

1 Tuesday, 9 July 2024

2 [Open session]

3 [The accused entered the courtroom]

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

5 PRESIDING JUDGE SMITH: Mr. Court Officer, 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: Thank you.

12 I note the accused are all present in court today. Now we will  
13 continue hearing the evidence of Prosecution Witness W04752.

14 Before we do that, Mr. Emmerson, can you update us on the time  
15 remaining in your cross-examination?

16 MR. EMMERSON: I expect to be finished by the 11.00 break.

17 PRESIDING JUDGE SMITH: Thank you.

18 Can I have an update from the last two in the back.

19 MR. ROBERTS: Yes, Your Honour. At the moment, I think my  
20 estimate is six hours. It's probably come down and I've made efforts  
21 to do so. I think it's probably closer to around five now, but we'll  
22 see how things go in relation to the rest of Mr. Emmerson's cross and  
23 also, obviously, the beginning of my questions as well.

24 PRESIDING JUDGE SMITH: All right.

25 Mr. Ellis or Ms. Alagendra.

1 MS. ALAGENDRA: Your Honours, we've initially indicated eight  
2 hours, and then we have come down to six and a half hours. But  
3 looking at the additional evidence that was adduced, we may need to  
4 revert back to our original estimates.

5 PRESIDING JUDGE SMITH: Thank you.

6 Madam Usher, you may bring the witness in.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: Good morning, Mr. Zyrapi and  
9 Duty Counsel.

10 THE WITNESS: [Interpretation] Good morning.

11 PRESIDING JUDGE SMITH: I remind you to please try to answer the  
12 questions clearly with short answers this morning. If you don't  
13 understand a question, feel free to ask counsel to repeat the  
14 question or tell them you don't understand and they will clarify.

15 Also please try to indicate the basis of your knowledge of facts  
16 and circumstances upon which you will be questioned.

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

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

22 If you feel the need -- I'm sorry, I remind you that you are  
23 still under an obligation to tell the truth as stated by you in your  
24 solemn declaration. I also remind you that, as advised last week,  
25 you are not required to answer a question that is incriminating

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Cross-examination by Mr. Emmerson (Continued)

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

5 We proceed now -- or we continue now, I should say, with the  
6 cross-examination by the Veseli Defence. Please give Mr. Emmerson  
7 your attention.

8 WITNESS: BISLIM ZYRAPI [Resumed]

9 [The witness answered through interpreter]

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

11 Q. Good morning, Mr. Zyrapi.

12 A. Good morning.

13 Q. When we broke yesterday morning -- or yesterday lunchtime, I had  
14 just read to you some passages from a witness statement signed or  
15 provided by Mensur Kasumi. You remember, broadly speaking, the  
16 passages that I read to you?

17 A. Yes.

18 Q. What I want to do now is to ask you some follow-up questions  
19 based or relating to the description that Mr. Kasumi gave of his  
20 appointment and his role.

21 Now, first of all, do I understand the position correctly that  
22 prior to the arrival of Mensur Kasumi, there was nobody deputising or  
23 doing anything in relation to intelligence at the General Staff level  
24 whilst Mr. Veseli was out of the country?

25 A. Yes.

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1 MR. EMMERSON: And could we look, please, at P182, and at page  
2 SPOE00226401 within that page range.

3 Q. Now, I'll be corrected if I'm wrong, but this is dated  
4 6 February and is a comment recorded in a meeting attended by  
5 Rrustem Mustafa and is attributed earlier in the notes to  
6 Rrustem Mustafa. The complaint -- and we talked about that meeting  
7 and various complaints that were being made in relation to the  
8 relationship between the General Staff and the zone commanders. The  
9 specific complaint being raised here was that the intelligence  
10 service can't look after the army from abroad. It's just the first  
11 line there. Do you see that?

12 A. Yes, I do. Yes, I do.

13 Q. Do you remember that complaint being made?

14 A. There were numerous complaints. I can't recall this one in  
15 particular, but complaints there were. Yeah.

16 Q. But specifically complaints about it being impossible to run an  
17 intelligence service from abroad? You remember lots of complaints  
18 about that or lots of complaints about other things?

19 A. The commanders, whenever they came up to report, they had lots  
20 of complaints, not only on this aspect but on other issues, having to  
21 do with provisions, the personnel, and so on and so forth. There  
22 were numerous complaints, in fact.

23 Q. But this one we know was made on the first day of Rambouillet  
24 when Mr. Veseli was undoubtedly in Rambouillet. And so I'm asking  
25 you in relation to that whether there were complaints being voiced to

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1 you about the absence of an intelligence service operative inside  
2 Kosovo?

3 A. Yes, that's right.

4 Q. Because this is almost exactly when Mensur Kasumi joined the  
5 General Staff, isn't it? It's about a week after he joined the  
6 General Staff in the operations department.

7 A. It's not a week since he joined the operations department but a  
8 lot more than that, but the picture is accurate, yes.

9 Q. Forgive me, but you told the SPO, I think, in your most recent  
10 interviews, that Mensur Kasumi arrived at the General Staff at the  
11 end of January or the beginning of February; is that right?

12 A. That's correct.

13 Q. And this note is dated in the sequence the 6th February, so it  
14 is about the time that -- or shortly after he joined. Would you  
15 agree?

16 A. Yes. In -- according to this note and the meeting that was  
17 held, it appears to be the case, yes.

18 Q. If I've understood correctly the evidence that you gave  
19 yesterday, and it was right at the very end of the session, so I  
20 think your answer was slightly cut off, but I think what you were  
21 saying yesterday at the end -- very end of the transcript was that  
22 though he had been appointed to the operations department, the need  
23 to gather, for example, intelligence about targeting of Serbian  
24 forces meant that he was performing some intelligence functions.  
25 That's correct?

1 A. Yes, correct.

2 Q. Even though he hadn't formally and wasn't formally appointed as  
3 the replacement for Mr. Veseli until the beginning of April, he was,  
4 I think you said, still performing some functions, correct, prior to  
5 his formal appointment?

6 A. Yes, that is correct.

7 Q. You've heard me read to you his witness statement that  
8 essentially his intelligence functions involved gathering as much  
9 information as he could about potential Serb targets; correct?

10 A. Yes, that's right.

11 Q. And would he -- and would he pass that information to you?

12 A. Yes.

13 Q. Now, if we could just summarise -- or let me put it to you this  
14 way. There are -- I'm going to suggest that there are three broad  
15 categories of intelligence that were relevant in relation to your  
16 time on the General Staff. One is incoming intelligence from foreign  
17 intelligence services or foreign representatives coming into Kosovo  
18 through outside contacts.

19 The second is general information about troop movements of the  
20 Serbs, the positions and placements and so on, which could go  
21 outwards or remain within Kosovo depending on the circumstances. In  
22 other words, information gathered on the ground about legitimate  
23 military targets and Serb positions. That's the second type of  
24 information, I suggest.

25 And the third, you described it in your evidence last week, is

1 information about spies within the army, spies in uniform and spies  
2 not in uniform; correct?

3 A. Yes, all correct.

4 Q. And you were asked in that context about the definition of  
5 collaborators, and I'm going to come back to that in a moment, but  
6 you told the Court that, for your purposes, the definition of  
7 collaborators was restricted to somebody who was actively  
8 collaborating and contributing to the information available to enemy  
9 forces.

10 A. Yes, correct.

11 Q. Now, in Mr. Kasumi's witness statement, as you see, he says far  
12 and away the most important and, in effect, the only priority that he  
13 was able to grapple with was trying to get information about Serb  
14 positions. Now, I want you to focus on that for a moment. When he  
15 was reporting to you in that period, was he reporting anything other  
16 than Serb positions? In other words, did Mr. Kasumi report to you  
17 about collaborators within the army or outside the army during that  
18 time or not? Let me put it -- the question is a bit of a long and  
19 compound question.

20 You saw in Mr. Kasumi's witness statement that he describes his  
21 intelligence function as being, effectively, limited to gathering  
22 what information he could gather about Serbian positions. You  
23 remember that part of his statement?

24 A. Yes.

25 Q. Is that correct as far as you're concerned?

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Cross-examination by Mr. Emmerson (Continued)

1 A. Yes, it is correct that Mr. Kasumi informed me only about the  
2 movements of Serbian forces.

3 Q. Because we've -- you remember the transcript that you looked at  
4 during the questions that were being asked of you by the Prosecution  
5 where one of the people on the end of the line was called Luli, but  
6 it wasn't Mr. Veseli, it was somebody whose real name was Luli and a  
7 subordinate. Do you remember that?

8 A. Yes.

9 Q. And in that transcript, you're also desperately trying to get  
10 information, it seems, about troop positions and military action,  
11 which involved waking people up in the middle of the night. Do you  
12 remember that?

13 A. Yes, it's correct. However, there's a differentiation between  
14 what -- with the conversations I had with Luli, the individual who  
15 was from the Llap operational zone, that occurred on the occasions  
16 when I wanted information from him at the time when there was  
17 fighting between the Serbian forces and the KLA forces. Whilst when  
18 we're talking about the gathering of Serbian forces, that is -- that  
19 is another type of information that has to do with the movements of  
20 those forces, which locations they are being deployed, where they are  
21 moving to, what weaponry they are carrying. So there is a difference  
22 between that kind of report and this other one.

23 Q. But nonetheless, you're obtaining information about movements on  
24 the ground sometimes yourself in direct communication with commanders  
25 on the ground; is that right? The intercept was a little later. It



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1 was --

2 MS. LAWSON: Your Honour, classification, please.

3 MR. EMMERSON: I wasn't going to call it up. Just a date. Is  
4 the date classified?

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MS. LAWSON: It's not the date. It's the description,  
7 Your Honour.

8 PRESIDING JUDGE SMITH: We'll go into private session for this.

9 [Private session]

10 [Private session text removed]

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Cross-examination by Mr. Emmerson (Continued)

1 [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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12 [Open session]

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

14 Thank you.

15 PRESIDING JUDGE SMITH: Thank you.

16 Go ahead.

17 MR. EMMERSON:

18 Q. So if we go back to the document on the screen, did that type --  
19 the complaints you said you'd received about the intelligence service  
20 being unable to look after the army from abroad, did that have  
21 anything to do with the reason why you asked Mr. Kasumi to operate in  
22 that function until Mr. Veseli returned?

23 A. That is not the only reason as reflected in this note. With the  
24 arrival of Mr. Kasumi to the General Staff, I gave him the additional  
25 task to gather information within the G2 or the intelligence unit

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1 because there was no one else who would be able to carry out that  
2 task and owing to the fact that he had experience in the field. And  
3 that was until the arrival of Mr. Veseli when the changes were made,  
4 the result of which was the move of Mr. Veseli from the military side  
5 into the civilian side of intelligence gathering. And others  
6 continued serving in that capacity within the General Staff.

7 But for the time we are concentrating on, the time from January  
8 when Kasumi came to the General Staff headquarters, in addition to  
9 the operations department, he carried out this task too. And that  
10 was because of the fact that there was no one else, simply no one  
11 else to be able to carry out that task. At least as far as I am  
12 concerned, Mr. Veseli had never indicated to me that there was  
13 someone else who would be able to carry out those tasks, and that is  
14 the reason why he was given that assignment.

15 There were other requests made too during that time. Commanders  
16 did make frequent requests for that matter.

17 Q. But it was you who assigned him to those tasks?

18 A. Yes.

19 Q. So just to be clear about this, because you told us yesterday  
20 about the similarity about the words "successor" in Albanian and the  
21 word "deputy." In point of fact, as Mr. Kasumi says in his witness  
22 statement, he didn't meet Mr. Veseli until he came back in March.  
23 That's his recollection. That's the first time Mensur Kasumi  
24 remembers meeting Mr. Veseli.

25 Now, you say that Mr. Veseli was back in Kosovo for two days

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1 either at the end of February or the beginning of March. Could you  
2 be mistaken about that or not? Is that possibly a mistaken  
3 recollection?

4 A. I could be mistaken about dates but not about periods of time.  
5 I've said that it was end of January, beginning of February. In this  
6 period. So it can be end of January or beginning of February.  
7 During that period, he was there for two days and left again for  
8 abroad. He went abroad to Albania and continued on to Rambouillet  
9 with the delegation. This is how I remember it and how it was at  
10 that time.

11 Q. But not with the delegation from Kosovo?

12 A. No.

13 MR. EMMERSON: Can we look -- in the light of that evidence  
14 about the role that you ascribed to Mr. Kasumi, can we look, please,  
15 at an earlier meeting when we know that Mr. Veseli was not in the  
16 country, on 30 December, because we've got stamps in the passport.  
17 So it's P1109 at page U002-2861. We have the Albanian, yes, on the  
18 left, please. And the -- and we're looking for page 2861 on both  
19 documents. I don't think that's correct. Yes, that's the page. If  
20 we could just zoom out a little bit to get the full page on the  
21 screen. I think we need to zoom back a bit. Yes.

22 Q. Now, this is a meeting -- or, rather, a record, an agenda for a  
23 meeting about including -- well, it's about the composition, first of  
24 all, the proposals for the personnel commission. You've already told  
25 us that never went forward, the personnel commission. But what I'm

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1 interested in is item c.

2 MR. EMMERSON: If we could now just focus in on item c. to the  
3 bottom of the page.

4 Q. Now, bear in mind, this is dated 30 December 1998. It's -- c.  
5 is described as the Commission for the Delineation of Operational  
6 Zones. And as we can see, Sali Veseli's name is mentioned, and then  
7 "Intelligence Service (Deputy)" -- I apologise, "(Kadri's deputy),"  
8 "Intelligence Service (Kadri's deputy)." But nobody seems to know  
9 who Kadri's deputy is, because whilst others are named, he is not.  
10 And then we see to the -- in the scribbling on the side the name Luli  
11 and what is a Swiss-coded telephone number.

12 If there was no deputy, obviously nobody would know who the  
13 deputy was. Do you remember the discussion and somebody suggesting  
14 that it would be necessary to call Mr. Veseli in Switzerland to find  
15 out if he had a deputy, and if so, who it was?

16 A. I remember the meeting very well, but we have to explain some  
17 things. First of all, the personnel council was formed but the  
18 ranking one was not. So I want to be clear on this.

19 Q. My apologies.

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

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1 Q. Well, that's very helpful, as far as it can be. I mean, we know  
2 that it's a Swiss number. Does that help at all as to whose it might  
3 be?

4 A. Well, you can see it clearly that it is a Swiss number and that  
5 below that number we read "Luli." So it can be his number.

6 Q. Just give me one moment.

7 MR. EMMERSON: Can we turn now, please, to -- just give me a  
8 second. I do apologise. I misplaced my note.

9 I'd like to just -- I'm afraid some of my questions now will be  
10 out of chronological order, but perhaps you can just bear with me on  
11 that.

12 Could we call up 1D00029 and its ET, please. This, again, was a  
13 document that was shown to you by counsel for the Prosecution. So  
14 it's the same reference but with ET. The number, if it helps, is  
15 SPOE00119161. That's its original number, if that helps.

16 THE COURT OFFICER: Thank you so much. If counsel can specify  
17 if it's within Veseli's team PQ or any other.

18 MR. EMMERSON: It's in the SPO queue.

19 THE COURT OFFICER: Thank you.

20 I can confirm that I am able to find only the Albanian version  
21 of this document. I will proceed with trying to find it.

22 MR. EMMERSON: Well, let me --

23 MR. MISETIC: If I may, it may be in our queue. I know I used  
24 it in cross-examination in English.

25 MR. EMMERSON: I mean, both Prosecution and Thaci Defence have



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1 used it in questioning in English.

2 MS. LAWSON: I didn't use it, just to be clear.

3 MR. EMMERSON: You did not? Okay. My apologies.

4 So I'm being informed that although Prosecution counsel didn't  
5 use the document, it is in the Prosecution's queue at item 216.

6 THE COURT OFFICER: The item 216 in the SPO queue is the  
7 SPOE00119161 to SPOE00119161-ET admitted as P00741-ET.3.

8 MR. EMMERSON: That's the document.

9 THE COURT OFFICER: Okay. I understood that the 1D00029 was  
10 called.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. EMMERSON:

13 Q. Now, you were asked some questions about items number 4 to 7.  
14 Just for the purposes of the record, this is the order which is dated  
15 28 November and signed by you as chief of staff. And the first --  
16 the preamble talks about measures that are necessary, in particular  
17 disciplinary and penal measures, to stamp out negative phenomena.

18 And then item 1 and 2 and 3, I suggest, are concerned with  
19 prevention, whereas items 4, 5, 6, and 7 -- or 6 at least, are  
20 concerned with punishment. We didn't look at item 1, so if we can  
21 just go through that:

22 "[Zone] commanders are to increase checks, engaging members of  
23 the command, [police units] commanders, to immediately stamp out the  
24 negative phenomena and abuse against persons and private property."

25 Number 2:

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1           "The engagement and mobilisation of material assets and  
2           confiscation without an order or without the permission of a [zone]  
3           commander are prohibited."

4           And 3:

5           "Improper behaviour towards the civilian population is to be  
6           prevented in all KLA units."

7           And then we move on to disciplinary and penal measures,  
8           including a reference to the court system that Sokol Dobruna, you've  
9           told us, was to be setting up.

10          Now, you've told us your definition of collaborators in terms of  
11          intelligence. Did you learn from zone commanders that there were  
12          individual -- rogue individuals within their zones who were abusing  
13          that term from time to time?

14          A. Yes, there were such complaints.

15          Q. And this was an order -- was it -- was the order issued at the  
16          request of the zone commanders or was it issued -- I mean, was it to  
17          give them the authority to take the steps they needed to take at  
18          their request or did the initiative come from you?

19          A. This order was issued -- was -- this order was issued in  
20          cooperation with the commander at his initiative. There were  
21          complaints from commanders but also from civilians in those areas, so  
22          complaints were coming from all sides. And that's why it was decided  
23          to issue this order, to send it to the zone commanders so that they  
24          can discipline their respective commands, their soldiers, in terms of  
25          their conduct and behaviour towards civilians, so that the commands

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1 could have complete control over the territory and the soldiers of  
2 their respective areas not to enter other areas and engage in  
3 improper behaviour with civilians.

4 So this was the purpose of this order.

5 Q. And amongst the sort of report you would get would be somebody  
6 who worked as a woodcutter, for example, or in some other civilian  
7 capacity for the Serbian authorities or private grudges being  
8 settled; is that right?

9 A. Well, we can say from all sides. There were people who behaved  
10 in that way on purpose, and there were people who misused their  
11 authority for personal grudges that dated back before the war. So  
12 that is why this order was issued to put an end to this phenomenon.  
13 There was a truce at the time, and we wanted to show the  
14 internationals that we were a disciplined army, that our aim was to  
15 liberate Kosovo, and that the army was taking such measures to  
16 discipline its ranks and to achieve its ultimate goal.

17 Q. But what we do know for certain is that at the time you issued  
18 this order, apart from a short period in early November, Mr. Veseli  
19 was out of the country in September, October, from 19 November all  
20 the way through to, you say, the two days when he returned at the end  
21 of January; correct?

22 So if there were people misusing the term "collaborator" or  
23 ill-treating those that they had in custody, is that something that  
24 was authorised or in any way permitted at the General Staff level?

25 A. There were several questions in this question. First of all, it

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1 is true, Mr. Veseli was not there during this period.

2 Secondly, yes, action was taken. Brigade commanders had this  
3 responsibility to act upon this in their respective zone. At a zone  
4 level, later on, it was planned for such measures to be taken and to  
5 engage the legal sector.

6 Q. Thank you very much. Now I want to go back to the period  
7 shortly after your arrival now.

8 First of all, do you remember -- well, I'll put it a different  
9 way. Did you know in advance that the announcement was to be made on  
10 the 10th and 11th of June that Jakup Krasniqi was going to become the  
11 spokesperson for the KLA? Did you know in advance? At that time, I  
12 think you said you were -- you had not a formal position on the  
13 General Staff but had just arrived on 28 May, so two weeks after your  
14 arrival.

15 Did you know in advance that that announcement of Jakup Krasniqi  
16 was going to be made or did it take you by surprise?

17 A. I didn't know that in advance that Jakup Krasniqi would become  
18 the spokesperson. But if you've read my statement carefully, in June  
19 I met in Likoc with Mr. Krasniqi once he took this position. But I  
20 didn't know in advance. I learned that he became the deputy of the  
21 General Staff at Likoc later.

22 Q. So I'm focusing on his role -- the announcement, public  
23 announcement of his role as the spokesperson, which we know was made  
24 on the 10th in Political Declaration No. 3 but circulated on the  
25 11th. And I want to put to you a very specific recollection that

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1 Mr. Veseli has of the circumstances in which you came to learn of  
2 that and see if it jogs your memory.

3 PRESIDING JUDGE SMITH: Excuse me, Mr. Emmerson. Ms. Alagendra  
4 has a question.

5 MS. ALAGENDRA: Your Honour, I believe there is a transcript  
6 error at line 15 or 16. He doesn't say "deputy of the  
7 General Staff." I'm told he said "spokesperson." Can that be  
8 corrected, please.

9 MR. EMMERSON:

10 Q. Yes. Did you, for the first time, say "deputy" or  
11 "spokesperson" on the first occasion?

12 A. I said "spokesperson," not deputy.

13 Q. Thank you. So that's why -- exactly what I wanted to focus on,  
14 that announcement, and those are the dates for that announcement.

15 Now, I want to put to you a very specific recollection of  
16 Mr. Veseli's that the two of you were en route to visit  
17 Ramush Haradinaj when that announcement was made. Do you remember  
18 visiting Ramush Haradinaj at around that time with Mr. Veseli?

19 A. I don't remember. Do you mean June, beginning of June?

20 Q. Yes. Or the -- round about the 11th or 12th.

21 A. No, I don't remember.

22 Q. Do you remember a meeting with Ramush Haradinaj in which he  
23 reacted rather badly to the appointment of Jakup Krasniqi as  
24 spokesperson?

25 A. Yes, but this meeting was in July.

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Mr. Emmerson (Continued)

1 Q. Do you remember a meeting in Zabel?

2 A. Yes.

3 Q. And at that meeting, which is different from the one that you've  
4 told us about at Jabllanice; is that correct?

5 A. Yes, correct.

6 Q. The meeting at Jabllanice that you mentioned was in July.

7 A. Correct.

8 Q. I'm going to -- I'm going to come to that after the break. Do  
9 you remember an earlier meeting than that in Zabel with Mr. Haradinaj  
10 when he exploded with anger that this announcement had been made  
11 without consultation with the zone commanders?

12 A. Yes, I remember that he exploded, but I don't remember when, on  
13 which date.

14 Q. Very well.

15 MR. EMMERSON: Would that be a convenient moment?

16 PRESIDING JUDGE SMITH: We'll take a ten-minute break at this  
17 time, as has been our practice.

18 Mr. Zyrapi, you can leave the courtroom with the usher.

19 [The witness stands down]

20 PRESIDING JUDGE SMITH: We'll be adjourned for ten minutes.

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

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

23 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness  
24 in.

25 [The witness takes the stand]

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Mr. Emmerson (Continued)

1           PRESIDING JUDGE SMITH: All right. Mr. Zyrapi, Mr. Emmerson  
2 will continue with his cross-examination.

3           MR. EMMERSON:

4           Q. I just want to go back to the question that I was asking you a  
5 moment ago. Does the name Skender Salluka mean something to you?

6           A. The name, yes. The surname doesn't.

7           Q. I apologise. I mispronounced the surname. Could you give me  
8 what you think the correct name that I'm trying to say is?

9           A. You think Skender Sallauka.

10          Q. Sallauka, yes. So Skender Sallauka. Do you remember visiting  
11 Ramush Haradinaj with Skender Sallauka as the driver and Mr. Veseli  
12 with you?

13          A. Yes, I do remember.

14          Q. Let me put some further details to you to see if it helps you at  
15 all to place the timing. Mr. Haradinaj was complaining, I suggest,  
16 about the fact that this information had just been made public and he  
17 hadn't been told about it in advance, or even consulted, and he  
18 didn't know who Jakup Krasniqi was or why he had been given that  
19 authority, first of all. Does that ring a bell?

20          A. Yes.

21          Q. And threats were made, because the Dukagjin region had a special  
22 significance for logistics, I think you've already confirmed, because  
23 that was the route through which weapons would be smuggled from  
24 Albania; is that correct?

25          A. Yes.

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Mr. Emmerson (Continued)

1 Q. Mr. Haradinaj threatened to block the logistics route because he  
2 was so angry and had to be reassured that Mr. Krasniqi was known  
3 to -- well known to Lahi Brahimaj or Smajl, Mr. Haradinaj's cousin,  
4 and then he gradually simmered down a bit.

5 A. It's all correct, yes.

6 Q. And after the meeting, if this helps - just give me a second -  
7 you stayed the night in that area with Mr. Veseli and were then back  
8 in Drenica, in Negroc, at the time that Mr. Krasniqi's interview --  
9 press interview took place. Do you remember being at Mr. Krasniqi's  
10 television appearance or recording of his television video announcing  
11 his appointment in Negroc?

12 A. Yes, I remember being at Negroc.

13 Q. Now, we know that the announcement was made on the 11th and that  
14 the filming in Negroc was on 13 June. Those are objective proven  
15 facts that help, perhaps, us to locate in relation to timing. And do  
16 you remember, I think you've confirmed this, that Mr. Haradinaj was  
17 exploding because he had only just heard the news?

18 A. Yes, it's correct.

19 Q. So let me pause just for one second here and ask you about the  
20 very first time you encountered Ramush Haradinaj, which wasn't in  
21 Kosovo at all, I suggest. It was in Tirana in April. Do you  
22 remember meeting Mr. Haradinaj in Tirana in April?

23 A. Yes.

24 Q. And he refused to talk in substance to you. He said to you  
25 something along the lines of, "We'll talk when you get into Kosovo,



Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Mr. Emmerson (Continued)

1 but I'm not talking to people outside Kosovo." Do you remember that?

2 A. Yes, that's what it was like.

3 Q. And when you arrived on 28 May, you were keen to meet him to  
4 show you were in Kosovo; is that right?

5 A. Yes, it is.

6 Q. So, again, I'm going to put to you in the light of the fact we  
7 know that the statement was made public on the 11th and that the  
8 filming took place, I think I said Negroc, but in Klecke on the 13th,  
9 that the meeting you had in Gllogjan with Ramush Haradinaj must have  
10 been on the 11th, 12th? It must have been.

11 A. Very likely. I cannot recall the date exactly.

12 Q. And you confirmed that you spent the night in the Dukagjin area?

13 A. Yes.

14 Q. Thank you. Let me move on to just a couple of final issues.  
15 First of all, in your SPO interviews, and we don't need to call this  
16 up, it's not in the queue anyway, but you were asked -- and this is  
17 Part 10, pages 10 and 11. You were asked whether you recalled any  
18 instance in which Kadri Veseli had ever told you about an individual  
19 collaborator that had been or was due to be arrested, and you replied  
20 that he hadn't.

21 Can I ask you to confirm, please, that you never heard  
22 Mr. Veseli at any time reporting to you on any individual  
23 collaborator within Kosovo?

24 A. Yes, it's correct.

25 Q. And that passage was refined, for those following and for the

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Cross-examination by Mr. Roberts

1 record, at paragraph 19 of the first proofing note, where you've  
2 corrected some of the other details, but that proposition remains  
3 correct?

4 A. It is correct, yes.

5 Q. Yes, thank you.

6 MR. EMMERSON: Those are my questions.

7 PRESIDING JUDGE SMITH: Thank you.

8 Mr. Roberts.

9 MR. ROBERTS: Thank you, Your Honour. If you just bear with me  
10 for one minute.

11 PRESIDING JUDGE SMITH: Certainly.

12 Cross-examination by Mr. Roberts:

13 Q. Good morning, Mr. Zyrapi. My name is Geoff Roberts. I am  
14 counsel for Mr. Selimi, and I have questions for the rest of today  
15 and probably well into tomorrow. I know you've obviously been giving  
16 evidence for several days already, so I hope you're still fit and  
17 well. But obviously if you need any breaks, as the Presiding Judge  
18 this morning mentioned, please feel free to let me know.

19 At least for the initial questions, I think a lot of them refer  
20 to parts of previous evidence that you've given, so I think a lot of  
21 it can be confirmed with a "yes" or "no," or, obviously, a "yes" or  
22 "no" if you disagree, but hopefully it should be relatively quick.  
23 And, obviously, if any questions at any time are unclear, please do  
24 let me know and I'm happy to rephrase them.

25 So I hope all of that's clear.

Witness: Bislim Zyrapi (Resumed) (Open Session)

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Cross-examination by Mr. Roberts

1 A. Yes. Yes, good morning. It's all clear.

2 Q. And also I'll try and go chronologically, at least initially, so  
3 that that's easy to follow as well.

4 So starting off, when exactly did you arrive into Albania in  
5 1998?

6 A. Do you mean from Kosovo to Albania or --

7 Q. No, from where you were --

8 A. -- what?

9 Q. -- before into Albania. You arrived in Albania in, I believe,  
10 somewhere around March, but just wondered if you knew exactly when  
11 you arrived.

12 A. I reached Albania from the West in March. It was mid-March, I  
13 think. I cannot recall the exact date, though.

14 Q. That's fine. And when you were first in Albania, your  
15 responsibility was to train those individuals both coming from the  
16 diaspora from other countries but also those who had come from Kosovo  
17 into Albania for training; is that right?

18 A. That's correct.

19 Q. And this was often training for people who'd never had any  
20 military service, any military training at all; is that correct?

21 A. Yes, it is.

22 Q. Actually, the ones who you were training, had any of them  
23 carried out their military service in the JNA or not?

24 A. Usually the ones trained in Albania were amongst those who had  
25 never had any military -- military training. People who had no

1 knowledge whatsoever about military matters.

2 Q. And due to the circumstances at the time, the training that you  
3 were able to give, that would often only last a few weeks, wouldn't  
4 it, rather than the necessary months that you would be expected to do  
5 in a more regular army, if I can put it that way?

6 A. Yes, correct.

7 Q. And why, actually, was it -- why could you only train for a few  
8 weeks? What was reason that you couldn't do it for longer?

9 A. There are a number of reasons why it couldn't take any longer.  
10 The first is that at the time we did not have the ability to use a  
11 military base for the training, a fully supplied and equipped base,  
12 that is. So most of the activities were of an illegal nature.

13 Secondly, we did not want large groups of people coming from the  
14 West to be too visible, so the aim was to train them very quickly and  
15 dispatch them into Kosovo or have them return. So these were some of  
16 the reasons why we aimed to have a curtailed training so that people  
17 would be able to learn to use a weapon and get knowledge -- basic  
18 knowledge about the movements and deployments of troops and so on.

19 Q. So it was very basic training, and you had the incentive to send  
20 them into Kosovo as soon as possible to conduct the war that had --  
21 or to start fighting, at least. And all of these were volunteers,  
22 weren't they?

23 A. Yes, all.

24 Q. And any of them could have left at any time during that training  
25 to go back to their home countries or anywhere else if they wanted

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Cross-examination by Mr. Roberts

1 to?

2 A. Yes, that's right.

3 Q. Did some people do that, actually? Did some people start  
4 training and then decide it wasn't for them and then return home?

5 A. There were some, yes.

6 Q. And, obviously, nothing you could do about it if they wanted  
7 turn round and go home. There was no ability to stop them that you  
8 had?

9 A. There wasn't. It was out of their own free will.

10 Q. And do you know why they went home?

11 A. Some had health issues. Some just couldn't cope. Not everyone  
12 is the same. The willpower might be there, but the ability is  
13 something else.

14 Q. Were there also some concerns by those who were coming over for  
15 training that there wasn't quite the weapons that they hoped there  
16 would be or facilities or other logistics that they were hoping for  
17 when they came over?

18 A. Yes. There were other groups who dealt with the question of  
19 supplies of weaponry and so on and so forth, and they found what they  
20 could, took those weapons, and returned to Kosovo.

21 Q. But you did have -- sorry, I get told off by the interpreters  
22 for not pausing. To be clear, you did have limitations on the  
23 amounts of weapons and uniforms that were available to you at that  
24 time; is that correct?

25 A. Yes, there were limitations on everything, not only on weapons

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1 and uniforms. We didn't have them in numbers large enough. Some of  
2 them were to be obtained by the infantry in Albania. On other  
3 occasions, we bought the stuff in other countries where the  
4 possibilities were. Regardless of it, there were a number of  
5 limitations for the transport of them from overseas to Albania and  
6 from Albania to Kosovo.

7 In addition, the financial ability was not there for us to be  
8 able to procure the uniforms or the weapons that would be necessary  
9 to equip a soldier deployed on the ground.

10 Q. And just to be clear, these limitations that you've described,  
11 they continued, obviously, at least up until when you went to Kosovo  
12 on 28 May; is that correct?

13 A. Yes, the limitations remained until we entered Kosovo. They --  
14 limitations continued onwards but they were not as severe as at the  
15 time when I first arrived.

16 Q. And we'll talk about --

17 PRESIDING JUDGE SMITH: Excuse me just a moment. My transcript  
18 has frozen.

19 MR. ROBERTS: Of course, Your Honour.

20 [Trial Panel and Court Officer confers]

21 PRESIDING JUDGE SMITH: You may go ahead. Sorry.

22 MR. ROBERTS: Thank you, Your Honour. No problem.

23 Q. And just to be clear, it was actually, as you told the trial  
24 chamber in Haradinaj, you were responsible for checking the type and  
25 quality of the weapons. That was one of your roles as well, wasn't

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1 it, in Albania in April 1998?

2 A. Yes, correct.

3 Q. And that was quite an important task, I presume. Obviously, you  
4 didn't want to get sold a whole lot of weapons that were defective  
5 and not up to the task. Sorry, if you could just say "yes" or "no"  
6 for the record. I see you nodding your head but if you could just  
7 answer.

8 PRESIDING JUDGE SMITH: I think he's waiting for you to stop and  
9 then for the translation to stop.

10 MR. ROBERTS: You might be right, Your Honour.

11 THE WITNESS: [Interpretation] Yeah. Yes, it's all clear.

12 PRESIDING JUDGE SMITH: He's following directions better than  
13 you are.

14 MR. ROBERTS: He's not the first, Your Honour, and I doubt he'll  
15 be the last.

16 Q. So you're undertaking training, you're inspecting weapons, and I  
17 think you told the Haradinaj trial chamber that you had about 300  
18 recruits that passed through during that time between mid-March and  
19 the end of May, is that correct, that you trained?

20 A. Yes.

21 Q. And you were given those tasks largely because of your previous  
22 military experience in Bosnia; is that right?

23 A. These responsibilities were given to me owing to my experience,  
24 and that is not confined to my service in Bosnia but also to the  
25 military training that I'd had before and the education.

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1 Q. Yes. I'd just like to check exactly what that is. So my  
2 understanding is that you were born in 1962 in Suhareke, but you went  
3 to military school in Sarajevo in 1977; is that right?

4 A. Yes, that's right.

5 Q. And did you stay in Sarajevo from that period onwards up until  
6 1995 or did you move somewhere else?

7 A. I finished my secondary school from 1977 to 1981. From 1981 to  
8 1986, I worked at Sarajevo, then at the middle academy in Belgrade.  
9 Then I returned to Sarajevo where I served in the same unit, and that  
10 continued until the beginning of the war in Bosnia. After which, I  
11 went and joined the Bosnian army. And until January 1995, I stayed  
12 in Sarajevo, in Bosnia.

13 Q. And so in the Bosnian army, can you just confirm the positions  
14 that you held?

15 A. I was a brigade commander in the Bosnian army. At the end, I  
16 was commander of the infantry division.

17 Q. And is that the infantry division within the General Staff or  
18 the main staff of the Bosnian army; is that right?

19 A. No. The division was within the 7th Army of the Bosnian armed  
20 forces, the 3rd Corps -- in fact, it had become the 7th Corps of the  
21 Bosnian armed forces of the time.

22 Q. But you did have knowledge and experience of how the Bosnian  
23 army functioned, including the main staff of that army; is that  
24 right?

25 A. Yes, that's right.



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1 Q. Now, I'll get into a bit more of that later, but just to be  
2 clear, so by March 1998, when you came to Albania, you'd been living  
3 outside of Kosovo for 20 years, give or take, since 1977?

4 A. Yes, correct.

5 Q. Now, before going to Albania, did you personally know many other  
6 members of the KLA who were in Kosovo and fighting for the KLA?

7 A. I did but not people who lived in Kosovo. It was people who  
8 were living in the West.

9 Q. Okay. And at this stage, I think you told the court in  
10 Haradinaj that at this point in April 1998 you were neither in the  
11 KLA nor out of it, but yet you were being trusted to conduct  
12 training; is that right?

13 A. Yes.

14 Q. And, obviously, the weapons inspection that we talked about  
15 earlier. And you were together with some other experienced military  
16 soldiers in Albania conducting this training, weren't you?

17 A. Yes.

18 Q. And I know it may sound trite, but what you were doing at that  
19 stage, those two months, was fundamentally important, wasn't it?

20 A. Yes.

21 Q. If you hadn't provided training to these individuals, they  
22 really wouldn't have had a clue what to do when entering Kosovo; is  
23 that fair?

24 A. Yes, it's all clear and correct.

25 Q. You mentioned various individuals who you were with at the time,

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1 and I believe those were Kadri Kastrati, Kemal Shaqiri, Mahir Hasani,  
2 and Shaban Dragaj. They were all present with you in Albania at the  
3 time; is that right?

4 A. No, Kemal Shaqiri and Shaban Dragaj were not there in Albania  
5 during March and April. Kadri Kastrati was there, Agim Qelaj too,  
6 Binak Gashi, Mahir Hasani, Hysni Ahmeti, Mensur Kasumi. This was the  
7 group of people who were involved in the training of the soldiers who  
8 had volunteered, and those volunteers came from the West as well as  
9 from inside Kosovo.

10 Q. Now, you told the SPO and also you've mentioned in some previous  
11 statements that you had to wait in Albania before entering Kosovo at  
12 the end of May. Do you recall that evidence?

13 A. Yes.

14 Q. And you told the Haradinaj trial chamber that you needed  
15 approval from the General Staff for former officers of the JNA before  
16 entering the country; is that right?

17 A. Yes, that's right.

18 Q. And were you specifically told this or was this something that  
19 you deduced or assumed? How did you come by that information?

20 A. We got this information from KLA members and from people who  
21 were in Tirana at the time.

22 Q. And this process, it obviously took a bit of time. Did you  
23 complain at the time that it was taking too long?

24 A. Yes, several times.

25 Q. So you were, obviously, keen to get into Kosovo to put your

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1 experience and knowledge to good use?

2 A. Yes, that's correct.

3 Q. If you can just clarify for me, and I think it was raised  
4 slightly earlier, but I wasn't quite sure of the answer. Did you  
5 know already in May that you were going to be going over to work for  
6 what was called the operations directorate of the General Staff? Was  
7 that something you knew already in Albania or was that something you  
8 found out later on?

9 A. I learned this when I entered Kosovo.

10 Q. And would you allow for the possibility that it was envisaged  
11 that you would join the General Staff, even if you weren't informed,  
12 and so that's why there was a necessity to conduct a more extensive  
13 vetting process for you? Is that reasonable?

14 A. Yes, we were waiting.

15 Q. And, obviously, your absence from Kosovo for the preceding  
16 20 years meant that you didn't necessarily know so many people within  
17 the country who could give information about you as well. Is that  
18 also fair?

19 A. Yes.

20 Q. And I think you told the Chamber on 3 July that it was Azem Sylva  
21 who eventually gave you the green light to enter Kosovo and gave you  
22 instructions; is that right?

23 A. Yes.

24 Q. And what instructions were they?

25 A. At the time when he gave us instructions, he told us that -- who

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1 the members of staff were and who would go to the staff in Kosovo,  
2 which tasks and duties they were going to take up, to behave and  
3 conduct in professional manner, to do our work and work together with  
4 the boys who were inside Kosovo. Everything was clear. There was no  
5 specific instruction or task that he gave us.

6 Q. Understood. And just to complete this process of you getting  
7 into Kosovo. You mentioned in response to a question from  
8 Mr. Emmerson earlier an incident with Mr. Haradinaj in April 1998  
9 when I believe it was characterised he suggested that you either get  
10 into Kosovo or get lost, in very simple terms.

11 A. Yes, that's right.

12 Q. And did that reflect, in your understanding, a frustration from  
13 those who were inside Kosovo fighting that you had these individuals,  
14 such as yourself and the others that you mentioned, who had military  
15 experience and were not being necessarily able to come over to Kosovo  
16 at that stage?

17 A. Yes, it was clear, because those of us who had the experience  
18 were in Tirana, and those who were inside Kosovo and who were doing  
19 the fighting, they were waiting for people like us. So this was the  
20 frustration amongst them.

21 Q. Yes. They were impatient for you to come and help them out,  
22 were they not?

23 A. Yes, correct.

24 Q. And during this time, you explained, I think to the Haradinaj  
25 trial chamber, that you had no concrete information about what was

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1 really going on in the fighting in Kosovo at the time. You knew it  
2 was happening, but you didn't know specifically what was happening;  
3 is that right?

4 A. Yes, that's right.

5 Q. And so is it also fair to say that you didn't really know what  
6 the structure of any KLA forces or points or units was in Kosovo  
7 before your entry into the country?

8 A. Yes, that's correct.

9 Q. Okay. If we can move now into when you did enter into Kosovo,  
10 and I know some of this has been covered in passing before, but  
11 please bear with me and I'll try and go through it as quickly as  
12 possible.

13 Now, you've obviously testified before in other cases. Now, you  
14 described in Limaj the -- sorry, in the Limaj case at the ICTY, the  
15 situation as you found it at the end of 1998 and confirmed this in  
16 the Haradinaj trial.

17 MR. ROBERTS: For the record, this is Haradinaj transcript page  
18 3275 to 3276.

19 Q. And you're talking about the Dukagjin and Drenica zones, and you  
20 said:

21 "These two zones, as I said, were in the phase of development;  
22 they were not fully developed. They had reached the level of  
23 organised units in villages and were moving towards the unification  
24 of the command of the Drenica zone."

25 It says:

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1 "Gradually these units had started their structuring in military  
2 ways, like units and companies, and they were directly linked to the  
3 command of the zone."

4 Is that correct?

5 A. Yes, that's correct.

6 Q. And just moving on to the following transcript page, which is  
7 3277, you specifically described that when you arrived -- sorry, I'll  
8 quote it:

9 "When I arrived in June, the zone was not developed as a zone.  
10 They were self-organised units, local staffs such as the local staff  
11 in Malisheve of not very high military organisation level. This zone  
12 began to be structured in mid-June. I don't know exactly the date,  
13 but I know that during my visits to this zone in this time, I came  
14 across many self-organised units and units that were not unified in  
15 the command."

16 Do you recall giving that evidence and is it still accurate?

17 A. Yes, it is accurate.

18 Q. Now, you've obviously talked about Dukagjin and Drenica being  
19 slightly more advanced but even with the extreme limitations of that  
20 development. But even within those zones, the KLA only had a certain  
21 amount of control over territory, didn't they?

22 A. That's correct, yes.

23 Q. And I think you described it to my colleagues as pockets of  
24 territory that they then potentially sought to link up later on; is  
25 that right?

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1 A. Yes, that's right.

2 Q. And before you entered Kosovo, you didn't know the geographical  
3 areas of these pockets with any accuracy at all, did you?

4 A. Yes, that's correct.

5 Q. And just to be clear, this was essentially the case throughout  
6 the war, wasn't it? There were pockets or areas of territory held by  
7 the KLA within each of the zones. I mean, the zones -- well, I'll  
8 start again. The zones covered the entire country of Kosovo, didn't  
9 they?

10 A. No. The zones were divided territorially, but they did not  
11 cover the entire territory of Kosovo. They had certain parts under  
12 their control, but the largest parts that were under the control of  
13 Serbian forces.

14 Q. Okay. But even within the zones that -- as they were described  
15 on a map, you would only have certain areas of control within those  
16 or pockets of control within those?

17 A. Yes.

18 Q. And in this initial period when you first arrived, you confirmed  
19 to the Haradinaj trial chamber - and that's transcript page 3290 -  
20 that the KLA wasn't a proper army, it was an army under development?

21 A. Yes.

22 Q. Now, in terms of operations that were launched by the KLA at the  
23 time, you explained in your statement to the ICTY, and confirmed  
24 before the trial chamber in Haradinaj, that although in theory the  
25 approval of the General Staff was necessary for launching combat

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1 operations, in practice this just wasn't happening anywhere in  
2 Kosovo; is that correct?

3 A. Yes, that's correct.

4 Q. And did that continue largely all throughout the summer - June,  
5 July, August, September, and even into October?

6 A. Yes, it did.

7 Q. And was that the case even later than October as well?

8 A. Yes, there were some cases after October as well.

9 Q. Okay. And in terms of communications, again, you confirmed  
10 there were no -- there was no regular communication between the  
11 General Staff and the zone commanders or lower levels from May until  
12 September. And I'll just quote a part of your Haradinaj evidence  
13 just to be very clear.

14 MR. ROBERTS: This is transcript page 3291 in Haradinaj.

15 Q. "As far as I remember, from July onwards there weren't regular  
16 communications between the General Staff and zone commanders."

17 And that's right, isn't it?

18 A. Yes, that's right.

19 Q. And then a bit later on the following page, so that's 3292,  
20 you're asked a question:

21 "In general, can you please confirm that from the end of May to  
22 September, there was no regular communication between the four  
23 individuals styling themselves members of the General Staff and  
24 either the zone commanders or any of those operating at a lower level  
25 in the village defences?"



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1 Your answer:

2 "There weren't any regular meetings.

3 "Q. And I think communication, generally, was difficult, wasn't  
4 it, between those four individuals and any of the commanders?"

5 Sorry, you asked to repeat the question. And then your answer  
6 was:

7 "Yes, it was very difficult to communicate at the time."

8 If you could just confirm that that's still your evidence?

9 A. Yes.

10 Q. And, finally, just one more quote. That's the following page,  
11 3293. You stated, in relation to the KLA:

12 "... it wasn't functioning in the proper sense of the word. In  
13 normal armies, the General Staff would have the possibility to  
14 contact the troops and commanders. But this was an army that was  
15 still a fledgling army, under development. So there wasn't a  
16 possibility to do those things."

17 That's still correct, isn't it?

18 A. Yes, it is.

19 Q. So to be clear, when you entered Kosovo, end of May, beginning  
20 of June, there were still lots of local staffs operating throughout  
21 Kosovo; is that correct?

22 A. Yes, that's correct.

23 Q. And if we could just understand what these local staffs were.  
24 Now, they were often based around a village, weren't they?

25 A. Yes.

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1 Q. And they were headed by someone from within the village who has  
2 some authority and convinces other individuals within that local unit  
3 to take arms -- take up arms?

4 A. Yes, correct.

5 Q. And they didn't feel the need or any obligation to report to  
6 anyone else, did they, in your experience at the time?

7 A. Yes, that's correct. At the time.

8 Q. And is it true they often had little military experience or  
9 training or knowledge of military operations in any way?

10 A. Yes, correct.

11 Q. Now, in your SPO interview you described these local staffs in  
12 the following terms, and this is P1355.1, page 32 in the English, and  
13 pages 32 to 33 in the Albanian:

14 "Then I later on visited other places, other staff, other areas  
15 where they had local staff that were uncoordinated, not connected to  
16 each other, that had no contact with each other. Everybody was  
17 calling themselves a commander and believed to be above everybody  
18 else."

19 Is that correct? Is that still your evidence?

20 A. Yes, it is.

21 Q. And was that in most of the different zones you visited at the  
22 time?

23 A. Yes.

24 Q. And so to be clear, there is a very, very real and substantive  
25 difference between the organisation of these staffs and an actual

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1 functioning military army, military units, that you knew from your  
2 previous military experience in Bosnia that you talked about earlier?

3 A. Yes, that's correct.

4 Q. Now, your role - and we'll get into it more a bit later after  
5 the break - when you first arrived would mean that you would interact  
6 with some of these local staffs in your trips around Kosovo; is that  
7 right?

8 A. That's right, yes.

9 Q. And your role was to provide advice and assistance to them,  
10 wasn't it?

11 A. Yes, that's right.

12 Q. But at that point, and let's be very clear on this, they didn't  
13 have to follow what you said?

14 A. Yes, this is correct.

15 Q. If they believed what you were suggesting was a good idea, and,  
16 obviously, from your experience, then they may well have done, then  
17 they would have followed you, but they didn't have an obligation to  
18 do so?

19 A. Yes.

20 MR. ROBERTS: Your Honour, I see it's 11.00 -- or one minute to  
21 11.00. I think it's a convenient time if we can take the break now.

22 PRESIDING JUDGE SMITH: Fine.

23 MR. ROBERTS: Thank you.

24 PRESIDING JUDGE SMITH: Witness, we'll take our 11.00 break.

25 We'll be back in a half hour. Please don't speak to anybody about

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1 your testimony outside the courtroom. You may leave now with the  
2 Court Usher.

3 [The witness stands down]

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

5 --- Recess taken at 10.59 a.m.

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

7 PRESIDING JUDGE SMITH: Madam Court Officer, please bring the  
8 witness in.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: All right. Mr. Zyrapi, Mr. Roberts will  
11 continue his cross-examination.

12 Go ahead, Mr. Roberts.

13 MR. ROBERTS: Thank you, Your Honour.

14 Q. And good morning again, Mr. Zyrapi.

15 A. Good morning.

16 Q. So just before the break, we were talking about local staffs.

17 And I know you confirmed to my colleague, Mr. Misetic, the other day  
18 your previous testimony in Limaj that the brigades started to be

19 formed in August 1998 and the process continued in September,

20 October, and November. Just to remind you of that. So we're looking

21 at that time period, just to orientate you. And I won't address the

22 Lisi staff that you've obviously already spoken about to Mr. Misetic.

23 But you are aware, aren't you, of the Rahovec local staff?

24 A. Yes.

25 Q. And this staff was created when you were in Albania, so you

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1 don't know the process by which it was created or how it was created;  
2 is that right?

3 A. Yes, it is.

4 Q. And you also told the Prosecution during your preparation  
5 session that you don't know what the connection was between this  
6 local staff -- between Drenoc and the General Staff during the period  
7 of June 1998 save that it was being used by General Staff members as  
8 a base for transit back and forth to Albania; is that right? That's  
9 paragraph 8 of Preparation Note 1.

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

11 Q. And you also confirmed to the Prosecution that when you stopped  
12 in Drenoc, you spent, I think, three days there to help put  
13 structures to work and gave instructions to Mahir Hasani on how to  
14 set up and structure a battalion. And then it was agreed that  
15 Mr. Hasani and, I think, Isuf Gashi would stay there; is that right?

16 A. Yes, Mahir Hasani and Binak Gashi, not Isuf Gashi.

17 Q. Sorry, Binak Gashi. Now, once you'd left Mr. Gashi and  
18 Mr. Hasani there, am I right that this local staff basically  
19 continued to operate largely independently throughout the rest of  
20 June, July, and August?

21 A. Yes, during June and July. Yes.

22 Q. Now, when you first arrived in Drenoc, I think you said you met  
23 Xheme Gashi but you didn't know his position at the time and only  
24 learned it later on; was that right?

25 A. Yes.

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1 Q. And Xheme Gashi left to Albania at some point later in the year.

2 Do you recall that?

3 A. Yes, it was after this period.

4 Q. Do you know when that was?

5 A. This was after the offensive. I don't know whether it was  
6 September or October 1998.

7 Q. And was that before the brigade was created in that area?

8 A. The brigade began being formed in -- after the offensive in  
9 August. All the local staffs who had come under assault started  
10 organising themselves into a brigade. The process began then but it  
11 was not completed. It's evolutionary organisation continued through  
12 September and October, up to the period when we returned back.

13 Q. Okay. And am I right that Mr. Gashi -- sorry, Xheme Gashi,  
14 Xhemajl Gashi, didn't become a brigade commander then?

15 A. I can't recall exactly.

16 Q. Now, going back to that first trip to Drenoc, I think you met  
17 Gani Paqarizi, but you didn't know his role or his function at the  
18 time. That's what you told the SPO; is that right?

19 A. Yes, correct.

20 Q. And the same applied to Selim Krasniqi. I think you met on  
21 another trip to Drenoc, but, again, you didn't know his role at the  
22 time; is that correct?

23 A. Yes, correct.

24 Q. And certainly they weren't introduced to you as -- and we're  
25 talking June here, June 1998, as members of the military police, were

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1 they?

2 A. No, I don't recall them being introduced to me as such then, no.

3 Q. In fact, were you even aware of the existence of military police  
4 units within that local staff?

5 A. If I remember correctly, I never saw any military police during  
6 that period of June, July. There were units of the local staff, but  
7 there was no such police that would be noticeable.

8 Q. Thank you. If we could look at a document that you were shown  
9 during your SPO interview, and I'll just give you two seconds to --  
10 or a few seconds to familiarise yourself with it.

11 MR. ROBERTS: This is P67, and the ERN is SITF00437785 to  
12 SITF00437792 in English and Albanian, please.

13 Q. Now, I know your interview was several years ago, but you recall  
14 looking at this document and discussing it in your SPO interview; is  
15 that right?

16 A. No, I don't remember.

17 Q. I can take you to your SPO interview and discuss this where  
18 you -- maybe if we can just move through to the next page as well  
19 just so that you can see it on the screen. And then maybe into the  
20 last page as well, just for the signature, just so you can get an  
21 overview.

22 Does that jog your memory of being shown that document during  
23 the SPO interview?

24 A. Yes.

25 Q. Now, to be clear, you said at the outset that you don't know

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1 whose signature this is and you've never received this document  
2 before.

3 MR. ROBERTS: And for the record, that's P1355.3, pages 8 and  
4 10. That's your SPO interview.

5 Q. Can you just confirm that that's correct?

6 A. Correct, yes.

7 Q. Now, in your SPO interview you were asked in relation to the  
8 first sentence.

9 MR. ROBERTS: So if we can just go back, Court Officer, to page  
10 1 of that document.

11 Q. So in the second paragraph of the text, there's a phrase that  
12 says:

13 "So far, we have not sent any reports to this staff (with the  
14 exception of one that was requested in the case of Rahovec) ..."

15 And you told the SPO in relation to that line that you had never  
16 seen an earlier report from the Rahovec local staff and, again, that  
17 you weren't aware that such a report had been drafted.

18 MR. ROBERTS: So that's P1355.3, page 11.

19 Q. Do you recall telling that to the SPO?

20 A. Yes, correct.

21 Q. Now you also told the SPO in relation to Rahovec, in relation to  
22 the Rahovec local staff, you didn't receive any subsequent reports  
23 from the Rahovec local staff.

24 Again, that's your interview, P1355.3, page 6.

25 So that's right, isn't it, you didn't receive any reports after



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1 Rahovec?

2 A. Yes, correct.

3 MR. VANREUSEL: Excuse me, Your Honour.

4 PRESIDING JUDGE SMITH: Yes.

5 MR. VANREUSEL: Could you please invite counsel to also direct  
6 me to which part of the SPO interview we're talking about? Because  
7 for me it's very hard to follow with only these directions.

8 MR. ROBERTS: I understand and --

9 PRESIDING JUDGE SMITH: Please do that.

10 MR. ROBERTS: -- my apologies. It was Part 3, page 6. I'll  
11 give the full reference, and I remember Your Honour's indication to  
12 do that. I will try and do so later. So, yes, Part 3, page 6.

13 Q. And just to be clear, Mr. Zyrapi, so I'm correct in  
14 understanding that your evidence is that you never received an  
15 earlier report from the Rahovec local staff and you never received  
16 this report from the Rahovec local staff, and is that correct?

17 A. Yes, correct.

18 Q. Now, this report -- I can tell you. There's no need to look at  
19 it. On the last page, it's dated 15 August 1998. And you confirmed,  
20 obviously, several times to the Panel that you were appointed as the  
21 director or the head of the operations department around 15 July, so  
22 a month earlier. That's right, wasn't it?

23 A. Yes, thereabouts.

24 Q. So in that position, if this document had been sent to you, you  
25 would have expected to receive it?

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1 A. That's right.

2 Q. Now, do you remember the information that's in the document  
3 without any specificity? I understand it's several years ago that  
4 you were shown it.

5 A. Yes, it was shown -- this document was shown some years ago.  
6 However, I would have been aware of this report. At the time we're  
7 referring to, July, August, we had the Serbian offensive, and we had  
8 no time to deal with the issues of writing or sending up reports.

9 Secondly, regarding the Rahovec local staff, let me specify that  
10 there were two staffs during the offensive of Rahovec. One was in  
11 Drenoc and the other one was in Rahovec, and they had no coordination  
12 between the two of them, which explains what occurred in July in  
13 Rahovec.

14 This document talks about a local Rahovec staff which does not  
15 appear to correspond with the time and with the way events unfolded  
16 at that time. That is why I never received such a report at the  
17 time, and I have difficulty placing it in time or placing it within  
18 the context of what unfolded at that particular time.

19 Q. Thank you. In terms of the report itself, again, at this second  
20 paragraph, it actually appears to be -- I'll read it. It says:

21 "Therefore, feeling ourselves responsible for the tardiness of  
22 this report, herewith, we are also sending you some information about  
23 the work that our unit has done during this time."

24 Do you see that at the end of the second paragraph?

25 A. Yes, I do.

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1 Q. So that appears very clear that this isn't report that in any  
2 way has been solicited or requested by you or by other members of the  
3 General Staff, is it?

4 A. That's right.

5 Q. And as you explained, obviously, a few moments ago, at that time  
6 with the severe Serbian offensive that was going on, this just  
7 wouldn't have been the type of thing that you would have requested.  
8 There were much more important things to be doing, if I can put it  
9 that way.

10 A. That's right.

11 Q. But given the content of this report, and it does go on to  
12 explain what appears to be a description of what the task or  
13 responsibilities and personnel of these individuals has been, this  
14 information appears to have been provided to the General Staff as if  
15 they were completely unaware of it. Does that make sense? I can  
16 rephrase my question.

17 A. Would you please kindly rephrase it.

18 Q. Of course. So this appears to be, on its face, an explanation  
19 of the duties and personnel and individuals and tasks of this  
20 self-styled Rahovec local operational staff between 28 April 1998,  
21 which is the first date there, and 15 August 1998.

22 And the suggestion I'm putting to you is that this is all  
23 information that appears to be phrased as if it was brand new for the  
24 General Staff. That they were not aware of this information before  
25 the report was drafted.

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1 A. It is clear that this is a report that describes the activities  
2 of this staff from its creation in April to August. And it says here  
3 that it's a report during June. The description is to the  
4 General Staff, and it was not how the staff was described at the  
5 time. At the time it was called the Central Staff. So this kind of  
6 report purports to be describing what this staff did and how it was  
7 created. It never reached us at the headquarters. We never had time  
8 to deal with these kinds of issues neither did we solicit it. So I  
9 have difficulty commenting on a report that I have neither solicited  
10 nor have ever had in my possession.

11 Q. I understand. I won't ask any further questions about it.

12 Just in relation to Binak Gashi, I think you mentioned or  
13 corrected that he was left in Drenoc when you passed through, and  
14 that was because he was originally from the area of Gremnik, I think  
15 you said, originally born there, and he knew the people, and that's  
16 why he was left there to provide assistance to the Rahovec local  
17 staff; is that right?

18 A. Yes, that's right.

19 Q. And was that often what happened, that people would, when coming  
20 into Kosovo, either go to the areas that they knew or stay there  
21 because they would be more able to be effective and build any  
22 relationships that are necessary within those areas?

23 A. Yes. Generally speaking, yes.

24 Q. And just in relation to Mr. Gashi, I presume that was his  
25 request or his wish to stay in Drenoc then; is that fair?

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1 A. Yes, because he came from that territory. I did mention that he  
2 came from the area. He knew the territory and the people over there  
3 and the people knew him, and he commanded some authority amongst  
4 them.

5 Q. Yes. So it was his wish or his desire to stay there as much as  
6 anyone else's suggestion that he should?

7 A. Yes, correct.

8 Q. Now, if we move on to the next topic which is the operational  
9 directorate of the Central Staff and later the General Staff and  
10 exactly what its role was when you entered into Kosovo in June 1998.

11 Now, you started working within this operations department when  
12 you arrived; is that right?

13 A. Yes.

14 Q. And we heard earlier about your different roles within the  
15 Bosnian army when you were working over there from 1992 to 1995, and  
16 I just want to try and understand what the role of an operations  
17 department is or directorate is and how that compares between the  
18 two.

19 So I think you mentioned earlier you were or had -- you were  
20 within, I think, the 7th Corps, was it, as chief of the infantry? Of  
21 the Bosnian army, sorry, just to be clear.

22 A. Yes.

23 Q. But you did, as you confirmed, have knowledge and experience of  
24 the main staff of the Bosnian army?

25 A. Yes.

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1 Q. And what would be the equivalent to the operations directorate  
2 in the Bosnian army in 1993, for example?

3 A. Back then, in 1993, the operations directorate within the  
4 General Staff of the Bosnian army, it was a completely functional  
5 unit. The situation was different. There were many superior  
6 officers serving in the Bosnian army, people who came from the  
7 Yugoslav Army. So this directorate was composed of military officers  
8 with huge experience, people who had experience in the operational  
9 divisions field, and they were the people who were entrusted with  
10 this task.

11 This is not a sector that is composed of one single superior  
12 officer but all the military disciplines, chiefs from the military  
13 disciplines. And it is this group that takes decisions about  
14 defensive/offensive operations or the -- well, basically, all the  
15 activities that are to do with making an army operational to complete  
16 the missions and the goals that are put before it.

17 Q. Yes. I mean, in simple terms, it's one of the most important  
18 directorates of an army, isn't it, the operations directorate, of a  
19 regular army like the Bosnian army?

20 A. That's right.

21 Q. And when you say that there were lots of -- sorry, "composed of  
22 military officers with huge experience," how many people are you  
23 talking about within the Bosnian army at that time?

24 A. The operational sector was composed of career officers in the  
25 numbers of roughly 50 to 60 overall.

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1 Q. Sorry to interrupt. And these are 50 to 60 individuals with  
2 extensive military experience who've been training in this role for  
3 many, many years. And what rank are those individuals?

4 A. Yes. These posts were taken by experienced officers from the  
5 grade of major to the general who's in charge of the operations  
6 sector.

7 Q. And they would obviously, I presume, have extensive other  
8 military -- sorry, administrative support for their work as well?

9 A. Yes, definitely.

10 Q. And without limiting this, they would have their own offices and  
11 a headquarters, I presume?

12 A. That's right. Each sector had its own offices, operational  
13 premises, and the chiefs of every sector as per a normal army.

14 Q. And you would have extensive communications equipment? Again,  
15 I'm talking Bosnian army, 1993, middle of the war. You would have  
16 communications equipment allowing you to make contact with all of  
17 your units throughout the country, wouldn't you?

18 A. Yes.

19 Q. And extensive maps detailing the terrain, the topography, and  
20 the location of both your forces and enemy forces in quite  
21 significant detail, I would presume?

22 A. Yes, correct.

23 Q. Now, if we compare that to Kosovo in the beginning of June 1998.  
24 My understanding at that time is that you had certain groups of  
25 fighters placed in *pika*, in points; is that right?

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1 A. Yes, correct.

2 Q. And, obviously, you didn't have a big fixed headquarters with  
3 any of the facilities I just mentioned. None of the communications  
4 equipment mapping the whole of Kosovo, no one of the maps, and no  
5 real specific idea of the location or the amount of forces throughout  
6 the country.

7 A. That's correct, yes.

8 Q. So to be fair, calling this section or this unit or entity an  
9 operations directorate is more than a little bit of an exaggeration,  
10 isn't it?

11 A. Yes, for the time we're speaking about. Yes.

12 Q. Yes. And I'm talking June and up until the time that you became  
13 the operations -- sorry, the chief of operations around 15 July. So  
14 that's what these questions are focusing on.

15 To be clear, the operations directorate at the time appeared to  
16 consist of Mr. Selimi, Mr. Bashota, you, and Mr. Qelaj. Is that  
17 essentially correct? Sorry, Agim Qelaj.

18 A. Yes, correct.

19 Q. And the role of you four was to visit different local staffs on  
20 the ground to try and gain some knowledge of their composition, what  
21 resources they had, and trying to assist them and advise them, as  
22 you've said?

23 A. Yes, that's correct.

24 Q. Did that change much at all up until 15 July? Was there a  
25 dramatic change between that six-week period, or was it essentially a



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1 similar number of personnel and your role over that time until you  
2 took over?

3 A. This is correct. There was no dramatic changes because when we  
4 speak of 15 July, the Serb offensives began and then Rahovec, so we  
5 didn't have the opportunity to develop this directorate. However, we  
6 did what we could to the extent it was possible, to our abilities, to  
7 help and assist the staffs in the subzones at the time, including  
8 local staffs.

9 Q. Yes. And to be clear, it's -- none of my questions are in any  
10 way meant as any criticism of what you achieved in that time. It's  
11 just trying to present a realistic understanding of what the  
12 situation was in Kosovo and what the situation was for you and your  
13 colleagues within that department.

14 Now, in mid-July, you told the trial chamber in Milutinovic - so  
15 this is P1356, for the record, at transcript page 6017 - that the KLA  
16 held up to about 50 per cent of the territory of Kosovo. Is that  
17 right? At the time. So this is mid-July.

18 A. If we take into consideration the central part, Drenica was for  
19 the major part under the control of KLA, including part of Pashtrik  
20 area. Maybe this percentage is a bit exaggerated, but quite a large  
21 portion of the territory was under the control of the KLA.

22 Q. So it could have been 30 to 40 per cent? That would also be  
23 realistic or reasonable?

24 A. Yes.

25 Q. And when the summer offensive, you know, you mentioned it a few

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1 moments ago, happened after Rahovec, it was very difficult for KLA  
2 units to defend this territory, wasn't it?

3 A. Yes. With the commencement of the offensive, it became very  
4 difficult to protect and defend the territory and to maintain the  
5 local units that had been formed.

6 Q. And why was it so difficult?

7 A. It was difficult because, as we explained earlier, the system  
8 was not developed, militarily speaking. They were in the fledgling  
9 phase. The restructuring into brigades began but was not completed,  
10 and there were attacks by the Serb forces. And, of course, it was  
11 impossible to achieve all this. These were the reasons that I've  
12 already mentioned before.

13 Q. Yes. So it was -- even though they had control over territory,  
14 it was very tenuous. And when the FRY -- when the Yugoslav forces  
15 attacked, it was very difficult for you to defend against that.

16 But you had made efforts in those six-week period between early  
17 June up until, say, Rahovec, up until mid-July, you'd made efforts to  
18 try and strengthen defences; is that fair?

19 A. Yes.

20 Q. Were you suspecting a Yugoslav attack at that point or at some  
21 point over the summer? Was that at the forefront of your mind from a  
22 military perspective?

23 A. That had already happened. Beginning with Rahovec, the attacks  
24 continued by the Serb military and police forces up to October.

25 Q. Yes, sorry, before Rahovec, when you first arrived into Kosovo,

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1 that six-week period between early June and mid-July, over that time  
2 you were expecting the Yugoslav forces to launch an offensive against  
3 the KLA; is that fair?

4 A. I explained earlier and said that Drenica and Dukagjini zones  
5 were active. When I say "active," I mean in the combat aspect,  
6 because there was fighting with the Serb forces in these territories,  
7 and that is why we always anticipated attacks and we always had to be  
8 prepared and ready to defend the territory.

9 Q. Yes. What I'm trying to get to is the focus of the operations  
10 directorate. And I would suggest that at the time quite a lot of  
11 your focus was on advising these units that you go and see on how to  
12 defend themselves if the Serb forces did launch their attack; is that  
13 fair?

14 A. Yes, it's clear, and it is fair.

15 Q. Now, in terms of operations that happened during that period,  
16 the only one really that I understand took place was the Belacevac  
17 mine fighting, and you discuss this in your SPO interview, so I'll  
18 just explain what you said there. That you went to Belacevac right  
19 at the end when everything had finished, and you don't remember a lot  
20 about it.

21 MR. ROBERTS: And, for the record, that's your SPO interview,  
22 Part 2, page 20, P1355.2.

23 Q. And that was right, isn't it, that you don't remember much about  
24 that at all?

25 A. The pronunciation of the name of the village is Belacevc. It's

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1 a mine. This is correct. And I remember this when it happened and  
2 when I went there. It is correct.

3 Q. Yes, my apologies for my poor pronunciation. And you also told  
4 the SPO - I'll just get the reference, this is your Part 2, page 22,  
5 your SPO interview, so again P1355.2 - that when you arrived, the  
6 deputy commander of the Shala operational zone told you which unit  
7 had participated. And according to what the deputy commander told  
8 you, the attack was led by the unit commander, you can't remember the  
9 name now, it was a smaller lower unit, "I can't remember the name  
10 now."

11 And that's all still correct? That's all still your evidence,  
12 isn't it?

13 A. Yes, that's correct.

14 Q. And just to be clear, this wasn't an operation that you within  
15 the operations directorate had planned, authorised, or sanctioned in  
16 any way at all, was it?

17 A. No, it wasn't authorised.

18 Q. And you also, I think, stated in your SPO interview that you  
19 didn't believe it served a military purpose either.

20 A. That's correct, yes.

21 Q. And in terms of, if I can use the term "offensive operations,"  
22 is that the only substantial offensive operation that occurred in the  
23 period between early June and mid-July? Up until Rahovec, I mean.

24 A. As far as I remember, Rahovec happened first and then this one.  
25 But this is not of any importance. What is important is that they

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1 happened. They were not approved by the staff. Rather, they were  
2 approved by the local staffs which had proceeded with them without  
3 prior approval.

4 Q. Yes, thank you. Now, just in terms of the operational  
5 department's responsibilities, the operational directorate at that  
6 time. Now, in your SPO interview you were very clear that prisoners  
7 or the issue of prisoners were not part of the competence of the  
8 operational directorate. And you had a discussion about prisoners  
9 who were supposedly taken during the operation we were just talking  
10 about in Bardh i Madh. So this is again your interview, Part 2,  
11 P1355.2, page 23. You were asked:

12 "Did you learn whether prisoners were taken during that  
13 operation?"

14 Your answer:

15 "From what I remember ... I didn't receive any information from  
16 the deputy commander. At the time my position was to deal only with  
17 military operational issues."

18 So that's what you told the SPO. So just to be absolutely  
19 clear, is your evidence that military operations -- no, sorry,  
20 military operations department would not have any role in relation to  
21 prisoners who were taken during fighting?

22 A. Yes, that's right.

23 Q. And this is the same regardless of the nature of the individuals  
24 taken, whether it would be soldiers or civilians, it's just not your  
25 -- not the role of the operations department; is that fair?

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1 A. Yes, that's right.

2 Q. And you're speaking in relation to whole of the directorate, the  
3 whole of the operations directorate, not just you personally at that  
4 time?

5 A. Yes, correct. In general.

6 Q. And can you just explain why that's the case? Why is it not the  
7 role of the operations department?

8 A. The role and competencies of the operational directorate, as I  
9 said earlier, is not to deal with such matters. Its main concerns  
10 are operations, the organisation of the units, their preparation, and  
11 to organise attacks or defence, to organise operations both from  
12 operational and strategic point of view. Whatever happens within an  
13 area, like prisoners of war and so forth, that is under the commander  
14 of the zone where that occurred. It's not the duty of the operations  
15 directorate to deal with prisoners of war. It's the legal department  
16 that deals with such matters and the relevant command of the  
17 territory where such occurrences happen.

18 Q. And that authority over prisoners of war under the commander of  
19 the zone where that occurred, did that continue throughout the entire  
20 conflict? That didn't change, did it?

21 A. That's correct.

22 Q. Okay. If we can move on now, it overlaps with the operations  
23 department, but in relation to your role and authority within the  
24 period 1 June up till mid-July and then afterwards, after 15 July.

25 So when you arrived into Kosovo, you told the Panel last week, on 3

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1 July, that you occupied the position of officer for development and  
2 training within the operational directorate; is that correct?

3 A. Yes, that's correct.

4 Q. Now, I'd like to just go over what you said about Mr. Selimi and  
5 Mr. Bashota and your interactions with them in your SPO interview and  
6 also before the Panel, because you describe those interactions in  
7 June 1998.

8 So, first of all, your SPO interview, Part 2, page 3. So that's  
9 P1355.2. And I'll just read out what you said:

10 "Q. If I may ask, when you say -- did the person -- did the  
11 General Staff member come with you there or was there?

12 "A. I think he was -- he was there, actually, when I was called  
13 and it was Sokol Bashota, because at the time he was heading the  
14 operational department directory and I was under him, he would issue  
15 orders to me. He then sent me there. I don't remember everybody who  
16 was there, but it was him."

17 So I apologise for the slightly convoluted nature of the  
18 question, but your evidence saying, in relation to Mr. Bashota, "at  
19 the time he was heading the operational department directory and I  
20 was under him, he would issue orders to me." Is that correct?

21 MS. LAWSON: I think it would be fair to give the witness the  
22 time period and the incident.

23 MR. ROBERTS: Well, I think there's cross-examination or  
24 re-examination for --

25 PRESIDING JUDGE SMITH: Go ahead. Overruled.

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1 MR. ROBERTS: Thank you.

2 THE WITNESS: [Interpretation] Well, for that period, yes.

3 MR. ROBERTS:

4 Q. And for that period, this is June 1998; is that right?

5 A. Yes, June 1998.

6 Q. And up until you took over on 15 July 1998, or round about 15  
7 July?

8 A. Yes.

9 Q. You also told the SPO -- this is Part 2, page 7. And you were  
10 asked:

11 "So you met Sokol Bashota. How did he introduce himself to you?  
12 Who did you understand him to be?"

13 And your answer:

14 "He introduced me -- he introduced himself to me as being the  
15 director of the operational department directory of the  
16 General Staff ..."

17 Do you recall that evidence and is it still accurate?

18 A. Yes, I recall it very well, and it is still accurate.

19 Q. Thank you. Now, you told the Court on 1 July 2024 that  
20 Mr. Bashota was the first person to give you an order to go to  
21 Drenica and then later it was Rexhep Selimi. Do you recall giving  
22 that testimony?

23 A. Yes.

24 Q. And then you were directed to your previous testimony in  
25 Haradinaj to refresh your memory and then pointed to the exchange,



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1 and I'll read it out. So this is the transcript of 1 July 2024, and  
2 the reference is transcript page 17345. So that's Ms. Lawson reading  
3 out:

4 "And can we go to page 757 in both, please.

5 "Q. I'm going to read from lines 2 to 7 in the Albanian. You  
6 say," this is referring to your previous evidence in Haradinaj:

7 "'I cannot recall exactly how long I stayed, was it two or three  
8 days, I don't know, but it was a very brief period; after which,  
9 pursuant to the orders issued by the operational commander at the  
10 time, Rexhep Selimi, I was tasked with a duty to go to the  
11 operational zone of Drenice in order to render my advice for the  
12 development of the operational zone of Drenice.'

13 "Is that accurate, Witness?"

14 And your answer that you gave in court on 1 July:

15 "Yes, it's correct, both Rexhep Selimi and Sokol Bashota were at  
16 the operational directorate. I remember that the first one that  
17 instructed me when I went on the ground to Drenica was Sokol Bashota  
18 and later on Rexhep Selimi."

19 So just you remember that exchange and what you answered to the  
20 question from the Prosecutor; is that right?

21 A. Yes, that's right.

22 Q. So just to be clear, what you said in court on 1 July, that's  
23 consistent with what you'd previously told the SPO, isn't it, that  
24 Mr. Bashota introduced himself and acted as the head of the  
25 operations directorate and first instructed you to go to Drenica?

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1 A. Yes.

2 Q. And it was only later on that Mr. Selimi also asked or  
3 instructed you to go to Drenica as well, on a separate occasion?

4 A. Yes.

5 Q. And when Mr. Selimi asked or instructed you to go to Drenica, it  
6 was the same reason that Mr. Bashota had previously ordered you to go  
7 there, wasn't it, to provide assistance and advice? It wasn't  
8 anything different?

9 A. Yes.

10 Q. So am I correct in understanding that what Mr. Selimi was doing  
11 was essentially repeating what Mr. Bashota had already done?

12 A. Yes, correct.

13 Q. And did Mr. Selimi refer to Mr. Bashota's previous instruction  
14 or order when he sent you to Drenica?

15 A. Yes.

16 Q. Now, you met Mr. Selimi for the first time in early June 1998.  
17 Now, that meeting, as I understand it, it wasn't in Likoc itself. It  
18 was in a family house. Is that right?

19 A. Yes, it was in a house.

20 Q. Now, and again apologies in advance for my pronunciation, but  
21 was it in a place called Plluzhine? So not exactly in Likoc.

22 A. Yes, the village of Plluzhine.

23 Q. Now, when Mr. Selimi met you, he didn't introduce himself with a  
24 specific position. He just told you that he was in the operations  
25 directorate or department; is that right?

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1 A. That's right, yes.

2 Q. And you also told, I think, the SPO that Agim Qelaj was also  
3 part of that directorate. Did he join at the same time as you or was  
4 he there before?

5 A. At the same time as me.

6 Q. And what was Mr. Qelaj's position? Was he the equivalent or the  
7 same as you or was it a slightly different role he was performing?

8 A. He was a former military officer as well, and he too worked as  
9 an officer for development. He was later assigned to train and  
10 prepare soldiers, especially the rapid intervention units. So he  
11 started training these units. These were his tasks and what he did,  
12 Mr. Qelaj.

13 Q. And he continued in that role the whole of the time until he,  
14 unfortunately, passed away and was killed in mid-July; is that right?

15 A. That's right, yes. Not only in mid-July -- well, yes, that's  
16 correct. In Rahovec.

17 Q. In Rahovec. My apologies. I spoke over you. But, yes, in  
18 Rahovec it was where he was killed.

19 Now, you further explained to the SPO that, when you could, in  
20 this time in June and into July, you were accompanied by Mr. Selimi  
21 into the areas that you would go and visit to provide advice and  
22 assistance. Now, am I correct in understanding that was you who  
23 requested him to come, or how did that happen?

24 A. That's correct. We went together because Mr. Selimi knew  
25 everybody and was familiar with the villages, with the units. I was

1 not familiar with all of them, and people didn't know me either. So  
2 that's why, together with Mr. Selimi, we visited these units, we went  
3 to all the zones, he introduced me, and we rendered our advice in all  
4 the zones that we visited at the time.

5 Q. And Mr. Selimi was more than happy to go with you, wasn't he?  
6 He thought that would be helpful and useful.

7 A. Yes, we were together all the time.

8 Q. And you worked well together, didn't you? Even if you came from  
9 quite different backgrounds, if I can say, you developed a very good  
10 working relationship together.

11 A. Yes, that's correct.

12 Q. And as you, I think, just mentioned before, obviously a lot of  
13 the local people in the areas that you visited didn't know you. And  
14 I think you mentioned earlier, obviously you'd been out of the  
15 country for a long period, for 20 or so years. So Mr. Selimi coming  
16 with you and speaking to them, that helped you to carry out your job,  
17 didn't it?

18 A. That's correct, yes.

19 Q. And in your interactions with people, along with Mr. Selimi, he  
20 was liked and trusted by those people around?

21 A. You could see that they knew each other and that they trusted  
22 him.

23 Q. And did he have a certain amount of legitimacy, if I can use  
24 that expression, because of the role that he'd been playing and his  
25 role in announcing, for example, the public announcement of the KLA

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1 in November 1997?

2 A. That's correct, yes.

3 Q. And also his proximity to Adem Jashari and the relationship --  
4 the long-standing relationship of trust that they had developed, that  
5 also helped in terms of his relationship with other people?

6 A. Yes.

7 Q. But when he was out with you and providing this advice and  
8 assistance, he wasn't barking orders at anyone, was he?

9 A. Correct.

10 Q. He was there providing advice and assistance and trying to, if I  
11 can use the expression, convince these local staff people that the  
12 advice that you were giving from your military experience is advice  
13 that they should follow?

14 A. Correct, yes.

15 Q. And as you confirmed earlier, they were obviously under no  
16 obligation to do so. So you benefitted from having someone who could  
17 almost laid the groundwork for you, if I can use that expression, to  
18 convince these individuals that actually, yes, what you're saying is  
19 militarily a sensible thing to do.

20 A. Correct, yes.

21 Q. And what was -- Mr. Bashota at the time, he would come out with  
22 you less often; is that right? Was he more based back in --  
23 somewhere else?

24 A. That's correct, yes.

25 Q. And then you would report back to Mr. Bashota in that period up

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1 until mid-July as to how successful you had been and maybe who you  
2 had met and what you had achieved over that period?

3 A. Yes.

4 Q. Now, you also, I believe, explained that you would -- sorry, you  
5 told the SPO - and this is Part 2, page 11 - that as well as your  
6 duty of advising and assisting these local units, you would also  
7 advise people who could potentially be appointed, and that you would  
8 send your proposals up to Azem Sylja via either Rexhep Selimi or  
9 Sokol Bashota. Do you remember saying that to the SPO?

10 A. Yes, correct.

11 Q. But you also explained in your preparation session to the SPO -  
12 so that's P1357, paragraph 12 - that once you made these  
13 recommendations, you weren't part of any subsequent discussions or  
14 communications, and you don't know who ultimately made the decision  
15 to appoint any individual; is that right?

16 A. That's correct, yes.

17 Q. But to your recollection, your proposals were followed, weren't  
18 they?

19 A. Yes, they were.

20 Q. Now, in your SPO interview, you described several organisational  
21 issues, if I can use that expression, in the summer of 1998, where  
22 Mr. Bashota would call you and task you to go to a particular place.  
23 Now, I think you, for example, went to Drenoc to mediate the issues  
24 between local staffs in Drenoc. Do you recall that?

25 A. Yes.

1 Q. And you also told the SPO about being tasked by Mr. Bashota to  
2 go to the Prizren local staff and to help them go and reorganise  
3 that. And I'll just quote from your interview, and that's P1355.2,  
4 Part 2 of your interview, page 13, states -- I'll do the full  
5 paragraph:

6 "... there was one person. There would then be the liaison with  
7 the Pashtrik operational zone. This is how I understood it at the  
8 time. These three people, Zafir, Elbasan Shoshaj, Ismet Kryeziu came  
9 from this part through the Pashtrik operational zone to  
10 Sokol Bashota. They asked a system ... in order for them to  
11 reorganise the local staff of Prizren. Sokol Bashota then called me.  
12 He called me and he tasked me to go to Prizren local staff, help  
13 them, and reorganise the Prizren local staff."

14 Do you remember telling the SPO that?

15 A. Yes, that's correct.

16 Q. And he'd also sent you, I believe, to Drenoc, is that right, to  
17 mediate the issue there?

18 A. Yes.

19 Q. And in both those circumstances, the local staffs had requested  
20 him to send someone, and then he sent you. Is that your  
21 understanding?

22 A. Yes, that's what I think.

23 Q. So at no point it was you imposing your will or the will of the  
24 operational directorate on those units. It was them coming to you,  
25 and you providing a solution -- a possible solution that they could

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1 follow or not. But fortunately, they did follow it, I presume?

2 A. That's right, yes.

3 Q. Now, you told the Panel on 3 July, so that was your third day of  
4 testimony last week, that Mr. Selimi was present in Kosovo during  
5 June and July 1998. Do you recall telling that?

6 A. Yes, I do.

7 Q. Now, you described a meeting, which I won't go into, but on  
8 26 June 1998 in Suhareke, which you, I think, confirmed you attended,  
9 when the Celiku 50 and the Lisi units decided to merge. You remember  
10 that, don't you?

11 A. I do.

12 Q. And Mr. Selimi wasn't at that meeting, was he?

13 A. No, he was not.

14 Q. Do you know why he wasn't?

15 A. No, I don't. Because when I went to help these two units to  
16 join up, I was accompanied by Mr. Bashota, who told me that there  
17 were some issues amongst these local units, and that is why I went  
18 there. We talked to those units, helping them to get together.

19 There was another individual, Gafur Elshani, who also comes from  
20 the Suhareke territory, and he was well familiar with both units, the  
21 Celiku and the Lisi, and he'd been involved with the prior  
22 organisation of the [Indiscernible] units of the KLA there. He had  
23 his authority. So in a way, we pooled our authorities together in  
24 order to make it possible for those two units to join.

25 Q. And apologies if you've already answered this, but they'd



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1 requested again -- this is another example of them requesting you to  
2 go and help them just by your presence?

3 A. Yes, correct.

4 Q. And if I suggest that the reason that Mr. Selimi wasn't at that  
5 meeting at the end of June was that he was on his way or had already  
6 arrived in Albania, would that be consistent with your recollection?

7 A. It may well be possible, but I did not see him. After that  
8 meeting, I was given another task to perform in the Prizren  
9 territory.

10 Q. Actually, we'll go on to Rahovec a bit later and possibly  
11 tomorrow. But just in that intervening period, do you remember when  
12 you next saw him? Was it at Rahovec or was it before that?

13 A. Yes, in Rahovec. I saw him earlier, before Rahovec, when we  
14 went on a visit to Dukagjin. I saw him again in Rahovec later.

15 Q. Yes. When you say earlier to Dukagjin, is that round about the  
16 14th or 15th July? And I understand that dates, it's not always so  
17 easy.

18 A. I can't remember the dates, but I know that it was three days  
19 before the Rahovec assault began. That's when we were in Dukagjin --  
20 Dukagjin.

21 Q. Right.

22 A. The time when you -- the meeting at Jabllanice was mentioned  
23 earlier.

24 Q. Yes, I think that was questions from Mr. Emmerson. So am I  
25 right that you don't recall seeing Mr. Selimi between, say, the date

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1 of this meeting in relation to the Lisi unit on 26 June and then that  
2 meeting on the 14th or 15th July? You don't recall seeing Mr. Selimi  
3 then?

4 A. I don't recall, no.

5 Q. Okay. Now, back to early June when you first met Mr. Selimi,  
6 you told the SPO, and I want to be very clear exactly what you told  
7 them, that you thought that at the time Rexhep Selimi was the  
8 operations commander. And I'll just actually read the quote so to be  
9 very clear for you. So this is Part 2, P1355.2, at page 8. Now:

10 "Q. And did you understand Rexhep Selimi -- let me ask you, who  
11 did you understand to be the operational commander at the time?"

12 And your answer:

13 "At the time I thought it was Rexhep."

14 Do you recall telling the SPO that?

15 A. It may be possible. However, I did not say "commander" because  
16 there was no such commander. This -- there was an operations  
17 directorate and there were two people who served there, Sokol and  
18 Rexhep.

19 Q. Well, that's meant that I haven't got to ask the next three or  
20 four questions because, yes, very clear, no such role as operations  
21 commander and indeed it never existed, did it, in that terminology?

22 A. That's right.

23 Q. So your evidence, as I understand it, is that Mr. Selimi was in  
24 the operations department at that time, Mr. Bashota was the head of  
25 the operations department, and you were also in the department?

1 A. Yes, it's clear. I think I explained it earlier as well.

2 Q. Now, you -- moving on now to round about 15 July. On 1 July --  
3 sorry, that should be 1 July 2024, this is transcript page T17369,  
4 you explained that you were informed you were head of the operational  
5 directorate sometime in the middle of July, three or four days before  
6 the offensive in Rahovec. And I think you confirmed that again on 3  
7 July.

8 And now you just, obviously, explained about the meeting that  
9 you were at in Jabllanice a couple of days before Rahovec, and that  
10 appears to be the time that you took over as head of the operational  
11 directorate; is that correct?

12 A. Yes. However, the date of 3 July, I don't know what -- what  
13 kind of relationship it has with the Jabllanice meeting. Maybe  
14 there's an issue of translation here.

15 Q. It's probably my lack of clarity. I meant that you gave  
16 evidence here the 3rd July 2024, you confirmed that fact. I should  
17 have done the year. So yes. I hope that's clear now. But, yes, you  
18 took over mid-July, 14th or 15th?

19 A. That's right.

20 Q. And at that time, did you effectively assume Mr. Bashota's  
21 responsibilities and duties?

22 A. Yes.

23 Q. And what did Mr. Bashota go on and do at that stage?

24 A. I don't know. I wasn't even aware of the structure of the staff  
25 at the time. But as a matter of fact, because of the offensives that

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1 were ongoing, it was impossible for us to be aware of the to-ing and  
2 fro-ing in terms of posts and positions. When the restructuring was  
3 completed, then we learned that he had been appointed to deputy  
4 commander for operations.

5 Q. Yes. And that was much later in 1998?

6 A. That's right.

7 Q. So during that time, July, August, you know your own position  
8 because you'd been appointed, but there was a lot of ambiguity about  
9 who else was in whatever else position across the General Staff?

10 A. That's right.

11 Q. And that ambiguity, even obviously for yourself as the chief of  
12 staff, did that continue up until you left for Albania in, I believe,  
13 mid-September?

14 A. Yes, I left sometime in the beginning of September. But it  
15 continued -- that continued, yes, that continued until we returned  
16 from Albania in November when the restructuring work for the  
17 General Staff began.

18 Q. So it was only really from November that you were very clear as  
19 to what positions were being occupied. But up until that time, it  
20 was much more complicated and difficult to know exactly who was in  
21 what position.

22 A. That's right.

23 Q. Now, just one question, what was Mr. Selimi's attitude towards  
24 your appointment in this position? Was he supportive of your  
25 appointment as chief of staff?

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1 A. Yes.

2 Q. And, obviously, we discussed earlier the positive attitude --  
3 working relationship that you developed up until then. Did he also  
4 have that positive attitude towards Mr. Qelaj, who you mentioned  
5 being responsible for the battalion and for training, I believe?

6 A. Yes, he was responsible for training, and yes.

7 Q. "And yes," Mr. Selimi had a good relationship him?

8 A. Correct, that's what I said.

9 Q. And he respected his military background and experience and what  
10 he could bring to the KLA?

11 A. Yes.

12 Q. And I believe you told the SPO that he was killed in battle  
13 around Rahovec in mid-July, and about how you, Mr. Thaci, and  
14 Mr. Selimi went to the Llap zone in August 1998 because you had  
15 received information about Mr. Qelaj being injured and located in a  
16 hospital in Prishtine; is that right?

17 A. Yes, that's correct.

18 Q. And this was the primary purpose for your trip via the Llap zone  
19 into Prishtine, wasn't it? Or the primary purpose for Mr. Thaci and  
20 Mr. Selimi anyway, I mean.

21 A. That's correct, yes.

22 Q. And so the Llap zone headquarters, or where they went to on the  
23 way, that was north of Prishtine, though, wasn't it? So why would  
24 they go that way to get into Prishtine? Why couldn't they just have  
25 gone straight into Prishtine?

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1 A. It's because the Llap zone had its own soldiers in Prishtine and  
2 had this territory under control. Secondly, they knew that territory  
3 very well, and they had the entry points under control. It wasn't  
4 possible for us to go to Prishtine from Drenica because we did not  
5 have any of the lines of movement and entry points under control.  
6 From the Llap zone though, yes, we did have control of some routes,  
7 yes.

8 Q. Right. So it was the only way that Mr. Selimi could conceivably  
9 get into Prishtine to see if this information was correct was via the  
10 Llap zone?

11 A. That's right.

12 Q. It was, however, though, still exceptionally risky though,  
13 wasn't it, to enter Prishtine for Mr. Selimi, whose face was  
14 potentially recognisable, in the middle of August 1998?

15 A. Yes, that risk existed for everyone regardless of the fact that  
16 that passage was under some control and the entry was organised.  
17 However, the risk was always present.

18 Q. And if Mr. Selimi had been captured by the large number of Serbs  
19 forces in Prishtine at the time, what would have happened to him?

20 A. He would either have been arrested or killed.

21 Q. And this was all to find Mr. Qelaj who worked with you in the  
22 operations department. This "risky mission," if I can use that term.

23 A. Yes, correct.

24 Q. Now, just back to June and July, before you took over, I think  
25 you told the SPO that you'd heard about a pocketbook that had been

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1 given to Mr. Selimi by the Red Cross, by the ICRC, which he then  
2 provided to some of these local commanders on the ground.

3 A. Yes, that's right.

4 Q. And this had happened before you entered Kosovo, hadn't it,  
5 before May 28th?

6 A. It's either before I came to know about it or was given the  
7 task.

8 Q. And do you know who these were given to or in which zones or any  
9 other information about this pocketbook?

10 A. No, I don't. It's only what I've been told. I asked *Zoti*  
11 *Rexhepi*, he told me that he had distributed it, but I did not ask  
12 about who to or what zones it was sent to.

13 Q. Okay. Now, obviously, once you're appointed as the chief of  
14 staff in mid-July, you are facing -- mid-July 1998, you're -- well,  
15 you take up this role in mid-July 1998. You're facing a very, very  
16 difficult challenge because of the Serb offensive that is going on  
17 all around.

18 A. Yes, that's right. First of all, I wasn't chief of staff but  
19 head of the operations directorate. It was difficult because two or  
20 three days after being given that task, the offensives began, and it  
21 did not stop until the month of October. So it wasn't easy. And  
22 this does not apply to myself only but to anyone who would have been  
23 given this task.

24 So the operations directorate wouldn't have been able to work  
25 better as a result of the offensives that were ongoing.

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1 Q. Yes, my apologies. That was a slip of the tongue. I meant head  
2 of the operations directorate in mid-July. And so you had the Serb  
3 offensives going on July, August, September into October. You had  
4 presumably at that time various soldiers who had been killed. Other  
5 soldiers who had returned back to their countries of origin or where  
6 they were living, anyway; is that right?

7 A. Yes, correct.

8 Q. And you had shortages of weapons and ammunition at the time?

9 A. That's right.

10 Q. And to be honest, you were completely outgunned in the sense  
11 that the Serb forces had hugely superior levels of artillery and  
12 tanks and everything else that you would need in terms of fighting a  
13 modern war?

14 A. That's right, yes.

15 Q. And it was against this backdrop that you were trying to  
16 introduce your restructuring, trying to see to what extent these  
17 local staff units who had a lot of -- well, local staff units that we  
18 talked about earlier, into some form of a more recognisable military  
19 structure.

20 A. Yes. Our goal was to be able to restructure and make it more  
21 operational.

22 Q. And it was far from an easy task because of all of these factors  
23 that I was just talking about.

24 A. That's right, yes.

25 Q. And just for the record, it's clear that, obviously, Mr. Qelaj



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1 had been killed. Mr. Bashota you said you weren't sure about, so  
2 presumably you didn't have much contact with him in the operations  
3 directorate over July, August, and September. Was this the time that  
4 you requested other people to come and join the operations  
5 directorate? I think you mentioned this in court last week.

6 A. Yes, that's right. Yes.

7 Q. And was this when -- was it Naim Maloku who was able to join but  
8 others weren't? Or was it someone else? I can't quite remember.

9 A. When I made -- my request was in July, then August came.  
10 However, Naim Maloku was the only one to arrive at the end of August  
11 and beginning of September. He was the only officer to come and  
12 serve in the operations department, and no one else.

13 Q. So essentially by the end of September, you've gone from what  
14 were four people at the beginning down to maybe two or three within  
15 the operational directorate?

16 A. Yes.

17 Q. And just one last question before we break for the day. Am I  
18 right that throughout your entire time in the KLA you never actually  
19 received an official rank?

20 A. There were no official ranks, not only for me but for everyone  
21 else. There was no grading system.

22 Q. Yes. And that obviously was a direct -- directly contrasted  
23 with the Bosnian army where you ended as, I believe, a  
24 lieutenant-colonel; was that right?

25 A. That's right.

1 Q. Thank you very much, Mr. Zyrapi. That ends my questions for the  
2 day, and I will see you again, hopefully after a restful afternoon,  
3 bright and early tomorrow morning.

4 MR. ROBERTS: Thank you, Your Honour.

5 PRESIDING JUDGE SMITH: Thank you, Mr. Zyrapi, for being with us  
6 today. This is the end of your day here. We'll see you tomorrow at  
7 9.00. Remember not to speak to anyone about your testimony outside  
8 of the courtroom. If somebody does try to talk to you, be sure to  
9 report that to us immediately.

10 We wish you a good day.

11 THE WITNESS: [Interpretation] Thank you.

12 [The witness stands down]

13 PRESIDING JUDGE SMITH: Yes, Mr. Roberts.

14 MR. ROBERTS: Thank you, Your Honour. In relation to where we  
15 are at the moment with this witness, I think it would be helpful at  
16 some point soonish to have a realistic discussion as to who's going  
17 to come, if anyone else, next week. And, obviously, in terms of if  
18 that is the case, the earlier we get that information, the better, so  
19 that we can plan ahead.

20 At the moment, we understand there are several witnesses  
21 potentially scheduled for next week. I'm not, obviously, going to  
22 mention any of them now. Each one of them could require significant  
23 work. So the earlier we can have that discussion, the better.

24 PRESIDING JUDGE SMITH: Do we have that information at all?

25 MS. LAWSON: Well, Your Honour, we were hoping to see where we

1 were at the end of the day tomorrow and then raise it as necessary.

2 PRESIDING JUDGE SMITH: Let's try to get that by the end of  
3 tomorrow then. That's a good plan. And you'll have that information  
4 far enough ahead of time you can make some plans.

5 MR. ROBERTS: Thank you, Your Honour.

6 PRESIDING JUDGE SMITH: Thank you all for being here. We'll see  
7 you tomorrow at 9.00 a.m. We will have a full day tomorrow is my  
8 understanding.

9 --- Whereupon the hearing adjourned at 1.00 p.m.

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