, you were asked whether  
7 Mr. Dobruna had the logistics to ensure discipline from a legal  
8 perspective within all the KLA over Kosovo, and your response was:

9           "We supplied him with logistics to the extent we could at the  
10 time."

11          Is that correct?

12          A. That's correct.

13          Q. And let me turn to the topic of military police. You told the  
14 SPO that among the structures that were being established as part of  
15 the reorganisation was the military police; correct?

16          A. That's correct.

17          Q. And you told the SPO, at Part 5, that the military police was  
18 divided in two levels: One at the General Staff level, and one at  
19 the zone levels; is that correct?

20          A. Yes, correct.

21          Q. And you told the SPO, and this is at Part 5, page 22:

22          "The main task of the military police of the General Staff was  
23 to look after the General Staff, to keep the General Staff safe  
24 throughout their travels, whether they'd be moving back and forth to  
25 the command. Whereas the military police ... in the zones was to

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1 keep their command safe, zone command safe, and then act upon the  
2 orders of the commanders in terms of safety."

3 Is that correct?

4 A. Correct.

5 Q. But you also testified that the military police at the  
6 General Staff level were also in charge of executing Sokol Dobruna's  
7 orders issued by the legal sector; correct?

8 A. Correct.

9 Q. And that would include an order by Sokol Dobruna to the military  
10 police at the General Staff level to arrest someone; is that correct?

11 A. Yes, correct.

12 Q. So if Sokol Dobruna wanted someone arrested, would he go to you  
13 and then you would task the military police directorate, or would he  
14 go directly to the military police directorate?

15 A. He wouldn't go to me.

16 Q. So would he go directly to the military police directorate,  
17 then?

18 A. Yes. From what I can remember at the time, yes.

19 Q. Now, the military police at the zone level, would they report to  
20 the military police directorate at the General Staff level?

21 A. No. The military police at the zone level would report to the  
22 zone commander. They would interact with the Directorate of the  
23 Military Police only if they had matters such as trainings and  
24 others. But in -- with respect to the commanding line, they would  
25 report to the zone commander.

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1 Q. I'd like to show you an exhibit.

2 MR. MISETIC: P9-ET at page U000-3206 to U000-3206, and the same  
3 in the Albanian.

4 Q. Witness, this is a document that purports to be the rules on the  
5 military police. And if we can look at point 4, it says:

6 "The military police organs are subordinate to the Military  
7 Police Directorate which appoints the commanders in the military  
8 police operative subzones."

9 Now, to the best of your knowledge, is that how the military  
10 police actually functioned in the KLA?

11 A. No, this is not how it functioned. And when I read these rules,  
12 we need to have in mind that these rules were translated from  
13 English, and the duty described under number 4 was not there. It was  
14 not translated. So I don't know who included this point there. But  
15 it was never the case that the operational directorate would appoint  
16 commanders in the zone. Would they offer and conduct trainings, yes,  
17 but not appointments.

18 Q. Based on your answer now, did you authorise these rules as we  
19 see them on the screen?

20 A. I said that I prepared all regulations for all directorates,  
21 including translations. But this point was not there when I had them  
22 translate it. And I've said this before. I don't know who  
23 introduced this point here.

24 Q. Witness, briefly, just I wanted to ask you. You told the SPO in  
25 preparation, when you prepared to come here, at Preparation Note 2 on

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1 page 11, you appointed Kurtesh Fondaj as acting commander of  
2 Brigade 123; is that correct?

3 A. Correct, in September 1998.

4 Q. And do you recall how you appointed him?

5 A. Yes. At the time this was done orally. Nothing was in writing.  
6 We were in the midst of fighting, so we could not do this in written  
7 form. When he was appointed, the reason for this was because the  
8 commander of this unit left the territory, left the unit. And he, in  
9 his capacity as a chief of staff, I appointed him as an acting  
10 commander of the brigade until a more -- until another solution would  
11 be adopted or until he would return from Albania.

12 Q. Just one second, please.

13 Now, did you participate initially in the formation of  
14 brigade -- strike that. Let me flip to February 1999 and late  
15 January 1999.

16 MR. MISETIC: If we could have on the screen, please,  
17 SPOE00226468 to SPOE00226480-ET at page SPOE00226476.

18 Q. Now, Witness, have you seen these notes before -- this note? It  
19 purports to be a note of a meeting of the General Staff on 28 January  
20 1999. Do you see that?

21 A. Yes, I see it.

22 Q. And there seems to be a discussion of -- and this is -- just to  
23 put this in context, this is a meeting being held on the eve of the  
24 Rambouillet talks beginning; correct?

25 A. Most probably, yes, but I do not recall attending this meeting,

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1 because Rambouillet is mentioned here, international representatives.

2 Q. So you don't recall a discussion about -- being at a meeting  
3 where discussion about appointment of the KLA political group in the  
4 talks was discussed?

5 A. This is the political group. Now, was this in this meeting or  
6 another meeting, I don't know.

7 Q. Okay. Based on what you've earlier said to me, that Mr. Thaci  
8 wasn't in Kosovo at this time, who could have been at a General Staff  
9 meeting discussing political issues, to the best of your knowledge?

10 A. As far as I can remember, when we discussed these matters, talks  
11 with the internationals or talks in Rambouillet, we were informed  
12 about these developments at the time by Jakup Krasniqi, from what I  
13 can remember.

14 Q. Do you know if the zone commanders would have participated in a  
15 meeting such as this?

16 A. I don't know. About this meeting specifically, I don't know.  
17 But they attended meetings when they were to be informed about talks  
18 and Rambouillet negotiations. So zone commanders would attend  
19 meetings. Now with respect to this specific meeting, I don't know.

20 Q. Let's then turn to a different meeting.

21 MR. MISETIC: Which is SPO -- I think it's within the same  
22 document on the page, which is SPOE00226477, a meeting of 1 February  
23 1999.

24 Q. Now, do you recall being present at a meeting on 1 February 1999  
25 where the topics of discussion were the possible Rambouillet meeting,

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1 consultations with operative zone commanders, and consultations with  
2 political parties?

3 A. Yes, I do recall it.

4 Q. And do you recall who was present at the meeting?

5 A. Right now I can't recall. But usually members of the  
6 General Staff would attend these meetings, or commanders. I don't  
7 know. But usually with the members of the General Staff.

8 Q. Do you recall what the discussion was about, specifically about  
9 Rambouillet? Was there any dissatisfaction?

10 A. At this time, the discussion was about the developments in  
11 Rambouillet. Then the other point -- so one of the points was the  
12 Rambouillet meeting. The other point was the consultations with the  
13 zone commanders, again related to the Rambouillet talks. And the  
14 third point, I read "consultations with the political parties."

15 I know that there were discussions. We had discussions about  
16 the talks in Rambouillet. There were also consultations with the  
17 commanders. But I do not recall exactly who was present, because  
18 during this time there were more frequent meetings between the  
19 General Staff members to discuss these developments, including the  
20 Rambouillet talks.

21 Q. You said in your answer that you do recall that there were  
22 consultations with the zone commanders about the talks. Can you  
23 explain why the zone commanders needed to be consulted regarding  
24 diplomatic negotiations?

25 A. First of all, we -- this is -- it's not this meeting, but we had

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1 another meeting when the general commander was replaced, and there  
2 was some dissatisfaction from the zone commanders, some of whom did  
3 not agree for this agreement in Rambouillet to be signed. So they  
4 had authority in their zones, and it was -- they had their opinions,  
5 their stance, in -- so the staff had to consult them in order to make  
6 it easier for the Rambouillet delegation to come to a decision and  
7 sign an agreement.

8 MR. MISETIC: Mr. President, I tender this document into  
9 evidence. It's SPOE00226468 to SPOE00226480, and specifically the  
10 page SPOE00226477.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 Any objection from the Prosecution?

13 MS. LAWSON: Is it just this page that -- we've no objection,  
14 but I -- just for clarity, is it just this page being tendered?

15 MR. MISETIC: For now it's just this page, and then I have two  
16 more pages in this range that I wish to put to the witness.

17 PRESIDING JUDGE SMITH: SPOE00226468 to SPOE00226480-ET at page  
18 SPOE00226477 is admitted.

19 THE COURT OFFICER: Your Honour, that page will receive  
20 exhibit -- and its corresponding English translation will receive  
21 Exhibit 1D00167. Current classification is confidential.

22 MR. MISETIC: It can be public as far as I'm concerned.

23 PRESIDING JUDGE SMITH: Reclassified as public.

24 THE COURT OFFICER: Thank you, Your Honour.

25 MR. MISETIC: Thank you, Madam Court Officer.



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1           If we could turn now, within this same range, to SPOE00226478,  
2     please, the next page.

3     Q.    Now, Mr. Zyrapi, this is notes from a meeting on 4 February  
4     1999.  And, again, there continues to be a discussion -- first of  
5     all, let me ask you do you recall being present at a meeting where  
6     these topics were discussed that you see on your screen?  The KLA  
7     political platform for the Rambouillet conference talks, withdrawal  
8     of Serb forces from Kosovo, a discussion that the KLA should lead the  
9     delegation.

10    A.    Yes.

11    Q.    Okay.  So you were present at this meeting?

12    A.    I don't recall, but I know we discussed these matters in  
13    meetings, including Rambouillet.  But at the time, I mostly dealt  
14    with preparing units.  But most probably, yes.

15           MR. MISETIC:  If we could go to the next page in the series,  
16    which is 6479, please.

17    Q.    And this is an agenda from 11 February 1999.  And the second  
18    point is:

19           "Organisational crisis in the KLA."

20           Do you recall what was happening -- first of all, do you recall  
21    being at a meeting where an organisational crisis of the KLA was  
22    discussed?

23    A.    Yes, I remember this meeting, but we -- members of the staff  
24    discussed.  There was the matter of crisis but also the personnel  
25    report regarding the Pashtrik operational zone.

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1 MR. MISETIC: Mr. President, I tender both of those pages as  
2 well. So the same range, SPOE00226468 to SPOE00226480, specifically  
3 pages SPOE00226478 and SPOE00226479.

4 PRESIDING JUDGE SMITH: Objection?

5 SPOE00226478 to SPOE00226479 is admitted.

6 THE COURT OFFICER: Your Honour, I assume these two pages are to  
7 be added to the same exhibit number, so they will be added to  
8 1D00167. Classification, public.

9 PRESIDING JUDGE SMITH: Any reason not to attach them?

10 MR. MISETIC: No.

11 PRESIDING JUDGE SMITH: All right.

12 MR. MISETIC: No.

13 PRESIDING JUDGE SMITH: And it will be reclassified as public.

14 THE COURT OFFICER: Thank you.

15 MR. MISETIC: Thank you, Madam Court Officer.

16 Q. Witness, let's discuss some of the organisational crisis in the  
17 KLA in early February 1999.

18 Now, in your SPO interview you talked about being part of a  
19 meeting in Baice where changes to the general command of the KLA were  
20 discussed, and that was around 6 February 1999. And this is at  
21 Part 11 of your SPO interview at page 18. And you say -- there was  
22 an incident, and you say:

23 "... at the meeting in Drenica, in the presence of ... two  
24 deputy commanders, there was an incident. Ramush Haradinaj didn't  
25 want Sokol Bashota to be present at the meeting.

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1 "He got angry and he left the meeting, which means that the  
2 meeting had to be abandoned. Then the commanders and the  
3 General Staff got together at another meeting, if I'm not wrong, in  
4 the village of Baice, where the zone commanders would put forward  
5 proposals who had to be the general commander."

6 Is that correct?

7 A. Yes, that's correct.

8 Q. And then you were asked by the SPO:

9 "Can you tell me why does a meeting have to be abandon with the  
10 General Staff just because Ramush Haradinaj walks out?"

11 And your answer is:

12 "Because one of the zones were leaving the meeting. It wasn't  
13 just the person. It's a zone."

14 Correct?

15 A. Yes, correct.

16 Q. Now, Ramush Haradinaj had a problem with Sokol Bashota; correct?

17 A. Correct.

18 Q. And so when the next meeting was set up, Sokol Bashota was  
19 excluded from the meeting so Ramush would attend; correct?

20 A. Yes, but I need to clarify this. After this meeting which was  
21 interrupted, abandoned, another meeting was held, I think it was in  
22 Baice, where zone commanders and some of the members of the  
23 General Staff, myself, Rexhep Selimi, Fatmir Limaj, attended. The  
24 discussion -- proposals were put forward to replace the general  
25 commander Azem Sylja with Sylejman Selimi. We had no further

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1 discussions about this.

2 The next meetings happened when the delegation came back from  
3 Rambouillet, at which time the zone commanders and the staff members  
4 met, and at that time neither Sokol Bashota nor Jakup Krasniqi  
5 attended the meetings with the staff. The delegation came, we had  
6 discussions, went back to Rambouillet. So this is the chronology of  
7 events.

8 Q. Yes, but let's take it step by step on what happened. So you  
9 have a meeting in Drenica -- you invite people to a meeting in  
10 Drenica. Ramush Haradinaj shows up, sees Sokol Bashota, and says,  
11 "I'm not participating in a meeting with Sokol Bashota"; correct?

12 A. That's correct.

13 Q. And so the next meeting in Baice, no Sokol Bashota; correct?

14 A. That's correct. On the same day.

15 Q. Okay.

16 A. It's the same day. Because I see the dates are different here,  
17 one is on the 6th and then another date. But this happened on the  
18 same day.

19 Q. Okay. Nevertheless, the point is that if Ramush Haradinaj does  
20 not want the deputy commander at a meeting where the general  
21 commander is going to be appointed, then the deputy commander will  
22 not be in a meeting; correct?

23 A. Correct. He was not -- neither were present, Sokol Bashota or  
24 Jakup Krasniqi.

25 Q. Right. But in particular, Ramush Haradinaj made it a condition

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1 that the deputy commander Sokol Bashota couldn't be there; correct?

2 A. That's correct.

3 MR. MISETIĆ: And then if we could have Exhibit P182 on the  
4 screen, please, at page 29.

5 Q. So this is dated 6 February 1999, and I believe this is what you  
6 mean when you say there was a second meeting that day; is that  
7 correct?

8 A. Yes, that's correct.

9 Q. And were these, the people that you see on this page, present at  
10 the meeting?

11 A. Yes.

12 Q. And there was a discussion about replacing the overall commander  
13 of the KLA; correct?

14 A. Yes, correct.

15 Q. And Ramush Haradinaj proposed Sylejman Selimi to be the overall  
16 commander of the KLA; correct?

17 A. Correct.

18 Q. And when you attended the meeting, you knew that that was the  
19 purpose of why the meeting was being called, correct, to appoint an  
20 overall commander?

21 A. No, that's not correct. When we went to this meeting, to attend  
22 this meeting in Baice, when the meeting at Likoc was abandoned, we  
23 told Rexhep -- Rexhep Selimi and I decided to stop Ramush Haradinaj  
24 and ask him why he felt that way. And then we went to the other  
25 location. Ekrem Rexha was with me. We went to Baice, we discussed

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1 these problems, why Ramush did not like Sokol Bashota to be part of  
2 that, and then proposals were made about changing the commander. So  
3 these discussions began, there were proposals, and then the  
4 replacement of the general commander took place.

5 MR. MISETIC: [Microphone not activated].

6 If we could go to page 32 of the document, please.

7 Q. If you look towards the middle of the page in Albanian, this is  
8 Commander Remi speaking at the meeting. Now, Ramush proposed  
9 Sylejman Selimi; correct?

10 A. Correct. That's clear.

11 Q. And Remi proposed you?

12 A. Yes, that's correct.

13 Q. Okay. Now, these notes do not record that you expressed any  
14 opposition to being nominated for the position; correct?

15 A. At this meeting, when Rrustem Mustafa made this proposal, I did  
16 not accept that post. I said that the delegation -- we should wait  
17 for the delegation to return from Rambouillet, that I should discuss  
18 with them first, and then the changes at the General Staff to take  
19 place, regardless of whether it was the position of the general  
20 commander or the deputies or the chief of staff and so forth.

21 Q. Yes. So there was a subsequent meeting where Sylejman Selimi  
22 was selected as overall commander. It wasn't this meeting. It was  
23 another meeting. Well, let's go step by step.

24 A. No, no. No, no. At this meeting, these discussions took place  
25 at this meeting, and it was at this meeting that the general

Witness: Bislim Zyrapi (Resumed) (Open Session)  
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1 commander was appointed. There was no other meeting for that  
2 purpose.

3 Q. Okay. Let's go step by step. Let's look at this from a  
4 theoretical perspective, first.

5 What's happening here is theoretical subordinates of yours,  
6 meaning the zone commanders, and I say "theoretical subordinates,"  
7 are proposing the replacement of your theoretical boss. Is that  
8 what's happening here?

9 A. Yes, that's what's happening there.

10 Q. What I'm going to suggest to you is there are only two options  
11 here of what's happening. And if there's a third, I want you to tell  
12 me what the third option is. But either you're attending this  
13 meeting where there's a discussion about replacing your theoretical  
14 boss because you're aware at the meeting that it's really the zone  
15 commanders who are the real power in the KLA and they have the power  
16 to do it; or else, the second option, is you are participating with  
17 your subordinates in an effort to overthrow your boss.

18 So which of those two is it, or is there a third option?

19 A. There's no third option. It's the first one, because the zone  
20 commanders had the authority and that's why the proposals of the zone  
21 commanders are discussed. Rexhep Selimi, myself, and Fatmir Limaj  
22 did not go to this meeting to change the general commander. We went  
23 for a completely other reason, for a problem that caused the  
24 abandonment of that meeting.

25 And this was discussed at this meeting. I was against having

Witness: Bislim Zyrapi (Resumed) (Open Session)  
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1 this case discussed. I wanted the discussion to be postponed until  
2 the return of the delegation from Rambouillet and only then to decide  
3 on the changes. So I was not for any changes to be made at this  
4 particular moment. But given the authority of zone commanders, we  
5 agreed -- we agreed to wait for the delegation to return from  
6 Rambouillet. Although the change happened at this meeting, it was  
7 approved upon the return of -- the delegation's return from  
8 Rambouillet. And that's when the replacement of the general  
9 commander entered into force; that is, from Azem Sylja to  
10 Sylejman Selimi.

11 Q. Okay. Now, as part of your answer there, you said that the zone  
12 commanders were, in fact, the real power in February. And I just  
13 want to bring up what I showed you yesterday, which was your  
14 testimony in 2005 to the ICTY, and I'll repeat what you said.

15 MR. MISETIC: And this is, again, his 2005 witness statement in  
16 paragraph 14, which was shown on the screen yesterday.

17 Q. You said:

18 "Until late 1998, it is an obvious fact that more power laid in  
19 the hands of the zone commanders than in the hands of the  
20 General Staff."

21 And the only issue I have with the statement is it wasn't just  
22 until late 1998, but, as this example shows, it continued on until  
23 1999. And would you agree with that based on this incident?

24 A. Yes, that's correct.

25 Q. Now, I want to show you something that -- first of all, you know



Witness: Bislim Zyrapi (Resumed) (Private Session)

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Cross-examination by Mr. Misetiç (Continued)

1 who Shaun Byrnes is; correct?

2 A. Yes, he was the head of the American KDOM.

3 MR. MISETIC: Mr. President, at the request of a provider, I  
4 need to go into private session for a minute.

5 PRESIDING JUDGE SMITH: Into private session, please,  
6 Madam Court Officer.

7 [Private session]

8 [Private session text removed]

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Witness: Bislim Zyrapi (Resumed) (Private Session)  
Cross-examination by Mr. Misetiç (Continued)

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1 [Private session text removed]

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7 [Open session]

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

9 MR. MISETIC: Thank you.

10 Q. Mr. Zyrapi, I had one more question and it arises out of a  
11 question that was put to you by the Prosecutor, where it was  
12 suggested that the zone commanders at these -- at meetings or meeting  
13 where Sylejman Selimi was appointed the overall commander, that they  
14 weren't aware that Azem Syla was the overall commander.

15 Now, I'm going to ask you how it would be possible that you, as  
16 the chief of staff, could have participated in a meeting where  
17 there's a discussion about appointment of an overall commander where  
18 you wouldn't have mentioned, "We already have an overall commander "?

19 A. Are you referring to this meeting that we held?

20 Q. Yes.

21 A. No. At this meeting, it was mentioned who the overall commander  
22 was. They knew, at this meeting. I don't know whether they knew  
23 before that, because it was not for me to ask them if they know or  
24 not, because they were in their respective positions in the KLA  
25 before me and could have known who is at the central Staff or who's

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

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1 their commander.

2 Q. Now, the Rambouillet agreement, is it correct that it could not  
3 be signed without the consent of the zone commanders?

4 A. Yes, that's correct. That's how it happened.

5 Q. And part of the Rambouillet agreement required the KLA to  
6 demilitarise and disband. Were you made aware of that?

7 A. Yes, according to the agreement.

8 Q. And were you aware that that provision caused significant  
9 resistance among the zone commanders to agreeing to sign the  
10 Rambouillet agreement?

11 A. Yes, that's correct.

12 MR. MISETIC: If we could have Exhibit P01080 on the screen,  
13 please.

14 Q. Now, Witness, what I'm showing you on the screen is a diplomatic  
15 cable written by Shaun Byrnes to the State Department, and I just  
16 want to read a portion of it because it mentions you as well.

17 MR. MISETIC: And this is on page 3, please, paragraph 5. Yes.

18 Q. What Mr. Byrnes wrote -- and the date of the cable is -- I'll  
19 find it, but I believe it's March 1999. He writes:

20 "Krasniqi, Buja, Bashota and military operations directorate  
21 chief [Zyrapi] have clearly indicated that the key problem in gaining  
22 the General Staff's endorsement of the Rambouillet accords is the  
23 question of the KLA's future. The opposition to Rambouillet of zone  
24 commanders like Remi and Lushtaku probably flows from their fear that  
25 demobilisation will cost them their hard-won power and influence."

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1           If we stop there.

2           Do you recall having that view, as relayed to Shaun Byrnes, that  
3 the key problem was the zone commanders and their fear that  
4 demobilisation will cost them power and influence?

5           A.    Yes, correct.

6           MR. MISETIĆ: And just for the record, this is 10 March this  
7 cable is written, 10 March 1999.

8           Q.    And then it continues:

9           "While political wing members like Thaqi, Krasniqi and Buja can  
10 count on good jobs and power and influence as senior members of the  
11 Kosovo provisional government, the zone commanders stand to lose  
12 power once their troops put down their weapons. They therefore  
13 appear to be insisting that a formula be found which permits the  
14 retention of organised and armed KLA units."

15           Is that correct?

16           A.    Yes, correct.

17           Q.    And were you aware that that is, in fact, what the zone  
18 commanders wanted was to be able to retain their units and their  
19 power bases?

20           A.    Yes. First of all, to retain the army and be part of that army,  
21 because with the end of the war, they knew that they would be in  
22 their positions and that they had to get into politics. But as far  
23 as authority is concerned, yes, as zone commanders when an army is  
24 disbanded and becoming civilian.

25           Q.    Now, you were asked by the Prosecutor about the meeting where

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

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1 the Rambouillet agreement was approved. And I'm just going to ask  
2 you if you recall what Mr. Thaci said at the meeting as the reasons  
3 that they should agree, and I'm going to go through four points that  
4 Mr. Thaci raised and see if you recollect these points.

5 One. He told the assembled members of the General Staff and  
6 zone commanders that Madeleine Albright had given guarantees about  
7 NATO bombing if the Kosovo Albanian delegation signs and Serbia  
8 doesn't. Did he mention that at that meeting?

9 A. Yes, yes.

10 Q. Did he mention that he was promised by the United States that  
11 there would be a referendum on Kosovo's independence after three  
12 years?

13 A. Yes.

14 Q. Did he mention that the KLA would be transformed into a national  
15 guard?

16 A. Sort of a guard, yes.

17 Q. And, fourth, that the KLA had ammunition only for a short period  
18 of time, and the population risked starvation in the mountains if  
19 they didn't sign the agreement?

20 A. Correct, because this information was provided by me. I knew  
21 how much ammunition the KLA had, to what extent it could resist, and  
22 what the risks were. We all knew those.

23 Q. Okay.

24 MR. MISETIC: Mr. President, this is a good time to break then.

25 PRESIDING JUDGE SMITH: It's time for our scheduled morning

1 break for a half hour.

2 MR. MISETIC: He's done for the day.

3 PRESIDING JUDGE SMITH: So we will be taking a break, and this  
4 is the end of your time today. We'll see you again on Monday, on  
5 Monday morning at 9.00.

6 Thank you, Mr. Duty Counsel. Thank you for being here, too.  
7 You may leave the courtroom now.

8 [The witness stands down]

9 PRESIDING JUDGE SMITH: And we are adjourned until 11.30.

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

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

12 PRESIDING JUDGE SMITH: We will begin hearing the evidence of  
13 Prosecution Witness W04445.

14 Before we start, Madam Court Officer, please bring us into  
15 private session.

16 [Private session]

17 [Private session text removed]

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25 [Open session]

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

2 PRESIDING JUDGE SMITH: Thank you.

3 Madam Usher -- oh, yes, yes.

4 MR. TULLY: Sorry, Your Honour.

5 PRESIDING JUDGE SMITH: Mr. Tully.

6 MR. TULLY: Just as a matter of housekeeping. We notified this  
7 to the parties two weeks ago, I think, but just a reminder that the  
8 Selimi Defence will cross-examine the witness first, and [Overlapping  
9 speakers] ...

10 PRESIDING JUDGE SMITH: Thank you for reminding us.

11 MR. TULLY: Thank you.

12 PRESIDING JUDGE SMITH: Now, Madam Usher, you may bring the  
13 witness in.

14 [The witness entered court via videolink]

15 THE COURT OFFICER: [via videolink] Your Honours, for the record,  
16 present in the remote video-conference room are myself and  
17 Witness W04445.

18 PRESIDING JUDGE SMITH: Thank you.

19 Good morning, Witness. Can you hear me?

20 THE WITNESS: [via videolink] [Interpretation] Yes, I can hear  
21 you.

22 PRESIDING JUDGE SMITH: Before we start your testimony, I will  
23 read to you a text of a solemn declaration which you are asked to  
24 take pursuant to our Rules of Procedure 141(2). I will ask you to  
25 repeat the text aloud and to indicate your consent.

1           So I will read a portion and then ask you to repeat that. Do  
2 you understand?

3           THE WITNESS: [via videolink] [Interpretation] Yes.

4           PRESIDING JUDGE SMITH: The declaration is as follows:  
5 Conscious of the significance of my testimony.

6           You may repeat that.

7           THE WITNESS: [via videolink] [Interpretation] Conscious of the  
8 significance of my testimony.

9           PRESIDING JUDGE SMITH: And my legal responsibility.

10          THE WITNESS: [via videolink] [Interpretation] And my legal  
11 responsibility.

12          PRESIDING JUDGE SMITH: I solemnly declare that I will tell the  
13 truth.

14          THE WITNESS: [via videolink] [Interpretation] I solemnly declare  
15 that I will tell the truth.

16          PRESIDING JUDGE SMITH: The whole truth.

17          THE WITNESS: [via videolink] [Interpretation] The whole truth.

18          PRESIDING JUDGE SMITH: And nothing but the truth.

19          THE WITNESS: [via videolink] [Interpretation] And nothing but  
20 the truth.

21          PRESIDING JUDGE SMITH: And that I shall not withhold anything.

22          THE WITNESS: [via videolink] [Interpretation] And that I shall  
23 not withhold anything.

24          PRESIDING JUDGE SMITH: Which has come to my knowledge.

25          THE WITNESS: [via videolink] [Interpretation] Which has come to



Witness: W04445 (Open Session)  
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1 my knowledge.

2 WITNESS: W04445

3 [The witness answered through interpreter]

4 [The witness testified via videolink]

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

7 THE WITNESS: [via videolink] [Interpretation] Thank you.

8 PRESIDING JUDGE SMITH: Witness, today we will start your  
9 testimony which is expected to last approximately four hours.

10 As you may know, the Prosecution will ask you questions first,  
11 and then the counsel for victims. And once they are finished, the  
12 Defence has the right to ask questions of you. Members of the Panel  
13 might also ask questions of you.

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

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

25 In the event you are asked by the SPO to attest to some

1 corrections made regarding your statements, you are reminded to  
2 confirm on the record that the written statement, as corrected by the  
3 list of corrections, accurately reflects your declaration.

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

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

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

14 If you feel the need to take breaks, please make an indication  
15 and we will try to accommodate you.

16 We begin now with the questioning by the Specialist Prosecutor's  
17 Office. They will begin first. And then they will be followed by  
18 the Victims' Counsel, as I said, and the Defence counsel.

19 Madam Prosecutor, you have the floor.

20 MS. HATTABI: Thank you, Your Honour.

21 Examination by Ms. Hattabi:

22 Q. Good morning, Witness. Can you hear me?

23 A. Yes, very well.

24 Q. We have met before, but I will introduce myself again.

25 A. Yes.

1 Q. I am Dounia Hattabi with the SPO, and I will be asking you  
2 questions for the next hour or so.

3 Before I ask the Presiding Judge to go into private session to  
4 obtain information to establish your identity, I will note that, as I  
5 explained to you during your preparation session two weeks ago,  
6 rather than asking you questions about every relevant issue you may  
7 have information about, it is possible to admit your prior statement  
8 containing such information into evidence. And in order to do so,  
9 there are a number of procedural steps to follow which I will turn  
10 after establishing your identity.

11 MS. HATTABI: Your Honour, we need to move into private session,  
12 please.

13 PRESIDING JUDGE SMITH: Into private session, please,  
14 Madam Court Officer, to protect the witness's identity.

15 [Private session]

16 [Private session text removed]

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Witness: W04445 (Private Session)

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Examination by Ms. Hattabi

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9 [Open session]

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

11 MS. HATTABI: The items I will be asking to be shown today are  
12 not for public broadcast unless I specific indicate that they are.

13 Madam Court Officer, I'd like to show the witness 066665-TR-ET  
14 Part 1 RED3 side by side with the Albanian version, which is same ERN  
15 but at the end AT.

16 Q. Witness, this document refers to meeting with the SPO in October  
17 2019. Do you recall that meeting?

18 A. Yes, of course I do.

19 Q. And do you recall being provided with an opportunity to provide  
20 clarifications in relation to this statement two weeks ago?

21 A. Yes, yes.

22 Q. And do you recall that you made a number of clarifications to  
23 these prior statements?

24 A. Yes, I recall that.

25 Q. And do you recall that these clarifications and corrections were

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Examination by Ms. Hattabi

1 included in a note which was read back to you?

2 A. Yes.

3 Q. Subject to the corrections set out in the note, is the  
4 information provided in the statements I referred you to today  
5 accurate and truthful to the best of your knowledge and belief?

6 A. I only spoke the truth, and I will speak only the truth.

7 Q. Thank you, Witness. Now, subject to the corrections and  
8 clarifications in the notes, do --

9 A. You're welcome.

10 Q. -- the statements I referred you to today accurately reflect  
11 what you would say if you were examined today about the events  
12 recorded therein?

13 A. Yes.

14 MS. HATTABI: I'd like to ask admission for the prior  
15 statements, the English and Albanian versions of the statement I  
16 referred to, which has three parts. And we also tender Preparation  
17 Note 1, which is 121682-121690.

18 PRESIDING JUDGE SMITH: Any objection?

19 MR. TULLY: No objection.

20 MS. MENEGON: No objections beyond those already raised in our  
21 written submissions. Thank you.

22 PRESIDING JUDGE SMITH: 066665-TR-ET Part 1 RED3 and the  
23 Albanian version of the same number, except it will be AT, is  
24 admitted.

25 THE COURT OFFICER: Your Honour, Part 1 of that statement will

1 receive Exhibit P01437.1, Albanian and English version. We still  
2 have two more parts, I believe.

3 PRESIDING JUDGE SMITH: I'm sorry, you [Microphone not  
4 activated].

5 THE COURT OFFICER: We have two more parts. This was the first  
6 part that received Exhibit P01437.1.

7 PRESIDING JUDGE SMITH: All right.

8 THE COURT OFFICER: The second part will receive  
9 Exhibit P01437.2. And Part 3 will receive Exhibit P01437.3.

10 PRESIDING JUDGE SMITH: Thank you.

11 THE COURT OFFICER: They are classified as confidential.

12 PRESIDING JUDGE SMITH: Thank you.

13 And then the note, 121682 to 121690 is admitted.

14 THE COURT OFFICER: Thank you, Your Honour. The preparation  
15 note will receive Exhibit P01438, and it's classified as  
16 confidential.

17 PRESIDING JUDGE SMITH: Thank you.

18 Go ahead.

19 MS. HATTABI: Thank you, Your Honour.

20 PRESIDING JUDGE SMITH: You did not mention the associated  
21 exhibits?

22 MS. HATTABI: There is no associated exhibits.

23 PRESIDING JUDGE SMITH: There are none? Okay.

24 MS. HATTABI: Your Honour, on 21 June 2024, the SPO submitted a  
25 proposed summary of this witness's now-admitted Rule 154 statement to

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Examination by Ms. Hattabi

1 the Panel, Defence and Victims. We have not received any objection,  
2 so with your leave I will read the summary.

3 PRESIDING JUDGE SMITH: You may read it.

4 MS. HATTABI: Thank you.

5 W04445 and his relatives supported the LDK. In 1998, KLA  
6 members abducted W04445's relative. In 1998, W04445's relative's  
7 body was found.

8 Later in 1998, several KLA members took W04445 from his home and  
9 brought him to a location, telling him that they had been ordered by  
10 the headquarters to question him. W04445 was held overnight in a  
11 room with no bed and no food. During his detention, W04445 was  
12 interrogated, threatened, and mistreated. KLA members then put  
13 W04445 in a car and drove him to his village where they released him.  
14 It took him weeks to recover from his injuries, and the psychological  
15 trauma lasted much longer.

16 Sometime after his release, W04445 was told by KLA soldiers that  
17 KLA soldiers were looking for him in order to kill him. He managed  
18 to hide and later escaped with his family.

19 Your Honour, we'll need to move into private session for my next  
20 set of questions due to the witness's protective measures.

21 PRESIDING JUDGE SMITH: Please, into private session to protect  
22 the witness's identity.

23 [Private session]

24 [Private session text removed]

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Witness: W04445 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04445 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04445 (Private Session)

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Questioned by Victims' Counsel

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Witness: W04445 (Private Session)

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Questioned by Victims' Counsel

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Witness: W04445 (Private Session)

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Questioned by Victims' Counsel

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Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17695

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17696

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17697

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17698

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17699

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17700

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17701

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17702

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17703

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17704

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17705

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17706

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17707

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17708

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17709

Cross-examination by Mr. Tully

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23 [Open session]

24 PRESIDING JUDGE SMITH: Just as a reminder, we are in public  
25 session. I failed to get out of private session when we left the



1 room. We are in public session at this time.

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

3 [The witness takes the stand via videolink]

4 PRESIDING JUDGE SMITH: Are you hearing the translation all  
5 right, Witness?

6 THE WITNESS: [via videolink] [Interpretation] Yes.

7 PRESIDING JUDGE SMITH: All right. We're ready to proceed.

8 Mr. Tully has some more questions for you.

9 Go ahead, Mr. Tully.

10 MR. TULLY: Thank you, Mr. President.

11 And for the protection of the witness, can we go to private  
12 session, please.

13 PRESIDING JUDGE SMITH: Please, into private session,  
14 Madam Court Officer.

15 [Private session]

16 [Private session text removed]

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Witness: W04445 (Private Session)

Page 17713

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17714

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17715

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17716

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17717

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17718

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17719

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17720

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17721

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17722

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17723

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17724

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17725

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17726

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17727

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17728

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17729

Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17730

Re-examination by Ms. Hattabi

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Witness: W04445 (Private Session)

Page 17731

Re-examination by Ms. Hattabi

1 [Private session text removed]

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Witness: W04445 (Private Session)

Page 17732

Questioned by the Trial Panel

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Witness: W04445 (Private Session)

Page 17733

Questioned by the Trial Panel

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Witness: W04445 (Private Session)

Page 17734

Questioned by the Trial Panel

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Witness: W04445 (Private Session)

Page 17735

Questioned by the Trial Panel

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Witness: W04445 (Private Session)

Page 17736

Questioned by the Trial Panel

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Witness: W04445 (Private Session)

Page 17737

Questioned by the Trial Panel

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Witness: W04445 (Private Session)

Page 17738

Questioned by the Trial Panel

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Witness: W04445 (Private Session)

Page 17739

Questioned by the Trial Panel

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Witness: W04445 (Private Session)

Page 17740

Questioned by the Trial Panel

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Witness: W04445 (Private Session)

Page 17741

Questioned by the Trial Panel

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Witness: W04445 (Private Session)

Page 17742

Further Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17743

Further Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17744

Further Cross-examination by Mr. Tully

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Witness: W04445 (Private Session)

Page 17745

Further Cross-examination by Mr. Tully

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1 [Private session text removed]

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6 [Open session]

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

8 PRESIDING JUDGE SMITH: All right.

9 Go ahead.

10 MR. ROBERTS: Thank you. Sorry, I stand corrected. It was, I  
11 think, provided to Your Honours on 21 June, the roadmap for the rest  
12 of the case.

13 And my understanding is Your Honours indicated you would see to  
14 what extent that information could be provided to the Defence.  
15 Obviously, on this side of the courtroom, we're very interested in  
16 whatever we could receive out of that. So if there is an indication  
17 on when and what exactly we may receive, obviously the earlier we  
18 could receive that we'd be much obliged.

19 PRESIDING JUDGE SMITH: We'll try to deal with that by Monday so  
20 that you have what information is available, if any.

21 MR. ROBERTS: Thank you. And understood. And thank you very  
22 much.

23 And the other issue, very briefly, is just we, obviously, are  
24 coming up for the recess soon, and a certain amount of private  
25 holidays will be taken, but we'd like to get planning on what we need

1 to do for after the recess as soon as possible.

2 So if I could -- and I'm not quite sure what the schedule is on  
3 this, but if I could request the Prosecution to provide to us by next  
4 Wednesday the updated list of witnesses that we're due to have --  
5 obviously, with the understanding, we don't quite understand how --  
6 know exactly which witnesses will finish this session, but the  
7 witnesses that we're due to have after the recess, so that will be in  
8 August, that would assist all of the teams, I think, a lot in trying  
9 to plan ahead. So if I could just put that request on the record,  
10 that would assist greatly.

11 PRESIDING JUDGE SMITH: Is that all able to be done in that  
12 timeframe?

13 MR. QUICK: Your Honour, there is a timeline that's set out in  
14 the conduct of proceedings order that we provide that information a  
15 month before the conclusion of witnesses in any three-month period.  
16 We would be able to provide it by that time. We can look into the  
17 request and see what would be possible by next Wednesday.

18 PRESIDING JUDGE SMITH: Given the fact that there's a long  
19 break, I think it would be reasonable to try to do it by a particular  
20 date.

21 MR. QUICK: Sure. We --

22 PRESIDING JUDGE SMITH: So just let us know Monday whether or  
23 not that can be done by Wednesday.

24 MR. QUICK: Yeah, that's --

25 PRESIDING JUDGE SMITH: Perhaps a number of witnesses or

1 something --

2 MR. QUICK: That's not a problem, and we were planning on doing  
3 it sufficiently in advance of the start of the recess.

4 PRESIDING JUDGE SMITH: All right. Thank you very much.

5 MR. ROBERTS: Thank you, Your Honour.

6 PRESIDING JUDGE SMITH: All right.

7 We're adjourned until Monday at 9.00 a.m.

8 --- Whereupon the hearing adjourned at 3.44 p.m.

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