

1 Monday, 8 July 2024

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.03 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 the  
8 file number KSC-BC-2020-06, The Specialist Prosecutor versus  
9 Hashim Thaci, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi. Thank  
10 you, Your Honours.

11 PRESIDING JUDGE SMITH: For the record, I note that all the  
12 accused are present in court today.

13 Before we continue hearing the evidence of Prosecution  
14 Witness 4752, I remind everyone that the sitting schedule for this  
15 week is adjusted as done last week. W04752 will testify all of  
16 Monday until the lunch break on Tuesday, all of Wednesday, and the  
17 first session on Thursday.

18 W04051 will testify from the second session and onwards on  
19 Thursday.

20 We will now continue hearing the evidence of Prosecution  
21 Witness 4752.

22 Madam Court Usher, please bring the witness in.

23 MS. ALAGENDRA: Your Honours, before the witness is brought in,  
24 I have an issue. If I may raise that before the witness comes in.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 MS. ALAGENDRA: Your Honours, Mr. Krasniqi was wearing a tie  
2 this morning and that has been removed. If I could be given the  
3 reason why that tie has been removed from him this morning, please.

4 PRESIDING JUDGE SMITH: Well, to be real honest, I haven't the  
5 slightest idea, but we can find out and we'll let you know.

6 MS. ALAGENDRA: Yes, Your Honour. The sooner the better, if we  
7 can have that information, I'll be grateful. Thank you.

8 PRESIDING JUDGE SMITH: I assume it had something to do with --  
9 well, never mind. We'll find out.

10 MS. ALAGENDRA: For the record, Your Honours, he has worn that  
11 tie before to court.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MS. ALAGENDRA: So if we could be given the reasons as to why  
14 that was removed, I'd --

15 PRESIDING JUDGE SMITH: I said we will attempt to find out.

16 MS. ALAGENDRA: -- be grateful. Thank you.

17 PRESIDING JUDGE SMITH: All right. You may bring the witness in  
18 now.

19 [The witness takes the stand]

20 PRESIDING JUDGE SMITH: Good morning, Witness. Mr. Zyrapi,  
21 we're glad to have you back.

22 THE WITNESS: [Interpretation] Good morning.

23 PRESIDING JUDGE SMITH: I want to remind you to please try to  
24 answer the questions clearly with short sentences. If you don't  
25 understand a question, feel free to ask counsel to clarify or to

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

Page 17752

1 repeat and they will do so. Also, please try to indicate the basis  
2 of your knowledge of facts and circumstances upon which you will  
3 testify.

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

7 If you feel the need to take breaks, please make an indication  
8 and we will accommodate you.

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

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

17 We continue now with the cross-examination. We are still with  
18 the Thaci Defence. Please give them your attention.

19 Go ahead, Mr. Misetiç.

20 MR. MISETIC: Thank you, Your Honour.

21 WITNESS: BISLIM ZYRAPI [Resumed]

22 [The witness answered through interpreter]

23 Cross-examination by Mr. Misetiç: [Continued]

24 Q. Good morning, Mr. Zyrapi.

25 A. Good morning.

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

Page 17753

1 Q. I'd like to go back to a topic just briefly that we discussed,  
2 which was the 6 February 1999 meeting with the zone commanders. You  
3 recall that meeting?

4 A. Yes, I do recall the meeting.

5 Q. Yes.

6 MR. MISETIC: And, Mr. Court Officer, if we could please have on  
7 the screen P00182 at page 34 in both the English and the Albanian,  
8 please.

9 If we could have page 34 in both the English and the Albanian,  
10 please.

11 Q. Now, Witness, I believe you were shown these portions by the  
12 Prosecutor last week, but I just wanted to ask you a couple of  
13 questions on this. This is, again, the portion of the meeting where  
14 I believe Sylejman Selimi is speaking. Syla would be  
15 Sylejman Selimi; correct?

16 A. That's right.

17 Q. And point 2, he says:

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

23 MR. MISETIC: And if we could go to the next page in the  
24 English, please.

25 Q. And then it goes on:

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

Page 17754

1 "Jakup Krasniqi, too, with all the respect he [commands], is not  
2 the right man for the post of the Deputy Commander."

3 Now, you confirmed on Thursday that when this meeting was held  
4 the zone commanders knew that Azem Syla was the overall commander.  
5 These excerpts also show that the participants in the meeting knew  
6 who the deputy commanders were; correct?

7 A. From what I know, yes.

8 Q. And would you agree with me that if they knew that there were  
9 deputy commanders of the KLA, they must have known that there was an  
10 overall commander of the KLA at the time of this meeting; correct?

11 A. Yes, that's right.

12 Q. Turning now to the Rambouillet agreement. Now, we discussed  
13 last week that the zone commanders had been opposed to signing the  
14 Rambouillet agreement, in part, because they would lose their --  
15 because of the requirement of the disbandment of the KLA, they would  
16 lose their authority. Do you recall that discussion?

17 A. Yes, I do.

18 Q. Now, the Rambouillet agreement --

19 MR. MISETIC: Actually, if we could please put on the screen  
20 1D69, please.

21 Q. As that's coming up, do you recall that part of the way that  
22 Mr. Thaci was able to convince the zone commanders to sign the -- or  
23 to agree to the Rambouillet agreement was that they would get to  
24 participate in the provisional government and also in a national  
25 guard?

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

Page 17755

1 A. Yes.

2 Q. And the document we have on the screen is dated 23 February  
3 1999, which is three days before the meeting that the Prosecutor  
4 discussed with you of the General Staff where Mr. Thaci was selected  
5 to be the prime minister of the provisional government. Have you  
6 seen this document before?

7 A. No.

8 Q. Were you aware by 26 February that an agreement had been signed  
9 at Rambouillet by Mr. Thaci on behalf of the KLA, by  
10 Dr. Ibrahim Rugova on behalf of the LDK, and Mr. Rexhep Qosja on  
11 behalf of the LBD to form the Provisional Government of Kosovo or to  
12 establish one with the Rambouillet agreement?

13 A. I don't know exactly. But when the delegation returned from  
14 Rambouillet, they informed us that such an agreement had been signed,  
15 indeed.

16 Q. And were you informed at that time that the LDK was also  
17 intended to be part of the provisional government?

18 A. Yes.

19 Q. Were you aware that the LDK ultimately chose not to participate  
20 in the Provisional Government of Kosovo after the NATO bombing  
21 campaign began?

22 A. Yes.

23 MR. MISETIC: And if we could have on the screen, please,  
24 DHT04018 to DHT04028 at page 5 in the English, and DHT04022 to  
25 DHT04022 in the Albanian, please.

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

Page 17756

1 Q. This is a summary of news from 12 May 1999. And if we look in  
2 the second paragraph on the English, and the Albanian will be on the  
3 screen in a moment. Towards the -- a few sentences in, it says:

4 "Kosovapress yesterday printed an interview with KLA chief  
5 Hashim Thaci in which Thaci called for the LDK to participate in a  
6 provisional government he formed last month: 'It is in the interest  
7 of the LDK to abandon forms of institutional boycott and to respect  
8 the agreement that its president signed... It would be in their  
9 interest to rise above these dissensions and to make  
10 recommendations.'"

11 Now, were you aware -- at this time you're the assistant  
12 minister of defence in the provisional government. Were you aware  
13 that Mr. Thaci had called on the LDK, even though they weren't  
14 participating at the time, to continue and continue to try to get  
15 them to be part of the provisional government?

16 A. Yes, I was.

17 MR. MISETIC: Mr. President, I tender this document into  
18 evidence.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 Could you please give us the ERN on it again?

21 MR. MISETIC: Yes. It's DHT04018 to DHT04028 in the English,  
22 and DHT04022 to DHT04022 in the Albanian.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 That document is admitted.

25 THE COURT OFFICER: Thank you, Your Honours. I note that in

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

Page 17757

1 English it's only one page. It's DHT04022 to DHT04022. Whereas --  
2 apologies, this is for the Albanian. For English, we have the range  
3 from DHT04018 to DHT04028. Should I assign the exhibit number for  
4 the entire range or for the particular document?

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 THE COURT OFFICER: Thank you, Your Honours. Therefore,  
7 DHT04018 to DHT04028 in English, and the corresponding Albanian,  
8 which is DHT04022 to DHT04022, will be assigned Exhibit 1D00168,  
9 currently classified as public. Thank you, Your Honours.

10 MR. MISETIC: Thank you, Mr. Court Officer.

11 Q. Now, Witness, you testified last week that you were present at  
12 the meeting of the General Staff where the prime minister of the  
13 provisional government was chosen; correct?

14 A. It is the same meeting we're talking about. The meeting where  
15 we were informed about the situation and whether Mr. Thaci or someone  
16 else would be the prime minister.

17 MR. MISETIC: Yes. And if we could please have on the screen  
18 Exhibit P00645, starting at page 672, which is the second page of the  
19 document.

20 Q. Yes. And so beginning at the top, where it says "Rexha," which  
21 is Commander Drini, at the last bullet point he's reported to have  
22 said:

23 "Ramush ... insists that Sylejman Selimi should be the General  
24 Commander of KLA!!!"

25 And then the next speaker is Sokol Bashota who says:



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

Page 17758

1 "I hope and I wish that this coup has not been planned by UDB  
2 ... The information we have is bleak!"

3 Do you recall those discussions at this meeting?

4 And let me just finish by then Commander Rexha - if we can  
5 scroll down in the Albanian, please - which is Commander Drini, says:

6 "Syla," which has Sylejman Selimi, "has been chosen because he  
7 can be manipulated very easily!"

8 MS. LAWSON: Objection, Your Honour, regarding the  
9 characterisation of who's speaking.

10 MR. MISETIC:

11 Q. Who is the speaker?

12 A. I don't know what meeting we're talking about, but it says there  
13 Sokol, Daja. It's a meeting that I did not attend. Maybe it did  
14 occur in March, but I'm not sure.

15 Q. Well, I think this is the 26 February meeting that you said you  
16 did attend. And if we go to the next page of the document, that's  
17 where it's recorded as to how people voted. And you're reported to  
18 --

19 A. If --

20 Q. -- have said you're undecided but going with the majority. It's  
21 the same meeting. Now --

22 A. Fine.

23 Q. -- if we can --

24 A. Fine, fine, fine.

25 Q. -- to the previous page. Who is Rexha?

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

Page 17759

1 A. Rexha is the surname of Commander Drini, but it's Rexhep Selimi  
2 as well we're talking about. I don't know which one. But it is  
3 correct that this meeting did occur on the 26th. There were a number  
4 of things that were discussed, and I cannot recall everything. It  
5 wasn't just us who attended there. The zone commanders were there,  
6 too. It was a large number of people, to be frank, and I can't  
7 recall details of the conversations we had. But it is absolutely  
8 true that this is what Drini stated.

9 Q. That's what Drini stated. Okay. So Sokol Bashota is saying  
10 that the selection of Sylejman Selimi is -- that he wishes that this  
11 had not been -- this coup had not been planned by UDB. Do you recall  
12 that comment?

13 A. Yes, I do.

14 Q. And then you say Drini says:

15 "Syla has been chosen because he can be manipulated very  
16 easily!"

17 Is that right?

18 A. Yes, that's right. That's what he said.

19 Q. Now, is it fair, then, to say that both Sokol Bashota and Drini  
20 were opposed to the appointment of Sylejman Selimi as the overall  
21 commander?

22 A. Yes, that's right.

23 Q. And then shortly after this meeting, Sylejman Selimi replaced  
24 Commander Drini as the commander of the Pashtrik zone; is that  
25 correct?

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

Page 17760

1 A. Yes, later.

2 Q. And was -- do you know if Sylejman Selimi's motivation was, in  
3 part, driven by the fact that Drini had opposed his appointment as  
4 overall commander? Do you know?

5 A. No, I don't.

6 Q. Okay.

7 MR. MISETIC: If we scroll down a bit and we get to where Celiku  
8 is speaking. And if we go to the next page in Albanian, please.

9 Q. Celiku is who?

10 A. Fatmir Limaj.

11 Q. Okay. Mr. Limaj says:

12 "This Staff has achieved the maximum objectives for the  
13 internationalisation of the Kosovo issue."

14 Can you explain what you understood him to mean when he said  
15 that?

16 A. What he meant to say is that the General Staff in its relations  
17 with the internationals, it has been to demonstrate the capabilities  
18 of the KLA. So the meaning is that through its own activities so  
19 far, it has achieved what it has; that is, the maximum of what it  
20 could have achieved and no more.

21 Q. And when he refers to the "internationalisation," what did you  
22 understand him to mean by the "internationalisation"?

23 A. I think the definition of this from different people is  
24 different. But what it meant in that context was to make the  
25 international community aware of what the KLA was able to do in

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

Page 17761

1 its -- and had been able to do in its objective of securing the  
2 liberation of Kosovo.

3 MR. MISETIĆ: And if we can go to the next page now, please.

4 Q. Now, Witness, this is purporting to be a record of the  
5 discussion about who should be the prime minister. And if we look  
6 through these entries, it would appear that five people were  
7 for Mr. Thaci -- of the nine people here, five were for Mr. Thaci,  
8 two were for Mr. Krasniqi, and two people were undecided, although  
9 you said you would go with the majority; is that correct?

10 A. Correct. I said I'd go with the majority.

11 Q. So just looking at this, if only five of the nine were in  
12 support of Mr. Thaci, it wasn't obvious going into this meeting that  
13 Mr. Thaci would be selected, was it?

14 A. It may not have been obvious, but the fact that he had been put  
15 at the head of the delegation meant that it would have been Thaci.

16 Q. Now, concerning when the provisional government eventually came  
17 to be established in April. Do you know how often the provisional  
18 government as a government met?

19 A. No, I don't. No, I wouldn't have been able to know that because  
20 during that time I was taking part in the Operation Arrow. And with  
21 the end of the war, I went on to work in the Committee on  
22 Infrastructure. So I was not able to follow the frequency with which  
23 meetings of the government were held or otherwise.

24 Q. Do you know if the provisional government as a government ever  
25 held a meeting?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17762

Cross-examination by Mr. Misetić (Continued)

1 A. No, I don't.

2 Q. Do you know where the various members of the provisional  
3 government were physically located after the NATO bombing began?  
4 Were they all in Albania or all in Kosovo, or were some in both  
5 places?

6 A. At the time, they weren't situated in the same place. They were  
7 all over the place. Some were in Kosovo, some were in Albania,  
8 others were overseas.

9 Q. Now, turning your attention to the beginning of the NATO bombing  
10 campaign. You've testified that in November 1998 you started the  
11 reorganisation in an effort to make the KLA a more professional  
12 organisation. My question to you is what happened to the development  
13 of the KLA as an organisation when the NATO bombing began and the  
14 Serb offensive in the spring was launched?

15 A. When the NATO bombing and the Serb offensives began, our  
16 attempts to restructure the KLA could not have been carried out in  
17 the same way because of the intensity of the offensives throughout  
18 the territory. It made it impossible for us to have a compact  
19 system, and there was a lot of impact on the command structure and  
20 the ability to exercise this command as a result of the offensives  
21 that were being carried out during this time.

22 Q. And what about the ability of the General Staff to communicate  
23 with the zone commanders? Was there any impact in the functioning of  
24 the communications between the General Staff and the zone commanders?

25 A. Yes. There were difficulties in communications regardless of

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

Page 17763

1 the fact that we were in possession of satellite phones. However, in  
2 the course of an offensive, we often found ourselves unable to charge  
3 those phones, so the communications had to be curtailed and limited  
4 to urgent situations. But the situation remains that the  
5 communications were not what they used to be before. This system was  
6 heavily damaged as a result of the fierce attacks at the hands of the  
7 Serbian forces.

8 Q. And what about KLA units? Did they all stay in Kosovo?

9 A. Depending on their respective situations. But most of the  
10 units, yes, they remained in Kosovo, and they were on strict duties  
11 to protect the civilian population.

12 Q. What about members of the General Staff? Did they all stay in  
13 Kosovo until the end of the war?

14 A. No, because with the commencement of the talks in Rambouillet,  
15 part of the staff joined the provisional government, and part,  
16 because of the offensives, went to Albania, and part remained in  
17 Kosovo. In other words, as staff, it wasn't a compact structure  
18 during the time of the bombings in Kosovo.

19 Q. Now, are you aware of the composition of the members of the  
20 provisional government?

21 A. Not of all of them who were members, just some of them.

22 Q. Were you aware that some of them were members of different  
23 political parties?

24 A. Yes.

25 Q. And how many members of the provisional government did you

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

Page 17764

1 actually see stay in Kosovo?

2 A. Members of the provisional government at the time, and I'm  
3 talking about April, those who were inside Kosovo were few in  
4 numbers.

5 Q. Okay.

6 MR. MISETIC: Then if I could please put on the screen  
7 Exhibit P1401, please, at page 291 in both the English and Albanian.

8 Q. And while that's coming up, Witness, many, many thousands, if  
9 not hundreds of thousands, of Albanians were in the process of being  
10 expelled from Kosovo at this time; correct?

11 A. Yes, that's correct. Hundreds of thousands.

12 Q. And what impact, if any, did the departure or expulsion of  
13 hundreds of thousands of Albanians have on KLA unit structure?

14 A. The expulsion, the internal movement of the population, had an  
15 impact on the units. Some of the units had to assist and deal with  
16 the civilian population. Therefore, some of the soldiers went to  
17 their families. In short, this also had an impact on the units of  
18 the KLA.

19 Q. Now, Witness, on the screen you see the house that I believe you  
20 identified in questioning by the Prosecution as the house that was, I  
21 believe you used the word, the seat of the provisional government; is  
22 that correct?

23 A. Yes.

24 Q. Now, did you ever see the provisional government hold any  
25 meetings in this house?

1 A. No, I didn't during this period.

2 Q. Do you know who stayed in this house?

3 A. I cannot be exact on who stayed there. In the beginning, in  
4 November, I was there as well. But later on, who all remained there,  
5 I don't know.

6 Q. Okay. Well, I was specifically referring to the time period of  
7 April and May. You're saying you don't know who stayed there?

8 A. No.

9 Q. Turning your attention to something you told the SPO in 2019,  
10 and you were asked this question at Part 11, page 20 in the English,  
11 beginning at line 7, you were asked:

12 "So is my understanding correct, then, the provisional  
13 government would provide political oversight?"

14 Meaning political oversight over the KLA. And your answer is:

15 "According to the rules, it should have been like that, but I  
16 don't know to what extent they really were able to do it."

17 My question to you is why do you have doubts as to whether the  
18 provisional government actually could exercise oversight over the  
19 KLA?

20 A. It's not just a matter of doubt, but the situation and the  
21 conditions at the time were such that the government could not have  
22 impact. It was difficult for the General Staff to have impact on the  
23 units, let alone the provisional government which was in its  
24 beginning. Because of the movements of our forces, the possibility  
25 to communicate with the units which was scarce, it was impossible for



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

Page 17766

1 the provisional government to have any impact on the units. And I'm  
2 speaking about April, May period. The time when I was inside Kosovo.

3 Q. And then the next question asked you something even more  
4 specific. It says, beginning at line 13 -- or line 14:

5 "... would Sylejman Selimi, as general commander, would he have  
6 reported to Hashim Thaci since he was now prime minister?"

7 And your answer is:

8 "According to the rules, he should have. But I don't know  
9 whether he was able to."

10 Can you explain why you don't know whether he was able to?

11 A. Because the time -- we are talking about whether it was possible  
12 for him to report. When we met with Mr. Thaci in April in Nerodime  
13 area, that is in Nerodime operational zone, I met with Mr. Thaci  
14 then. But with Mr. Sylja, that meeting occurred later. I don't know  
15 whether he was able to report to him or not. I think he couldn't,  
16 even from the physical aspect in the territory of the Kosovo. The  
17 period post Rambouillet, March, late April, I don't think he was able  
18 to report regularly.

19 Q. You've said that you resigned your position as chief of staff in  
20 April 1999; correct?

21 A. Yes.

22 Q. And you say you then went to work as assistant minister in the  
23 Ministry of Defence; correct?

24 A. Correct.

25 Q. Now, the ministry was part of the provisional government and not

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17767

Cross-examination by Mr. Misetić (Continued)

1 a part of the KLA; correct?

2 A. Correct.

3 Q. So you couldn't have been appointed by the new overall  
4 commander, Mr. Ceku; correct?

5 A. No, I couldn't.

6 Q. And that's because the provisional government was not under his  
7 authority; correct?

8 A. Correct.

9 Q. Now, you've testified to the SPO, and this is beginning at  
10 Part 11, page 22, that the military aspects continued to remain  
11 within the KLA and under the control of the general commander.  
12 Correct?

13 A. Correct.

14 Q. And you told the SPO that, for example, when Fatmir Limaj moved  
15 to the Ministry of Defence, he no longer was in control or in command  
16 of the military police because that remained under the command of the  
17 KLA; is that correct?

18 A. Yes, correct.

19 Q. And is it correct that Sokol Dobruna continued to report to the  
20 overall commander of the KLA, Mr. Ceku, at this time?

21 A. Yes, until he joined the provisional government.

22 Q. And turning to Operation Arrow, you were in charge of operations  
23 in Operation Arrow; is that correct?

24 A. Yes, of the operations.

25 Q. And you told the SPO at Part 7, beginning at page 8, that it was

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

Page 17768

1 in January 1999, after consultation and approval from Deputy  
2 Commander Bashota and the general commander of the KLA that you began  
3 to draw up the plans for Arrow; is that correct?

4 A. Yes.

5 Q. And so is it correct that Arrow was being prepared months before  
6 the establishment of the provisional government?

7 A. Yes, correct.

8 Q. Is it correct, then, that they were -- the plans for Arrow were  
9 not drawn up from any order by Hashim Thaci as prime minister?

10 A. Yes, that's correct. They were not drawn up by his orders.

11 Q. Was the operational plan signed by Sylejman Selimi as general  
12 commander?

13 A. Yes.

14 Q. Now, there were three operational commands of Arrow, and how  
15 many of the commanders of these three operational commands did you  
16 appoint?

17 A. The operational commands, I was not the only one involved in the  
18 appointments but the staff as well. The commanders of Direction 1  
19 and Direction 2 were appointed upon my proposals, which were approved  
20 by the General Staff. They were appointed. And as I said, their  
21 appointment was made based on my proposals and that of the general  
22 commander.

23 Q. That would be Commander Ceku; correct?

24 A. No. This happened earlier, by Sylejman Selimi.

25 Q. Okay. So can you identify by name the two commanders that you

1 had recommended and were appointed formally by the General Staff, by  
2 Commander Sylejman Selimi?

3 A. Yes. Operational Direction 1, Koshare, Rasim Berisha; and the  
4 Operational Direction 2, Pashtrik, Nexhmedin Kastrati.

5 Q. And who appointed the commander of Operational Direction 3?

6 A. Number 3 was appointed by me, but it never became operational.

7 Q. Let me show you some news articles and ask you what you know  
8 about them.

9 MR. MISETIC: If we can please have first 019775 to 019776 in  
10 the English, and DHT04030 to DHT04030-AT in the Albanian.

11 Q. First, is it correct that Operation Arrow began on 26 May 1999?

12 A. As an operation not on 26 May but on 9 April in Koshare,  
13 Operational Direction 1. And the second operational direction, that  
14 of Pashtrik, was on 26 May.

15 Q. Okay. So the Pashtrik direction. First, let's look at this.  
16 This is a news article from 27 May reporting that Mr. Thaci was in  
17 Paris meeting with the French foreign minister on that day. Were you  
18 aware as Operation Arrow was proceeding that Mr. Thaci was not in  
19 Kosovo or Albania but that he was in the west?

20 A. No, I wasn't. I wasn't aware.

21 Q. And there are several articles that show between at least 27 May  
22 and at least 3 June, Mr. Thaci was in London, Bonn, and in Cologne.  
23 I suppose that you weren't aware that he was outside of Kosovo and  
24 Albania on those days either; is that correct?

25 A. Correct, I wasn't.

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

Page 17770

1 Q. The reason I ask you those questions, Witness, is I'm interested  
2 in knowing about reporting. If Mr. Thaci was not -- just assume for  
3 the moment that Mr. Thaci was in the countries I mentioned, so he's  
4 in France, he's in the United Kingdom, and he's Germany. As the  
5 operation is ongoing, to whom is Nexhmedin Kastrati reporting?

6 A. Nexhmedin Kastrati reported to me as commander of the operations  
7 situated at the command in Kukes.

8 Q. And then to whom are you reporting?

9 A. To the minister of defence.

10 Q. And how was he -- or who was reporting to Mr. Ceku?

11 A. The same as us. A report would be also sent to the  
12 General Staff. One to the General Staff and one to the ministry.

13 Q. Do you know whether Mr. Ceku was reporting to Mr. Thaci at  
14 all -- I'm sorry, let me rephrase. Do you know whether Mr. Syla was  
15 reporting to Mr. Thaci?

16 A. No, I don't.

17 Q. Now, if we -- I want to turn to a different document that was  
18 shown to you last week, and it concerns the 14 May national guard  
19 document.

20 MR. MISETIC: If we could first, however, pull up the first two  
21 pages of that document which were not shown to you, which is  
22 SPOE00228180 to SPOE00228181 in the English, please, Revised 2. It  
23 should be the same in the Albanian.

24 Q. I'm just going to note for you, Witness, that these are the --  
25 I'm showing you the first two pages, and you can look at the fax line

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

Page 17771

1 which you can compare when I show you the rest of the document, but  
2 it appears to have been faxed at the same time as the page 3 and  
3 later that you were shown last week.

4 Now, as you can see on the page, the document contains no  
5 protocol number; is that correct?

6 A. Yes, correct. There is no protocol number.

7 Q. And if you look at the first page, it says that this proposal  
8 for a national guard is following the proposal of the General Staff.  
9 So this would be a document, on its face, that would have been  
10 proposed by the General Staff; is that correct?

11 A. Yes.

12 Q. Now, if we go to -- well, let me ask you this: The fact that it  
13 doesn't have a protocol number, does that indicate anything to you as  
14 to whether this document was ever actually an official document?

15 A. To me, if there's no protocol number, no signature, the document  
16 would not be valid and would not be effectuated.

17 MR. MISETIC: Mr. President, I tender these two pages into  
18 evidence.

19 PRESIDING JUDGE SMITH: Any objection?

20 MS. LAWSON: No objection.

21 PRESIDING JUDGE SMITH: Thank you. SPOE00228180 to SPOE00228181  
22 in English, Revised 2, and the Albanian translation are all admitted.

23 THE COURT OFFICER: It will be assigned Exhibit 1D00169,  
24 currently classified as confidential. Thank you, Your Honours.

25 MR. MISETIC: I think it can be public.

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

Page 17772

1           PRESIDING JUDGE SMITH: Reclassified as public.

2           THE COURT OFFICER: Thank you.

3           MR. MISETIC: Thank you.

4           Now, if we can go to Exhibit P01434, please.

5           Q. Now, Witness, this is what you were shown last week, and this is  
6 now what would be page 3 of the document. And this is what the  
7 national guard units were supposed to look like. And I just want to  
8 ask you just a few questions to see how realistic this was in May  
9 1999. So, for example, if you look at just the first section alone:

10           "The Kosovo Liberation Army will have these units:"

11           For example, it says:

12           "10 Brigade of field artillery."

13           How much field artillery did the KLA have in May 1999?

14           A. None.

15           Q. If you go down a couple of lines:

16           "80 Battalion of defence against atomic, chemical and biological  
17 attack."

18           What kind of capabilities did the KLA have in May 1999 to defend  
19 against, for example, an atomic attack?

20           A. Mr. Counsel, it's not 80 battalions but it's the name of a  
21 formation, 80th Battalion. So it's just one battalion, not 80  
22 battalions, and that one battalion is called 80th Battalion. So this  
23 was impossible at the time, and there wasn't any.

24           This structure that I see here was proposed by Mr. Ceku to be  
25 developed further with the KLA, but this structure could, in fact, be

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17773

Cross-examination by Mr. Misetiç (Continued)

1 developed only after the war. During that time of the Serbian  
2 offensives in April, May 1999, this structure was impossible.

3 Q. Yes. So I was just going to point out two more things. Cyber  
4 war, for example, and an army wind orchestra, these are things that  
5 were not something you were thinking about in May 1999; correct?

6 A. Yes, correct. At the time, the concern was how to defend the  
7 population and the units and not to create a different structure.  
8 This structure requires a long time. It's been ten years that we've  
9 been trying to create such a structure and it's still not complete,  
10 let alone in one day. It's impossible.

11 Q. Now, Sylejman Selimi was supposed to be -- supposed to have been  
12 named commander of this national guard. Sylejman Selimi was in  
13 Albania at the time. Are you aware of that?

14 A. Yes, I'm aware of that. I met with Mr. Sylejman Selimi in  
15 Albania.

16 Q. And is it correct that he was -- at this time had been seriously  
17 injured in a car accident? Do you know?

18 A. Yes, I know he was.

19 MR. MISETIC: Mr. President, I note the time, so we can take the  
20 break now.

21 PRESIDING JUDGE SMITH: We'll take a ten-minute break now,  
22 Witness, as we have before. You may leave the courtroom now with the  
23 Court Usher.

24 MR. MISETIC: If I could just at one point ...

25 [The witness stands down]



1           PRESIDING JUDGE SMITH: Yes, go ahead.

2           MR. MISETIC: If we could go into private session for a minute,  
3 Mr. President.

4           PRESIDING JUDGE SMITH: Into private session, please,  
5 Mr. Court Officer.

6   [Private session]

7   [Private session text removed]

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1 [Private session text removed]

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14 [Open session]

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

16 Thank you.

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

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

19 --- On resuming at 10.15 a.m.

20 PRESIDING JUDGE SMITH: Please bring the witness in.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: All right. Mr. Zyrapi, we will continue

23 now.

24 Go ahead, Mr. Misetic.

25 MR. MISETIC: [Microphone not activated].

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

Page 17776

1 Thank you, Your Honour.

2 Mr. Court Officer, if we could please have on the screen  
3 DHT04009 to DHT04017-ET at page 5. And in the Albanian, it's  
4 SPOE00053060 to 00053071 at page SPOE00053068.

5 Q. And, Witness, this is a newspaper interview given by Agim Ceku  
6 to Zeri, and I just wanted to ask you whether your recollection is  
7 consistent with his about one point.

8 MR. MISETIC: And it should be page 5 in the English.

9 Q. Yes. On the bottom left in the Albanian, Mr. Zyrapi, there's a  
10 question that says:

11 "Was the procedure for your election as Chief of the  
12 General Staff of the KLA done in Kosovo or earlier?"

13 In the last sentence there, he says:

14 "Then, we stayed at the General Staff for a few days and my work  
15 was discussed for a long time and the decision to appoint me Chief of  
16 the General Staff of the KLA was made by the entire General Staff,  
17 not by one person."

18 Now, my question, Mr. Zyrapi, is were you present at a  
19 General Staff meeting when Mr. Zyrapi was -- sorry, when Mr. Ceku, I  
20 apologise, was appointed chief of the General Staff?

21 A. Yes, I was, because that was the time when I handed over that  
22 task to him as chief of General Staff.

23 Q. So is he correct that his appointment was made by the  
24 General Staff as a whole?

25 A. Yes.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17777

Cross-examination by Mr. Misetić (Continued)

1 Q. He does not say that he was appointed by the provisional  
2 government. Is that consistent with your understanding?

3 A. That was a meeting of the General Staff where I handed over my  
4 duties which he assumed.

5 Q. Okay. Now, I just want to discuss for a moment concerning  
6 Mr. Ceku. Now, you've testified that it was Sylejman Selimi who  
7 signed the order for Operation Arrow, the first phase, back in April;  
8 is that correct?

9 A. Yes.

10 Q. Does that then necessarily mean that Sylejman Selimi had the  
11 authority, as the general commander, to stop Operation Arrow if he  
12 wanted to? Was that your understanding?

13 A. Yes.

14 Q. Now going to the second phase at the end of May. Now Mr. Ceku  
15 is the overall commander of the General Staff. Did he have the  
16 authority to start and/or stop Operation Arrow at that time?

17 A. Yes.

18 Q. And that was your understanding at the time?

19 A. That was my understanding at the time, and that is what should  
20 happen according to rules of the military.

21 Q. Do you have an understanding of the nature of the relationship,  
22 then, between Mr. Ceku as the overall commander and Mr. Sylja as the  
23 defence minister, in terms of who was in overall command of the  
24 operation and how that relationship worked? Did you understand it at  
25 the time?

1 A. I wasn't aware of the relations that the two of them had between  
2 themselves because Mr. Ceku was inside Kosovo and Mr. Syla in  
3 Albania. They certainly had a professional relationship, and  
4 Mr. Ceku would have reported to Mr. Syla about events unfolding from  
5 within Kosovo. Otherwise, what the nature of their relationship was  
6 is not known to me.

7 Q. Well, what I'm trying to figure out, and I'm perhaps inferring  
8 something from your last answer, but were you as the assistant  
9 minister in charge of the operation and not Mr. Ceku, at least as to  
10 the direction, because you were in Albania? And did he command in  
11 Kosovo and Mr. Syla in Albania or ...

12 A. In respect of the operations or the operation in Albania, that  
13 was me leading it. I reported to the Ministry of Defence as per  
14 normal, and one copy would be sent to Mr. Ceku as well. I commanded  
15 the operations from within Albania. Whilst in Kosovo, it was  
16 Mr. Ceku who would report to the General Staff.

17 Q. All right. That's clear. Thank you. One question I wanted to  
18 ask you and it concerns some of the maps we've seen about the zones  
19 of the various brigades.

20 Is there a difference, for example, or can you explain, where a  
21 brigade had its zone defined, did that mean that the brigade was in  
22 complete control of the entire territory of its zone, or does it mean  
23 that the brigade is present in the zone? If you understand what I'm  
24 suggesting.

25 A. The delineation of operational zones meant that every brigade

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

Page 17779

1 had its area of responsibility, and their responsibility was  
2 exercised as such in the quality as a brigade. There might have been  
3 other areas that might have been -- might have had their area of  
4 responsibility. However, the zone of responsibility always meant  
5 that you had control over that zone, control exercised by a relevant  
6 commander.

7 Q. Yes, I didn't phrase my question well, so I apologise for that.  
8 My real question is where you have defined a zone of responsibility  
9 of a brigade, did that mean that Serb forces had been -- were now  
10 unable -- let me rephrase again.

11 Does that mean that the zone was now defended against Serb  
12 forces and therefore no Serb forces were present in the zone?

13 A. The zones were delineated on the basis of a map. However, this  
14 did not comply with the reality on the ground because not all the  
15 territory of Kosovo was under the control of the KLA.

16 In Prizren, let's say, the territory was under the control of  
17 Brigade 125, but did it have control over all? No. It had control  
18 over the areas that it controlled, and in other parts there would  
19 have been Serb forces.

20 Q. Thank you. I want to turn your attention to the topic of  
21 Albania. And from April to June 1999 you were based in Albania;  
22 correct?

23 A. Correct.

24 Q. And during this time, you visited bases that were being used for  
25 training in Albania; correct?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17780

Cross-examination by Mr. Misetić (Continued)

1 A. Yes, correct.

2 Q. And this included the base in Kukes?

3 A. The Kukes base was not a training base. It was a logistics.

4 Q. And you've told the SPO that while you were there -- and this is  
5 at Part 12, page 14. While you were there, you did not see any  
6 people being detained or any rooms being used for such purposes; is  
7 that correct?

8 A. That's correct.

9 Q. And at Part 12, page 15, you said to the SPO that during your  
10 entire stay in Albania, you never heard of anyone being detained and  
11 arrested in Kukes; is that correct?

12 A. That's correct.

13 Q. You told the SPO at Part 12, page 15, that you did not know of  
14 any prisons in Albania; is that correct?

15 A. That's right.

16 Q. And you also visited the base in Cahan; is that correct?

17 A. Yes.

18 Q. And you told the SPO at Part 12, page 22, that you recall one  
19 case of a detainee in Cahan; is that correct?

20 A. Yes, that's right.

21 Q. And that person was someone named Tomorr Buza; is that correct?

22 A. Yes.

23 Q. And you intervened with Commander Plaku to urge him to release  
24 Tomorr Buza; is that correct?

25 A. Yes, I intervened and he was released.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17781

Cross-examination by Mr. Misetić (Continued)

1 Q. Okay. You told the SPO that you do not recall any other  
2 occasions of detainees; is that correct?

3 A. Yes, that's right.

4 Q. If you had no knowledge of detainees then, is it correct that  
5 you couldn't have passed any information to Azem Sylja or Mr. Thaci  
6 about detainees?

7 A. Yes, that's right.

8 Q. Now, I want to turn to a different topic which is training. And  
9 this is going back to 1998 now. You told the SPO at Part 14, page 2,  
10 that while you were still in Albania waiting to get approval to enter  
11 Kosovo in the spring of 1998, you led some trainings with soldiers;  
12 is that correct?

13 A. Yes, that's right.

14 Q. And those were mostly tactical trainings?

15 A. These -- it was training in the use of weaponry as well as of a  
16 tactical nature.

17 Q. Okay. And then you testified at Part 14, page 4, that in  
18 January and February 1999, as part of your efforts to reorganise the  
19 KLA, you also organised trainings; is that correct?

20 A. Yes, that's right.

21 Q. And you told the SPO that in these trainings of battalion  
22 commanders - again, this is Part 14, page 4 - you say:

23 "We also used the brochures of the International Red Cross that  
24 explain -- that explain how an officer and a soldier should act  
25 during war, what the rights are."



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

Page 17782

1 Is that accurate?

2 A. Yes, correct.

3 Q. And the idea was to train the battalion commanders who would in  
4 turn pass the knowledge on to their battalion soldiers; is that  
5 correct?

6 A. Yes, it's correct.

7 MR. MISETIĆ: And if we could have Exhibit P00631 on the screen,  
8 please.

9 Q. Now, Witness, is this document that we see on the screen the  
10 order that you issued related to the training of battalion  
11 commanders?

12 A. Yes.

13 Q. Now, in your Preparation Note 2 at paragraph 3, you said that:  
14 "The training was for battalion commanders because 80 per cent  
15 of them did not have a proper military education."

16 Is that correct?

17 A. Yes.

18 Q. And can you tell us what you wanted to achieve with the  
19 training?

20 A. The objectives of the training was for the commanders to be  
21 enabled to lead their battalions, to have military knowledge of  
22 tactical movements and deployments, and to have basic knowledge in  
23 order for them to be able to command a battalion and maybe later on  
24 in time a brigade, too.

25 Q. And you told the SPO at Part 14, page 4, that as part of this

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

Page 17783

1 training of battalion commanders, Sokol Dobruna also gave legal  
2 training, and all of this was part of the preparations for battalion  
3 commanders; is that correct?

4 A. Yes, correct.

5 MR. MISETIĆ: If we could have Exhibit P01361 on the screen,  
6 please.

7 Q. Now, Witness -- or, Mr. Zyrapi, let me ask you, have you seen  
8 this document before? Can you recollect seeing it? And do you know  
9 if it was used by Mr. Dobruna in the training of battalion  
10 commanders?

11 A. I am not sure, but I know that Dobruna did lecture. Whether  
12 based on this document or not, I don't know. But if I look at this  
13 document, it would suggest that, yes, he would have used it.

14 Q. And you told the SPO at Part 14, page 6 of your SPO interview  
15 that Mr. Dobruna told you that he had prepared things like a criminal  
16 code and a criminal procedure code to govern procedures before the  
17 military court; is that correct?

18 A. He told me at the time that he had prepared a set of documents.  
19 However, I have not seen them.

20 Q. Okay. And one more point on an answer you gave before the break  
21 this morning. You said that Sokol Dobruna was within the KLA and  
22 reporting to the General Staff until he joined the Provisional  
23 Government of Kosovo. Do you have any reason to dispute  
24 Mr. Dobruna's assertion that he joined the provisional government in  
25 October 1999?

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

Page 17784

1 A. No, I wouldn't dispute it.

2 Q. Turning to the issue of communiqués. You told the SPO at  
3 Part 5, page 7, that you don't know who was writing the communiqués  
4 because they weren't your responsibility; is that correct?

5 A. Correct, yes.

6 Q. Turning to the KLA's relationship with the LDK. You told the  
7 SPO that when you joined the KLA in late May 1998 until September  
8 1998, you noticed that the local staff and the soldiers were  
9 predominantly from the LDK. And that's at Part 3, page 31 of your  
10 SPO interview. Is that correct?

11 A. That's correct.

12 Q. And during your time with the KLA, especially at the  
13 General Staff level, would you say that the KLA and the General Staff  
14 were open to welcoming former JNA professionals and former members of  
15 FARK into the KLA?

16 A. Yes.

17 Q. Now, I'm going to read you a list of KLA commanders and ask you  
18 whether they were former officers in the KLA. You can answer "yes"  
19 or "no". Okay.

20 Skender Hoxha?

21 A. Yes.

22 Q. Kadri Kastrati?

23 A. Yes.

24 Q. Commander Drini?

25 A. Yes.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17785

Cross-examination by Mr. Misetić (Continued)

1 Q. Mahir Sinani?

2 A. It may be a mistake in the name or surname. It's Mahir Hasani.

3 Q. Okay. Sorry. It's probably my fault. Thank you.

4 Rifat Sylejmani?

5 A. Yes.

6 Q. Nehat Basha?

7 A. Yes.

8 Q. Gezim Hazrolli?

9 A. Yes.

10 Q. Mark Shala?

11 A. Yes.

12 Q. Agim Ceku?

13 A. Yes.

14 Q. Naim Maloku?

15 A. Yes.

16 Q. Sali Veseli?

17 A. Yes.

18 Q. Agim Qela?

19 A. Yes.

20 Q. Gezim Ostreni?

21 A. Yes.

22 Q. Aziz Hyseni?

23 A. Yes.

24 Q. Kemajl Shaqiri?

25 A. Yes.

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

Page 17786

1 Q. Hysni Ahmeti?

2 A. Yes.

3 Q. Enver Oruqi?

4 A. Yes.

5 Q. Shaban Dragaj?

6 A. Yes.

7 Q. Rame Arifaj?

8 A. Yes.

9 Q. Idriz Shabani?

10 A. Yes.

11 Q. Are there any other former JNA officers who were admitted into  
12 the KLA and who I did not identify on this list?

13 A. Yes, there are.

14 Q. Can you identify them for us by name?

15 A. Nuredin Ibishi, Kurtesh Fondaj, Agim Kuqi, Nebih Krasniqi, and  
16 then Rrustem Teta, Shemsedin Ceku, and these are the ones who served  
17 from the beginning to the end. There were others as well, but I  
18 cannot recall all the names at this point in time.

19 Q. Okay. Do you recall any instance of a former officer of the JNA  
20 who was denied admission into the KLA?

21 A. No, not a single one.

22 Q. How many former officers of the army of Albania were admitted  
23 into the KLA?

24 A. There were officers from Albania, too.

25 Q. Tahir Sinani?

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

Page 17787

1 A. Yes.

2 Q. Anyone else you can identify by name?

3 A. Shpetim Golemi, aka Dilaver Goxhaj, Bardhyl Tahiri, Adem Shehu.  
4 These were the ones who served.

5 PRESIDING JUDGE SMITH: Mr. Misetiç, you may have made a slip of  
6 the tongue when you started the long list. You said:

7 "Now I'm going to read you a list of KLA commanders and ask you  
8 whether they were former members of the KLA."

9 I think you meant something different.

10 MR. MISETIC: Yes, I've had a lot of slips of the tongue this  
11 morning. I apologise.

12 Q. But, obviously, you understood that the question was former  
13 officers of the JNA; is that correct?

14 A. Officers.

15 Q. Yes. But can you confirm for the record that you understood my  
16 question was whether they were former officers of the Yugoslav Army?

17 A. I think the translation was fine. You asked me about former  
18 members of the JNA. That's how I understood it, and that's what I  
19 responded to. That's what I heard in the Albanian language at least.

20 Q. Thank you, Witness. You told the SPO at Part 10, page 30 of  
21 your SPO interview, that your assessment was that 80 per cent of the  
22 KLA belonged to the LDK; is that correct?

23 A. That's correct.

24 Q. And you went on to say:

25 "I hadn't seen an issue of people having been against others who

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

Page 17788

1 had been in the LDK or had a background in the LDK. I will give you  
2 another example. Rame Buja was a member of the LDK."

3 Is that correct?

4 A. Yes, that's right.

5 Q. And Jakup Krasniqi was a member of the LDK; correct?

6 A. Yes.

7 Q. Witness, let me stay on the topic of the LDK. And you were  
8 shown a document by the SPO allegedly issued by Gani Krasniqi  
9 regarding the LDK branch in Malisheve.

10 MR. MISETIC: And that is at -- well, I don't have the citation.

11 Q. But you were asked that in your SPO interview, and you said you  
12 were not familiar with the document.

13 MR. MISETIC: Let's put the document on the screen,  
14 Mr. Court Officer. It's 1D6, please.

15 Q. Yes. And, for the record, you discuss this in your SPO  
16 interview at Part 3, page 34.

17 Now, you recall seeing this document in your SPO interview?

18 A. Maybe, yes. However, not in detail. Yes, I have seen the  
19 document.

20 MR. MISETIC: And if we could scroll down to the bottom, please,  
21 just so the witness can see the signature.

22 Q. You see it's signed by Gani Krasniqi?

23 A. Yes.

24 Q. Now, you told the SPO that this could not have come from the  
25 General Staff; is that correct?

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

Page 17789

1 A. That's right, yes.

2 Q. And is it correct this is a document issued by the municipality  
3 and not the General Staff?

4 A. Yes.

5 Q. And you told the SPO:

6 "I'd say that this is related to the political aspect of the  
7 local staff."

8 Is that correct?

9 A. Yes.

10 Q. Now, Witness, my last topic with you is you said that you had  
11 received threats after the war; correct?

12 A. Yes.

13 Q. And you said you did not know who was making the threats against  
14 you, but you believe it's related to the fact that you're a former  
15 officer of the JNA; is that right?

16 A. Yes, that's right.

17 Q. Now, you told the SPO that you did not raise your security  
18 concerns with the TMK at the time; is that correct?

19 A. Yes, that's right.

20 Q. And you said you did not raise your security concerns with  
21 former colleagues in the General Staff who had become part of the  
22 provisional government; is that correct?

23 A. Yes, correct.

24 Q. And you told the SPO, and this is at Part 11, page 13, that you  
25 didn't raise it with them despite the fact that they knew that you



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

Page 17790

1 were not a collaborator but had, in fact, contributed significantly  
2 to the KLA during the war; correct?

3 A. Yes, correct.

4 Q. And when you were asked by the SPO, and this is at Part 11,  
5 page 13, about -- and I'll just read the question and the answer to  
6 you. The question is:

7 "Well, then let me ask you what was the provisional government  
8 doing? I know they moved positions, but these were the people with  
9 whom you worked closely and who had power. Where were they?"

10 And your answer was:

11 "I don't know what sort of power they had."

12 And I'd just ask you to explain why you question whether the  
13 members of the provisional government had the power to stop these  
14 threats against you?

15 A. It is true that this was a government that was being formed but  
16 had no authority, and the civilian structures were not built up at  
17 municipal levels and all other levels necessary for a provisional  
18 government to function.

19 Secondly, although the KLA was undergoing the process of  
20 transformation, that is between June and September, work was being  
21 done towards its transformation during that period. As a government,  
22 it could not extend its authority. It needed to have its resources,  
23 to have its positions, to build the institutional line from top to  
24 bottom, from central to municipal government bodies, so that it could  
25 exercise authority at those levels.

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

Page 17791

1           At the time, there was also KFOR which had higher authority in  
2 terms of security in Kosovo, and that is why the government had -- it  
3 was not able to have a full control over the entire territory of  
4 Kosovo.

5           Q.   Now, did you consider whether UNMIK had the authority to assist  
6 you or the ability to assist you, I should say?

7           A.   In 1999, UNMIK too was undergoing the process of provisional  
8 administration forming. I cannot give my opinion on UNMIK because  
9 it's an international organisation. It has its own sectors and  
10 rights. I don't know whether it would have been able or not. But as  
11 I said, this is how it was in 1999.

12           And as far as provisional government is concerned, as I said, it  
13 could not have had at the time a full control.

14           Q.   Thank you, Mr. Zyrapi. That concludes my cross-examination.

15           MR. MISETIĆ: Mr. President, there is one issue that I addressed  
16 prior to the last break. And given the time, if we could do it in  
17 private session but outside the presence of the witness. And I don't  
18 know if Mr. Emmerson wants to start in the last ten minutes before  
19 the break, but ...

20           PRESIDING JUDGE SMITH: We will excuse the witness until 11.30,  
21 and you will start --

22           Is that all right, Mr. Emmerson, to start at 11.30?

23           MR. EMMERSON: [Microphone not activated].

24           PRESIDING JUDGE SMITH: Witness, that's all for this morning --  
25 for this session, I mean, and you will have a break until 11.30. So

1     you may leave the courtroom.

2                             [The witness stands down]

3             PRESIDING JUDGE SMITH: And into private session, please,  
4     Mr. Court Officer.

5                             [Private session]

6                             [Private session text removed]

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1 [Private session text removed]

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12 [Open session]

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

14 Thank you.

15 PRESIDING JUDGE SMITH: Thank you.

16 We are adjourned until 11.30, and then we will commence with the  
17 cross-examination by Veseli.

18 --- Recess taken at 10.55 a.m.

19 --- On resuming at 11.31 a.m.

20 PRESIDING JUDGE SMITH: You may bring the witness in,

21 Madam Usher.

22 [The witness takes the stand]

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 Mr. Emmerson will have questions now on behalf of the Veseli  
25 Defence.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17794

Cross-examination by Mr. Emmerson

1           Go ahead, Mr. Emmerson.

2                           Cross-examination by Mr. Emmerson:

3       Q.    Good morning, Mr. Zyrapi. As you've heard, I'm going to put  
4       some questions to you on behalf of Kadri Veseli. And I want to  
5       start, if I may, by getting some basic dates clear with you of your  
6       own movements, and then looking in detail at the period between your  
7       arrival in Kosovo on, I believe, 28 May and your departure from  
8       Kosovo when you left in the process of negotiating the FARK  
9       agreement. So that's the basic structure of the questions I want to  
10      begin with.

11           So we know, because you've told us, I think, several times now,  
12      that your entry into Kosovo took a number of days, but that you  
13      arrived in the country on 28 May; is that right?

14      A.    Yes.

15      Q.    And then again, if I've understood correctly, you spent June,  
16      July, and August travelling around different pockets of KLA activity  
17      in different parts of the country; correct?

18      A.    Correct.

19      Q.    And this is to get an idea of distribution, capabilities, levels  
20      of skill, to what extent there are former trained JNA or Albanian  
21      army personnel, and so forth, and how to go about the process of  
22      making the forces more efficient on the ground.

23      A.    Correct, yes.

24      Q.    And during the course of that process, obviously you were aware  
25      of the difficulties that had occurred in the Dukagjin region between

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17795

Cross-examination by Mr. Emmerson

1 Tahir Zemaj and Ramush Haradinaj as they occurred over that summer.

2 But can I ask you when, as far as you can recall, you left Kosovo for  
3 the purpose of negotiating an agreement with the Bukoshi government?

4 A. At the beginning of September.

5 Q. And you returned, is that correct, in early November?

6 A. Mid-November.

7 Q. Mid-November. Do you agree that the process of restructuring or  
8 reallocating General Staff roles was completed on 12 November?

9 A. No, that's when it started.

10 Q. Very well. And can you help us when it crystallised?

11 A. It was a process that was never completed. We started it on  
12 12 November and did what we could during November, December, January,  
13 February, in terms of organisation. However, the process was never  
14 completed as such.

15 Q. Forgive me. I think it may be that I wasn't clear enough in my  
16 question. The process of allocating tasks within the  
17 General Staff -- within the General Staff itself to different  
18 individuals, is that the process that you say began on the 12th or  
19 was completed on the 12th? Which is it?

20 A. It started on the 12th. A number of people were given tasks  
21 within the General Staff, and it's a process that continued onwards.

22 Q. And prior to that, the only person identified publicly at a much  
23 earlier stage in June, I think the 10th and 11th of June, was  
24 Jakup Krasniqi as spokesperson; correct?

25 A. Yes, correct.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17796

Cross-examination by Mr. Emmerson

1 Q. And so you mentioned some of the negotiations that led to the  
2 FARK-KLA agreement had taken place in Istanbul; is that right?

3 A. Yes, correct.

4 Q. Can you give us an idea of the other locations where these  
5 meetings, specifically towards that agreement, took place? Clearly,  
6 Tirana was one.

7 A. Yes, Tirana. Yes.

8 Q. And any other country apart from Albania and Turkey?

9 A. I don't know. I wasn't involved. I'm aware of these two.

10 Q. Very well. And whilst these negotiations were taking place, you  
11 were with Mr. Veseli; correct?

12 A. That's correct, yes.

13 Q. Throughout the time that these negotiations were taking place?

14 A. Yes, that's right.

15 Q. So Mr. Veseli was outside Kosovo with you throughout September  
16 and October?

17 A. Yes. We were together in this process of negotiations as and  
18 when they started.

19 Q. I want to read to you a passage from your interviews with the  
20 SPO.

21 MR. EMMERSON: It's Part 14, page 41, lines 8 to 22 in the  
22 English; and Part 14, page 37, line 14 and onwards in the Albanian.

23 Q. I'm going to read it to you because I think it's a short enough  
24 passage simply to have it translated through the interpreters. If  
25 you'd like me to put it up on the screen or to read it again, let me

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17797

Cross-examination by Mr. Emmerson

1 know.

2 "Q. Also, yeah, you mentioned the ZKZ a few times before and  
3 you said that the ZKZ was one of the most important directorates from  
4 a military perspective. During summer 1998, who was in charge with  
5 the intelligence, counter-intelligence?"

6 To which you replied:

7 "... I don't know. There is no information about what the level  
8 of structure was at that time.

9 "Q. But just a question. Was Mr. Veseli already in charge or  
10 do you know when Mr. Veseli became -- was put in charge with  
11 intelligence, counter-intelligence?"

12 And you reply:

13 "I know that from November on, he was in charge of the  
14 intelligence. Before that, I'm not -- I don't know. I didn't know  
15 the structure or I hadn't seen the structure before at that point, so  
16 I don't know if he was previously or not."

17 Now, it was you, wasn't it, who made the decision that  
18 Mr. Veseli should be appointed to intelligence and sent to Albania  
19 for training in November? You made that decision as chief of staff.

20 A. Yeah. Yes, I made the decision for him to be sent to training.

21 Q. We'll come back to that decision a little bit later. But since  
22 you'd spent September and October out of the country with Mr. Veseli,  
23 and since you told the SPO you had no knowledge of his involvement as  
24 head of intelligence over the summer, can we take it that you have or  
25 had at the time, let us say in November, no reason to believe that he



1 was the head of a structure within the KLA that reached to the level  
2 of the General Staff?

3 A. What I know is that he was at the General Staff. At the time,  
4 that is. What his responsibilities were, I don't know. What I'm  
5 referring to is this period, the period where the restructuring began  
6 and that task was given to him.

7 Q. Well -- yes, exactly. So you're referring to a period in  
8 November and onwards in the course of the restructuring. But prior  
9 to that, you've just spent two months with him negotiating the FARK  
10 agreement outside the country; is that right?

11 A. Yes.

12 Q. And you had no reason to believe that he was receiving  
13 intelligence reports from inside the country or giving instructions  
14 to any intelligence officials inside the country, in Kosovo, whilst  
15 he was with you negotiating the FARK agreement?

16 A. At the time, we were outside the country dealing with the issues  
17 of the negotiations, of the agreement, whilst the intelligence  
18 services for -- during that period were underdeveloped. So there  
19 might have been a structure in place that reported upwards to the  
20 General Staff. However, this reporting would have been difficult  
21 owing to the offensives occurring during the summer. Additionally,  
22 though, these were structures that were underdeveloped.

23 Q. But whilst you were out of the country, did you -- I think you  
24 told us last week that you were not placing calls to those who were  
25 in the country or receiving calls from them; is that correct?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17799

Cross-examination by Mr. Emmerson

1 A. That's correct, yes.

2 Q. Why was that?

3 A. We had the general commander alongside us and we could discuss  
4 with him. Anything that was related to the work that we'd been  
5 entrusted with could be discussed there and then.

6 Q. And you told us in answer to questions from Mr. Misetic that the  
7 restructuring that started -- the process began in November was, in  
8 part, because of a result of liaison with other states, including  
9 NATO states; is that correct?

10 A. Can you kindly ask the question again? I'm not sure I  
11 understood it correctly.

12 Q. Yes. You answered Mr. Misetic - and this is 17628, lines 10 to  
13 20 for those following - that the reorganisation started in the  
14 context of discussions with external partners, in other words, other  
15 countries, partly as a result of information being passed back to the  
16 KLA General Staff; is that right?

17 A. Yes, that's right.

18 Q. Of the need for greater organisation of structures which the  
19 governments of NATO Member States would be able to support as a  
20 credible military force; is that correct?

21 A. Yes, correct.

22 Q. And one of those conducting those discussions at the  
23 intelligence level was Mr. Veseli; correct?

24 A. Yes.

25 Q. And his liaison would often be with intelligence officials

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17800

Cross-examination by Mr. Emmerson

1 associated with the embassies of NATO Member States; is that correct?

2 A. They had contact with these outside forces. However, who with  
3 or how frequent they were, I don't know.

4 Q. But that was, we know, at the time when, according to you, am I  
5 right, and I'm going from what you said in your interviews,  
6 Mr. Veseli had no kind of formal intelligence training; correct?

7 A. Yes, correct.

8 Q. So that after it was decided, I suggest, on 12 November that he  
9 would take responsibility for intelligence, you made the decision he  
10 needed to go and train initially with the Albanian intelligence  
11 service to understand how to run an intelligence service; is that  
12 correct?

13 A. That's correct.

14 Q. And sometime in this process the term G2 came to be used to  
15 describe that function, G2 being a term used in conventional NATO  
16 military forces; correct? Do you know whether that was as a result  
17 of interface with NATO forces through Mr. Veseli that that process of  
18 communication was put on foot?

19 A. Yes. Generally speaking, yes.

20 Q. So we have three months at the beginning when you are moving  
21 around the territory and observing what is happening on the ground in  
22 these, you've told us, relatively disorganised pockets as they were  
23 in the end of May, June, and July.

24 MR. EMMERSON: Can we please turn to P606 at page 3, which, if  
25 I've got this right, should be an exhibit you've already been shown

1 part of by the Prosecution during your testimony. It's the *Zeri*  
2 interview and its English translation.

3 Q. This was an interview with you in -- I don't have a specific  
4 date for publication. Yes, it's towards the end of November 1999.  
5 Oh, we have it right on the top of the page. There we go.

6 MR. EMMERSON: Can I just focus on the first question in solid  
7 text: "Did these units ..." If we could just zoom in on that.

8 Q. So you were taken to a latter passage in this interview, but I  
9 just want to go through what you said more generally about  
10 organisation and see if you can confirm that this is what you  
11 encountered during that initial June, July, August period.

12 "Did these units which were operating at that time in some  
13 regions of Kosovo have links between the chain of command among  
14 themselves before your joining the war?"

15 So this is effectively asking you what you encountered when you  
16 entered Kosovo. And you reply:

17 "As I also said above there was military responsibility but  
18 there was not a structured command. In terms of a vertical chain of  
19 command where the lower headquarters is forced to respect the orders  
20 of the higher headquarters willy-nilly. And so I can say that there  
21 was not comprehensive command and control from one single place or  
22 headquarters. I will now turn to the tasks ... I received from the  
23 General Staff for the inspection of the front lines. After this  
24 check of the front lines which I made I returned to the base and  
25 reported my findings to Hashim Thaci, Kadri Veseli and

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17802

Cross-examination by Mr. Emmerson

1 Sokol Bashota."

2 Now, is it right that your findings included the fact that in  
3 some areas and some brigades and some zones an individual had been  
4 appointed locally with intelligence, counter-intelligence  
5 responsibilities but without any framework beyond the brigade command  
6 or the zone commander?

7 A. Yes, that's exactly what I stated. However, this refers to the  
8 period June, July. During that time, there were no superior officers  
9 appointed with the -- for the task of intelligence and  
10 counter-intelligence at these units or levels. With the formation of  
11 the brigades and other units, this became more normal. However,  
12 during that time, there was no organised system at the unit or  
13 command level to do that job. Maybe somebody did carry out those  
14 tasks, but that was not part and parcel of a structure that I  
15 inspected and could conclude about at that time.

16 MR. EMMERSON: Could we please call up P1386, again an exhibit  
17 we've seen, which I'm going to suggest to you is an example of what  
18 you've just described from the end of July, and its English  
19 translation.

20 Q. So you remember looking at this last week. This is, you  
21 confirmed, an order signed by Ramush Haradinaj at the very end of  
22 July, 30 July, appointing, it seems for the first time, Faton  
23 Mehmetaj as the intelligence service officer for the Dukagjin zone or  
24 subzone as it was called in that period.

25 That wasn't an appointment made by the General Staff, was it?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17803

Cross-examination by Mr. Emmerson

1 It was an appointment made by Ramush Haradinaj.

2 A. That's right.

3 Q. And for me -- I'm sorry, I missed the last part. Did I miss  
4 something? No. And insofar as people were being appointed to those  
5 kinds of roles in the various subzones and pockets of activity at  
6 around this time towards the end of July, they were not being  
7 appointed by the General Staff or answerable to the General Staff; is  
8 that correct?

9 A. That's right.

10 Q. Now, you mentioned amongst the list of former JNA officers that  
11 you confirmed this morning to -- in answer to the questions put to  
12 you by Mr. Misetic, the long list of JNA officers, that one such  
13 officer was Kurtesh Fondaj.

14 A. That's correct.

15 Q. And you know -- or do you know, I should say, Kurtesh Fondaj  
16 gave evidence openly without any protective measures in this  
17 courtroom a couple of weeks ago? Did you know that?

18 A. I heard about it.

19 Q. He gave us some testimony about this, about the appointment and  
20 responsibility of intelligence officials in the zones and brigades at  
21 the time that he was responsible and, indeed, when he was brigade  
22 commander, and thereafter.

23 MR. EMMERSON: And I'm just going to -- perhaps it might be  
24 easier if it's possible for us to pull it up. So it's 17096 -- so  
25 it's 25 June, 17096, line 7.

1 Q. And, again, I'm going to read this to you. I don't think we yet  
2 have the Albanian translation of the transcript for that period, and  
3 I see we don't. So we just -- I will read it to you in the English,  
4 and it will be translated for you, and I want you to listen to what  
5 he says and then comment on whether you consider it to be an accurate  
6 reflection or any additional comment that you may have.

7 MR. EMMERSON: I see. I'm sorry. Because the specific page of  
8 transcript is not on the queue, it can't be called up automatically.  
9 My mistake.

10 Q. Well, then, in which case, let me read it for you the same way I  
11 did the last passage:

12 "Q. Was that the general pattern then, that the brigade  
13 commanders would decide who locally would be, on their own command,  
14 responsible for intelligence as you did?"

15 He having -- Kurtesh Fondaj having testified that he appointed  
16 his own intelligence official. So I'll read the question again:

17 "Was that the general pattern then, that the brigade commanders  
18 would decide who locally would be, on their own command, responsible  
19 for intelligence as you did?"

20 "A. Not only for the counter-intelligence but all resources.  
21 The brigade commander is the authority who selects his team. He  
22 would only ask for a confirmation from the higher structures for this  
23 selected team. When I mentioned yesterday my case, I had full  
24 authority to select people without any further confirmation needed  
25 because the circumstances were such that we -- we didn't need these

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17805

Cross-examination by Mr. Emmerson

1 admin -- following administrative steps in war circumstances.

2 "Q. So these were not people that had been chosen by the  
3 General Staff in the different brigades. They hadn't been selected  
4 by the General Staff; is that correct?

5 "A. At least during my time as a brigade commander, I formed  
6 the team. I don't know how this worked in other brigades, but in  
7 principle it should have been the same."

8 And he's referring, he says here, to the period December and  
9 January -- December 1998 and January 1999. He says:

10 "I assisted both Brigade 122 and 124. The appointment of the  
11 staff command there was done upon consent of the brigade commander  
12 without any higher structure interference or commanding structure at  
13 a higher level.

14 "Q. And since that was the pattern, who would give orders --  
15 for example, in your brigade, who would your ZKZ representative take  
16 orders from?

17 "A. From the brigade commander.

18 "Q. Thank you. And that remained the position at least until  
19 January, you would say; is that correct?

20 "A. That is how I proceeded, and I am convinced that this is  
21 how it continued further.

22 "Q. Thank you. And just to avoid any doubts on the transcript,  
23 that is your comment on the general pattern within your zone;  
24 correct?

25 "A. Correct. And in the period of time I was brigade



1 commander, this was the pattern, how we acted. In other periods of  
2 time, I would refer to practices because I do not have information  
3 how this unfolded."

4 Now, pausing there for a moment. You obviously had a much  
5 broader picture right across the forces that you had inspected in the  
6 period June, July, and August. Is the description that  
7 Kurtesh Fondaj gave there typical of what was going on as  
8 intelligence units were appointed -- or intelligence officials were  
9 appointed?

10 A. Yes, it's correct. Just like he described it. Not only for the  
11 ZKZ but also for the other structures within the zone commands.

12 Q. So they'd be appointed either by the brigade commander or at  
13 zone level as we saw in Ramush Haradinaj's case by the zone  
14 commander, and they would take instructions from the zone commander  
15 or the brigade commander and report to them; is that correct?

16 A. I need to explain this a bit. In a brigade, the intelligence  
17 officers would report to the brigade commander and would receive  
18 orders from the brigade commander; at zone level, from zone  
19 commanders. This is how it was at the time and how it should be  
20 based on military rules.

21 Q. And was there a difference then in that early period, just if  
22 you could -- because, of course, Kurtesh Fondaj's testimony relates  
23 to December, January, at the early stages of the reorganisation. Can  
24 you just, in your own words, characterise for the Judges what you  
25 encountered as you travelled around in June, July, and August? I

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17807

Cross-examination by Mr. Emmerson

1 mean, did you come to be aware about intelligence officials -- or  
2 intelligence individuals being appointed to an intelligence role as  
3 with Faton Mehmetaj or was that a rarity? Just give the Judges a  
4 sense of what it was that you encountered over that three-month  
5 inspection in relation to intelligence, ZKZ at the local level?

6 A. Well, not only with ZKZ but with other sectors as well. In this  
7 period before the brigades were formed, the senior officers at these  
8 headquarters or levels were appointed by the commanders of lower  
9 units. So there was no such appointment structure at this period of  
10 time. There was no officer for intelligence or counter-intelligence.  
11 At least when I inspected, I was not introduced to such officers.

12 However, with the formation of the brigades, these sectors were  
13 also created and such intelligence officers were appointed. They  
14 were put to such position by the brigade commanders. They were  
15 proposed and appointed by them with the approval of the zone  
16 commanders. And at zone level, they were appointed by zone  
17 commanders.

18 This had nothing to do with us at the General Staff because we  
19 were not familiar with the officers in the respective zones, and the  
20 commanders there actually had that knowledge and did the appointments  
21 as per their capabilities. What we could do was to train them to the  
22 extent we could and was possible so that they could give their best  
23 in that field.

24 Q. And in that respect, we're speaking about a training process  
25 that began at the beginning of 1999; is that correct?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17808

Cross-examination by Mr. Emmerson

1 A. The training process, yes.

2 Q. That -- as regards the training process, that was the sort of  
3 general military training process that we've heard a fair bit about?

4 A. Yes, correct.

5 Q. The academy -- the academy that Ekrem Rexha was one of the  
6 teachers; is that correct?

7 A. Yes, and many others.

8 Q. And Sokol Bashota -- yes, exactly. Including Sokol Bashota.

9 A. Yes, including Sokol Bashota, myself, and other officers.

10 Q. Yes. I want to ask you then about another earlier passage in  
11 your interviews with the SPO here.

12 MR. EMMERSON: It's from Part 5, page 22, line 10. This is for  
13 those following in the English. And page 24, line 12 in the  
14 Albanian.

15 Q. It's a short series of questions and answers. You were asked  
16 this:

17 "Okay. Then we have just one more question. You mentioned  
18 special unit military police. What about intelligence? Did you have  
19 an intelligence sector?

20 "A. Yes. The intelligence sector was just established, known  
21 as G2, and the head of this department was Kadri Veseli. However,  
22 when he was appointed to this position, he was abroad for about one  
23 month to train."

24 Correct? Sorry, the -- do you remember saying that is how I  
25 should put the question.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17809

Cross-examination by Mr. Emmerson

1 A. Yes, when I mentioned that he went for training abroad.

2 Q. Yes. And I'm going to come back to the timing and evidence of  
3 his movements. But what you told the SPO very clearly was that the  
4 intelligence sector was just established and known as G2 at the time  
5 Kadri Veseli was appointed. That was November; correct?

6 A. Yes.

7 Q. So there's just one aspect of your testimony that I'm going to  
8 ask you to clarify, if I can, please. When you were asked by counsel  
9 for the Prosecution last week about the directorates that existed at  
10 the time of the restructuring, and based on your proofing note, which  
11 was shown to you, you indicated that those that were in existence at  
12 the time were information, operations, finance, intelligence, and  
13 logistics.

14 Now, can you tell us how we should understand that in view of  
15 the fact that you've said that the intelligence sector was  
16 established at the time of Mr. Veseli's appointment? The  
17 intelligence sector at the General Staff level.

18 A. Yes. When I said this, I explained how. And when we speak  
19 about the directorate, it was called information directorate. It  
20 wasn't called directorate of intelligence and counter-intelligence.  
21 I don't know what its duties and tasks were because it was from  
22 before.

23 However, as an intelligence sector, it started to be formed in  
24 November 1998 with the restructuring of the General Staff, and that's  
25 when Mr. Kadri Veseli was appointed.

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17810

Cross-examination by Mr. Emmerson

1 Q. Thank you for that. And up until that point, if I've understood  
2 your evidence correctly, we have three months of chaotic organisation  
3 on the ground with no coordinated intelligence operating on the  
4 ground at all, correct, and certainly not reporting to the  
5 General Staff? This is June, July, August.

6 A. Correct. Not only this sector, but it was the same situation  
7 with other sectors as well.

8 Q. Followed by two months where you're outside Kosovo with  
9 Mr. Veseli negotiating a merger between the two, Bukoshi side and KLA  
10 side, into one fighting force; correct? Followed by the return to  
11 Kosovo and reorganisation process beginning, at which point you  
12 dispatch -- you send Mr. Veseli out of the country almost  
13 immediately, initially to train, but thereafter, as we shall see,  
14 other roles became relevant as well, but to train with the Albanian  
15 intelligence service initially. Is that a fair summary?

16 A. Yes, it is.

17 Q. Thank you. Now I want, if I may, to take you to some  
18 documentary material, some stamps in Mr. Veseli's passport, which has  
19 been supplied to us by the Court and by the Swiss authorities and is  
20 already an exhibit.

21 MR. EMMERSON: And, Your Honours, may I say there is a better,  
22 cleaner copy that's now been supplied by the Swiss authorities where  
23 you can see some of the stamps in colour a little more clearly. So  
24 we would like, if we may, to substitute the cleaner pages, which are  
25 on our queue, for the current exhibit which -- the current exhibit is

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17811

Cross-examination by Mr. Emmerson

1 DKV1232, and we would either like to add or substitute DKV0814.

2 PRESIDING JUDGE SMITH: Any objection to that substitution?

3 MS. LAWSON: Provided it's the exact same page range, I can't  
4 see them at the moment, but we'll go *inter partes* if there's an  
5 issue.

6 PRESIDING JUDGE SMITH: Well, we'll just mark it for  
7 identification now, and she can get a chance to look at it, and then  
8 we'll --

9 MR. EMMERSON: And they are on our queue, so it's been disclosed  
10 for some time. So if we can --

11 PRESIDING JUDGE SMITH: Just a second. Could you give me an  
12 answer after the lunch break?

13 MS. LAWSON: Yes.

14 PRESIDING JUDGE SMITH: Thank you.

15 Rather than mark it MFI at this time, Mr. Emmerson, just reoffer  
16 it after lunch. Is that all right?

17 MR. EMMERSON: Absolutely.

18 So if we can start with the page range DKV1217 to 1234 Revised.  
19 What I'm going to do is return to that exhibit at a number of points  
20 in this chronology, but the first point is DKV1232.

21 Q. Now, if we look at the top right-hand stamp, that is an exit  
22 stamp from Rinas airport in Albania. So it's 10 September, at the  
23 time that you had been outside Kosovo with Mr. Veseli, and we  
24 can't -- we don't have a corresponding entry stamp because not all of  
25 the stamps are there. But an outbound flight from Albania, do you

Witness: Bislím Zyrapi (Resumed) (Open Session)

Page 17812

Cross-examination by Mr. Emmerson

1 remember whether that date coincides with one of the trips you took  
2 together, for example, to Istanbul?

3 A. No, it's not 10 September that correlates to our trip to  
4 Istanbul. We went to Istanbul in October. This is a totally  
5 different date. Maybe another trip to somewhere else where he went.

6 Q. But in September, were the negotiations you told us for the FARK  
7 agreement already underway?

8 A. We did some negotiations, but I didn't stay long in September.  
9 I left for abroad. I don't know how they unfolded during my absence.  
10 And upon my return, we continued the negotiations towards the  
11 agreement that I mentioned earlier.

12 Q. I see. So when you left, Mr. Veseli was in Tirana; correct?

13 A. Yes.

14 Q. And we can see that he obviously left Tirana for another country  
15 in mid-September, but you don't know exactly where that was?

16 A. Correct. I don't know where he went.

17 Q. Now, if we look over to -- again, see if you can help us with  
18 that. If we look over to -- I'm sorry.

19 MR. EMMERSON: If it can be called up, DKV1221.

20 Q. So this is 11 October, and it is a departure stamp from Zurich  
21 by plane. Does that ring any bells for you at that point,  
22 11 October? Can you help with where you were at that point?

23 A. At that point, I was also abroad in the west.

24 Q. The meeting in Istanbul, I think you said, was at the beginning  
25 of October; is that right?

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17813

Cross-examination by Mr. Emmerson

1 A. No, I didn't say beginning of October. I said October.

2 Q. Very well.

3 A. But it was later, after this date.

4 Q. Very well.

5 MR. EMMERSON: And then if we can see 1233, please. Page 1233.

6 Q. At the bottom right-hand side of the page, we have an arrival  
7 stamp into Rinas on the 11th. So whether it was an indirect flight  
8 or just the other side of midnight, this seems to be a flight from  
9 Zurich, in Switzerland, entering into Albania on 11 October.

10 That doesn't help you in any way?

11 A. It doesn't at all. I wasn't there at the time.

12 Q. Very well. Then, please, we know that the FARK agreement was  
13 concluded on 31 October but officially issued on 3 November; correct?

14 A. Yes, officially --

15 Q. Sorry.

16 A. -- it was signed on 2 November.

17 Q. Yes. I'm sorry, I've just received the same correction. Not  
18 the 3rd, the 2nd. Thank you very much.

19 Now, the next relevant passport stamp is at DKV1233 as well, and  
20 it's the 19th. Give me one moment.

21 MR. EMMERSON: I'm sorry. It's at 1224. No, I do apologise.  
22 It's the wrong one. Yes, the one we need to turn to is at 1233, I'm  
23 sorry. DKV1233.

24 Q. And if we look at the top right -- so the left-hand page, first  
25 of all, and the stamp on the top right of the right-hand column is a



Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17814

Cross-examination by Mr. Emmerson

1 19 November 1998 stamp from Rinas airport in Albania.

2 Now, again, you said you had appointed Mr. Veseli to G2 in  
3 November and then dispatched him for training with the Albanian  
4 intelligence shortly thereafter. This date, this transit out of  
5 Rinas would be after you'd sent him to Albania to train with the  
6 Albanian intelligence; is that right?

7 A. Yes, that's correct.

8 MR. EMMERSON: And then if we go to DKV1222, there is a renewal  
9 of a refugee visa in Bern on 11 December.

10 Q. Do you see that one? On the left-hand page that is --

11 A. Yes, I see it.

12 Q. -- an in-person renewal of a visa in Bern on 11 December.

13 MR. EMMERSON: And if we then turn to 1233.

14 Q. Involves some jumping about the document, I'm afraid,  
15 Mr. Zyrapi, because obviously the date stamps aren't put in -- neatly  
16 in chronologically. But the second stamp down on the right -- so the  
17 left-hand page, right-hand column of the left-hand page, the second  
18 stamp down is -- and we've seen that there were certain celebrations  
19 and so forth going on in Kosovo over the new year, but this is a  
20 stamp for 31 December arriving in Rinas airport, Albania. You can  
21 see that one.

22 A. Yes.

23 Q. And then on 5 January.

24 MR. EMMERSON: Can we please look at 1224, please, page 1224.

25 Q. Again, on the left-hand page, the lowermost visible stamp on the

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17815

Cross-examination by Mr. Emmerson

1 right-hand column, the second stamp, the one at the bottom, it shows  
2 an arrival by plane on 5 January in Brussels, and then a departure  
3 from Brussels on 10 January. So that takes us -- is the stamp  
4 immediately above it.

5 Then if -- from there, I think --

6 MR. EMMERSON: Would Your Honours just give me a moment.

7 Ah. Can we go back to 1233, please. Yes.

8 Q. And on the right-hand page is a Slovenian stamp indicating that  
9 on 13 January Mr. Veseli arrived by car in Slovenia. And you can see  
10 that?

11 A. Yes.

12 MR. EMMERSON: Could we now -- we'll have to come back to this  
13 document in a moment or two, but could we now call up 11491 to --  
14 sorry, 111491 to 111682-ET at pages 111558 to 111559.

15 Q. And whilst that is being brought up, Mr. Zyrapi, it is a  
16 document which was supplied by the [REDACTED] Pursuant to In Court  
Redaction Order F2433RED.

17 [REDACTED] Pursuant to In Court Redaction Order F2433RED.

18 MS. LAWSON: Classification, Your Honour.

19 PRESIDING JUDGE SMITH: [Overlapping speakers] ...

20 MR. EMMERSON: Could we perhaps remove that from the screen for  
21 a second.

22 I'm sorry, that needs to be done in private session --

23 PRESIDING JUDGE SMITH: Yes.

24 MR. EMMERSON: -- on provider principles. Very well. Could we  
25 go into private session, please.

Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17816

Cross-examination by Mr. Emmerson

1           PRESIDING JUDGE SMITH: Please, into private session,  
2           Mr. Court Officer, for the protection of a provider.

3   [Private session]

4   [Private session text removed]

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17817

Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: Bislim Zyrapi (Resumed) (Private Session)

Page 17818

Cross-examination by Mr. Emmerson

1 [Private session text removed]

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19 [Open session]

20 THE COURT OFFICER: Your Honours, we're in open session. Thank  
21 you.

22 PRESIDING JUDGE SMITH: Thank you.

23 Go ahead.

24 MR. EMMERSON:

25 Q. Sorry, I'll repeat my question. Are you aware that Mr. Veseli

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17819

Cross-examination by Mr. Emmerson

1 attended Rambouillet, first of all? The first Rambouillet conference  
2 between the 6th and 23rd February?

3 A. Yes.

4 Q. Are you aware that he did not travel from Kosovo, that he wasn't  
5 part of the delegation travelling from Kosovo?

6 A. Yes, that's correct.

7 Q. We've heard evidence from Shaun Byrnes, the head of US KDOM.  
8 You mentioned him in another context last week. He accompanied the  
9 delegation that flew from Kosovo to Rambouillet, didn't he? Or do  
10 you not know that?

11 A. Yes, there was a trip from Kosovo to Rambouillet or on --  
12 whether it was the return trip after -- from Rambouillet after  
13 26 February. So I'm aware of this delegation that went from Kosovo  
14 to Rambouillet.

15 Q. Yes. In fact, Shaun Byrnes has testified to us in this trial  
16 that it was the outward journey, at least, that he travelled upon,  
17 and that Kadri Veseli was not amongst those who went to Rambouillet  
18 from Kosovo. And I see you nodding. You can confirm that or you are  
19 just nodding because it's what I'm putting to you?

20 A. It's correct. He wasn't.

21 Q. Thank you. I want, if I may, then to turn just to one issue  
22 that arises in your proofing notes that I wanted to get some  
23 clarification on.

24 MR. EMMERSON: Just give me one moment. Just give me one moment  
25 while I ...

1 Yes. Could we turn to the second preparation note, which is not  
2 in evidence but is a call-up at 121825 to 121869 at page 26 in the  
3 schedule. I think it's -- in terms of the call-up number or the  
4 actual page number, I think it should be at 121857.

5 Sorry, just to be clear, it's the annex to that document, and  
6 the page reference should be the -- yes, there we go. So it's entry  
7 number 113.

8 Q. Now, you're being shown a list of handwritten notes from  
9 meetings that took place in January and February and, in fact, you've  
10 been taken to some of those in your testimony. And there's no  
11 reference -- I'm sure this is uncontentious. There's no reference to  
12 Kadri Veseli in any of those notes.

13 But you indicate the subject matter of some of the conversations  
14 and note that you attended some of those meetings. You then go on to  
15 say:

16 "During this time, Kadri Veseli stayed in Kosovo for a day or  
17 two before joining the delegation."

18 Pausing there. That's the Rambouillet delegation, the first  
19 round of the Rambouillet talks you're referring to?

20 A. Yes.

21 Q. And then you say:

22 "He introduced Kasumi," that's Mensur Kasumi, correct, "before  
23 he left for Rambouillet."

24 And then you say you don't remember whether Mr. Veseli attended  
25 any of those meetings or not, but, in other words, that in your

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17821

Cross-examination by Mr. Emmerson

1 recollection those meetings happened at a time when he was inside  
2 Kosovo for a day or two at the end of January or the beginning of  
3 February. Is that correctly understood?

4 A. Yes. There were no meetings at the time with the exception of  
5 that meeting during which he brought Mensur Kasumi.

6 Q. I'm sorry. I missed some of that. I do apologise. Yes, yes.  
7 We'll come back to the issue of Mensur Kasumi probably after the  
8 luncheon adjournment, lunch break now.

9 But could you just help me with one issue of translation and  
10 Albanian language. And I want you to indicate whether there is a  
11 very similar sound between two different words. And the first word  
12 is "deputy," and the second word is "successor" or "replacement."  
13 Now, are those two words very, very similar to the ear in Albanian?

14 A. Only when you hear them. However, they differ in the actions  
15 that they obtain. "Zevendes" means a deputy, deputy commander,  
16 director, and so on and so on. Whilst the other word, "zevendesues,"  
17 defines a person who would replace or take the role of a commander, a  
18 director, a section chief. Some -- somebody who acts up in the job  
19 of a section G4, a commander or director, up until the moment when  
20 the said section chief, director or commander returns to the post.

21 Q. Thank you. So effectively one is a deputy, one is a  
22 replacement, but they sound similar to the ear; correct?

23 Can I --

24 PRESIDING JUDGE SMITH: Just a second. He has to answer.

25 MR. EMMERSON: Yes, I'm sorry. Thank you. The witness nodded.



1 THE WITNESS: [Interpretation] Yes. Yes, that is correct.

2 MR. EMMERSON: Can I turn now to -- just bear with me a moment.  
3 Can we call up DKV1243 to 1250-ET alongside DKV1243 to 1251.

4 Q. Now, on the left obviously you have the Albanian, and, on the  
5 right, the English translation, of a witness statement -- sworn  
6 witness statement that Mr. Kasumi has provided to the Defence.

7 MR. EMMERSON: And if we could please, in the Albanian, go to  
8 DKV1251, the final page, and where the document is signed by  
9 Mensur Kasumi.

10 Q. Do you by any chance recognise Mensur Kasumi's signature?

11 A. No, I don't.

12 Q. No. Very well.

13 A. I never had the occasion.

14 Q. Very well. I wanted to just ask you about how Mensur Kasumi  
15 came into the General Staff, because he had previously been the  
16 deputy zone commander in the Shala zone; is that correct?

17 A. Yes, that's correct.

18 Q. And you mentioned something about how he had been moved to the  
19 General Staff in connection with his health at one point. Can you  
20 remember the circumstances about how it was that Mensur Kasumi first  
21 came to the General Staff?

22 A. Yes, I remember it correctly. He had health issues, and because  
23 of the -- his needs, he was transferred from the Shala zone to the  
24 staff. And taking on board his previous experience, and I was aware  
25 of his contribution during the Bosnian war, and he was a part of the

1 reconnaissance unit there. He had, therefore, this experience with  
2 the issues of counter-intelligence. However, because of his health  
3 issues, he was transferred to the staff headquarters initially to  
4 serve under G2 and later with the intelligence and  
5 counter-intelligence.

6 Q. To be clear, had he been a police officer before the war at some  
7 point?

8 A. Yes. To the best of my knowledge, yes.

9 Q. Very well.

10 MR. EMMERSON: Could we then turn to paragraph 5, which is  
11 DKV1245 in the English and DKV1245 in the Albanian as well. This is  
12 paragraph 5. And I think we need to go the previous page in the  
13 Albanian.

14 Q. So I just want to go through three or four paragraphs from this  
15 statement and see if it accords with your recollection:

16 "In January 1999 I understood ... there was a call for trained  
17 officers to travel to Divjake, Kosovo and become part of the  
18 General Staff. I was one of the most experienced officers in Kosovo  
19 and I was happy to go and help the war if my skills could be better  
20 used as part of the General Staff. I could easily have refused.  
21 There was no one that would have reprimanded me or punished me. I  
22 could have just kept fighting in the Shala Zone but we were  
23 colleagues and the proposal made sense to me so I travelled to  
24 Divjake.

25 "In Divjake I became in charge of the Directorate of Operations

1 for the KLA. I took this" --

2 MR. EMMERSON: I'm sorry. It hasn't kept up. We're now on  
3 paragraph 6. I do apologise. [Microphone not activated] ... both  
4 documents. So paragraph 6:

5 Q. "In Divjake I became in charge of the Directorate of Operations  
6 for the KLA. I took this position up in February but you have to  
7 understand that much of that month was spent trying to prepare for  
8 the outcome of the Rambouillet negotiations. When asked about  
9 Mr. Veseli, I remember that he was not present in Kosovo until some  
10 time after Rambouillet."

11 Paragraph 7:

12 "After the collapse of the Rambouillet conference we knew that  
13 it was likely [that] NATO would intervene and much of my job as Chief  
14 of Operations was to try and get a system in place to identify  
15 targets for NATO airplanes. This involved trying to create reliable  
16 communication systems with Zone Commanders on the ground so that they  
17 could report the movement of Serbian troops. I would then relay the  
18 information to NATO sources so that they would know where to hit  
19 legitimate targets.

20 "This may sound straightforward but it was incredibly difficult.  
21 We simply didn't have the communication systems even for this  
22 critical task. In the entire Shala Zone there was one satellite  
23 phone. Trying to get consistent, accurate, actionable information  
24 from each part of Kosovo was impossible. But we did the very best we  
25 could."

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17825

Cross-examination by Mr. Emmerson

1 And then paragraph 9:

2 "After Rambouillet and the formation of the Provisional  
3 Government my role continued as Chief of the [Operations] Directorate  
4 but in the first week of April ... I also became Chief of Military  
5 Intelligence [or] (ZKZ)."

6 And he has been shown, he says, an order, which we have in our  
7 evidence, dated 4 May in which he signs in that capacity.

8 He then comments:

9 "I have to say that in reality this position," ZKZ at that time,  
10 "was mostly fictional. There was absolutely no 'Intelligence  
11 Structure' within Kosovo at the time and the idea that we could run  
12 'counter-intelligence' [was] laughable. Try to understand that I  
13 could barely communicate with Zone Commanders in order to determine  
14 the location of the Serbian forces who were burning down our villages  
15 and displacing the civilian population so that I could call in a NATO  
16 air strike. On the scale of our priorities within the General Staff,  
17 relaying military targets to NATO was by far" --

18 MS. LAWSON: Objection, Your Honour. Are we going to have a  
19 question?

20 MR. EMMERSON: Yes, a number of questions, indeed.

21 MS. LAWSON: Well, then --

22 PRESIDING JUDGE SMITH: Please --

23 MS. LAWSON: -- I'd say compound.

24 PRESIDING JUDGE SMITH: Please finish the statement --

25 MR. EMMERSON: Well, I'll just --

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17826

Cross-examination by Mr. Emmerson

1 PRESIDING JUDGE SMITH: -- but we need to have questions.

2 MR. EMMERSON: Absolutely.

3 PRESIDING JUDGE SMITH: Not just statements.

4 MR. EMMERSON: Absolutely. I think I was very nearly there, but  
5 I've now lost my place. Just give me a moment.

6 Q. I'll just finish briefly:

7 "'Intelligence' beyond the very basic - what is the physical  
8 location of the enemy units, police and paramilitaries trying to burn  
9 our homes and kill our families - didn't exist on the General Staff  
10 level. It simply didn't exist.

11 "So to answer the question of whether I was Chief of ZKZ from  
12 2 April ... after the formation" --

13 MS. LAWSON: Objection, Your Honour. I believe you already  
14 ruled on this.

15 MR. EMMERSON: I'm sorry, I thought you said finish the  
16 statement.

17 PRESIDING JUDGE SMITH: It's going on quite long. [Microphone  
18 not activated]. It think it's quite obvious --

19 MR. EMMERSON: Very well. Very well.

20 PRESIDING JUDGE SMITH: It's quite obvious what you have stated.  
21 Maybe you could ask him if he agrees.

22 MR. EMMERSON: There's a number of aspects to it, but yes, let  
23 me do it that way.

24 Q. First of all, Mensur Kasumi's recollection, as you can see, is  
25 that he joined the General Staff in the capacity of the operations

Witness: Bislim Zyrapi (Resumed) (Open Session)

Page 17827

Cross-examination by Mr. Emmerson

1     directorate and remained in that capacity but took on an extra  
2     function of ZKZ following the formation of the provisional  
3     government.

4             Now, is that possibly right, or are you sure that he was  
5     introduced and took over an intelligence role immediately?

6     A.    Yes.  With his transfer to the General Staff, yes, he was sent  
7     to the operations directorate because of his experience.  At that  
8     point in time, it is clear here that he was appointed to replace  
9     Mr. Veseli in the information gathering and later as a  
10    counter-intelligence officer within the General Staff pending the  
11    return of Mr. Veseli.  So this is a task that he performed.  The way  
12    he explains the situation after the bombing started, he makes it  
13    quite clear that he returned to the intelligence office and continued  
14    to gather informations that were required by NATO and the staff.  I  
15    do remember him carrying out these tasks.

16    Q.    Yes, that's very helpful.  Could it be, therefore, that he was,  
17    as I suggested earlier to you, the replacement for Mr. Veseli when  
18    the SHIK -- when the provisional government was set up in April, not  
19    his deputy, prior to the time -- his movements to -- prior to the  
20    establishment of a provisional government, his function was in  
21    directorate of operations?

22    A.    If he was not a member of SHIK, and let's be clear that SHIK was  
23    set up after the establishment of the provisional government, the  
24    period you're referring to is January and February, when we were  
25    talking about intelligence and counter-intelligence and when there

1 was no provisional government. So the reference is to this sector,  
2 the sector of intelligence and counter-intelligence.

3 He was part of the operations directorate, and it was a  
4 directorate that was -- did not have any staff, and he was given the  
5 task to carry out those duties until the return of Mr. Veseli.

6 PRESIDING JUDGE SMITH: It's time for our lunch break, if this  
7 is convenient --

8 MR. EMMERSON: Yes.

9 PRESIDING JUDGE SMITH: -- at this point.

10 We'll break for lunch now for an hour and a half. We'll be back  
11 and reconvene at 2.30. Remember not to speak to anyone about your  
12 testimony outside the courtroom. You may leave the courtroom now  
13 with the usher.

14 [The witness stands down]

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

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

17 --- On resuming at 4.29 p.m.

18 PRESIDING JUDGE SMITH: Thank you for all being here. Sorry  
19 about the delay, but it couldn't be helped.

20 Please take us into private session, Mr. Court Officer.

21 [Private session]

22 [Private session text removed]

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1 [Private session text removed]

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1 [Private session text removed]

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11 [Open session]

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

13 Thank you.

14 PRESIDING JUDGE SMITH: We are adjourned until 9.00 a.m.

15 tomorrow.

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

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