

1 Tuesday, 16 July 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

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

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

15 Yesterday, the Thaci Defence objected to the SPO releasing a new  
16 presentation queue for the redirect of W04752. The Panel allowed the  
17 presentation queue. In light of the Panel's ruling permitting the  
18 SPO to release the presentation queues for redirect, the Thaci  
19 Defence requested the Panel apply the same principles to any  
20 documents that the Defence wishes to add to their presentation queues  
21 following judicial questioning and dispense with the need for the  
22 Defence to seek leave for any documents to be added to their  
23 presentation queues.

24 The Panel recalls that it has permitted redirect examination, in  
25 accordance with Rule 127(3) and paragraph 111 of the Order on the

1 Conduct of the Proceedings, only on matters arising in  
2 cross-examination with the leave of the Panel. If the calling party  
3 wishes to put further documents to a witness during redirect  
4 examination, it must release a presentation queue immediately upon  
5 completion of cross-examination and need not seek leave to release  
6 the presentation queue.

7 The Panel also recalls that it has permitted questions by the  
8 parties with the leave of the Panel, in accordance with paragraph 112  
9 of the Order on Conduct of the Proceedings, where questions put to a  
10 witness by the Trial Panel after cross-examination and redirect  
11 examination raise entirely new matters.

12 If a party wishes to put further documents to a witness during  
13 such questioning, it must release a presentation queue immediately  
14 upon completion of questions by the Trial Panel and need not seek  
15 leave to release the presentation queue. The presentation queues of  
16 all parties who plan to ask questions arising from the questions by  
17 the Trial Panel shall be released immediately upon the completion of  
18 the Trial Panel's questions. Any addition to a released presentation  
19 queue is then subject to leave from the Trial Panel.

20 Now, Mr. Misetic, I understood you had a question or a comment.

21 MR. MISETIC: Yes, if we could go into private session.

22 PRESIDING JUDGE SMITH: Certainly.

23 Into private session, please, Mr. Court Officer.

24 [Private session]

25 [Private session text removed].

1 [Private session text removed]

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22 [Open session]

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

24 Thank you.

25 PRESIDING JUDGE SMITH: Thank you.

1 [The witness takes the stand]

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

3 THE WITNESS: [Interpretation] Good morning.

4 PRESIDING JUDGE SMITH: I remind you once again to please try to  
5 answer the questions clearly with short sentences. If you don't  
6 understand a question, feel free to ask counsel to repeat the  
7 question or tell them you don't understand and they will clarify.  
8 Also please try to indicate the basis of your knowledge of facts and  
9 circumstances upon which you will be questioned.

10 Please also speak into the microphone and wait five seconds  
11 before answering a question, and speak at a slow pace for the  
12 interpreters to catch up.

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

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

17 I also remind you, as advised last week, that you are not  
18 required to answer a question that is incriminating unless and until  
19 the Panel compels you to answer, and that if such a question arises,  
20 you or your assigned counsel may raise the issue to the Panel, and we  
21 will proceed to determine whether or not and under what circumstances  
22 you might be compelled to answer.

23 We continue now with the redirect questions by the SPO. Please  
24 give the Prosecutor's Office your attention.

25 Go ahead, Madam Prosecutor.

1 MS. LAWSON: Thank you.

2 WITNESS: BISLIM ZYRAPI [Resumed]

3 [The witness answered through interpreter]

4 Re-examination by Ms. Lawson: [Continued]

5 Q. And good morning.

6 A. Good morning.

7 Q. I'm at the time period where you were outside of Kosovo in  
8 September and October 1998. Counsel for Mr. Krasniqi read part of  
9 the relevant information from the preparation note to you. That was  
10 at T18026. So I would like to ask some additional questions to  
11 capture the information that was not read to you.

12 While you were outside of Kosovo during that time period, did  
13 you have any direct contact with members of the General Staff who  
14 were in Kosovo?

15 A. No.

16 Q. And although he wasn't yet a member of the General Staff, did  
17 you have direct contact with Fatmir Limaj during that time period?

18 A. No.

19 Q. Were there members of the General Staff outside of Kosovo who  
20 provided you with some information about what was happening inside  
21 Kosovo at that time?

22 A. The general commander, Azem Sylja, was outside Kosovo.

23 Q. Were there any other General Staff members outside of Kosovo who  
24 you had contact with during that time period and who provided you  
25 with information?

Witness: Bislim Zyrapi (Resumed) (Open Session)  
Re-examination by Ms. Lawson (Continued)

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1 A. No.

2 Q. Did you have contact with Kadri Veseli during that time period?

3 A. I had contacts with Kadri Veseli after I returned from the  
4 Western countries, and we started the negotiations, discussions with  
5 the Bukoshi government, but not prior to that.

6 Q. Now, you were shown a statement from Mensur Kasumi during the  
7 testimony, and I'd like to ask just a couple of further questions  
8 about that.

9 First, was Mensur Kasumi ever in charge of the operational  
10 directorate of the KLA?

11 A. No, he was not in charge of the operational directorate. He was  
12 part of the operational directorate. I had tasked him until the  
13 return of Veseli to deal with G2, counter-intelligence, to inform me  
14 about the Serbian forces' movements and their overall forces at the  
15 time.

16 Q. Okay. So at paragraph 6 where he had said that he became in  
17 charge of the operations directorate, that must be a mistake.

18 Now, what I want to ask you about is April 1999, after the  
19 formation of the provisional government, when Mr. Kasumi says he  
20 became chief of ZKZ.

21 At that time, after the provisional government was formed, had  
22 SHIK also been created?

23 A. With the formation of the provisional government started the  
24 formation of SHIK.

25 Q. So Kadri Veseli had moved across and become head of SHIK; is

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1 that correct?

2 A. Correct.

3 Q. Do you know how SHIK was staffed? Did anyone else move with  
4 Mr. Veseli?

5 A. No, I don't know about that. If we're talking about the period  
6 of time when he returned and the start of the bombing, I don't know  
7 who was close to him in this sense.

8 Q. So I'm changing topic and I'm going to back to the summer of  
9 1998. Did members of the General Staff have a security unit that  
10 they used at that time?

11 A. In summer 1998, this was most done by the members of  
12 Brigade 121, soldiers who would be the escort and secure the  
13 movements. We are talking about the Pashtrik zone, if we were in  
14 Berisha. If we were in Drenica, then it would be soldiers from that  
15 area who would provide security for us. Or in other zones, other  
16 soldiers from those zones.

17 Q. And did those units sometimes travel with and accompany  
18 General Staff members when they were moving around the different  
19 zones?

20 A. Yes. If we moved from one zone to another, the soldiers of that  
21 zone would escort us. So if we take soldiers from the Pashtrik zone,  
22 if we were visiting the Pashtrik zone, soldiers of the Pashtrik zone  
23 would accompany us to the Drenica zone, say, and then the soldiers  
24 from that zone where we would go would take over.

25 Q. So, for example, when the General Staff members visited

1 Dukagjini in July 1998, did members of the Berisha unit travel with  
2 them to Dukagjini?

3 A. I don't remember exactly in this case. From Berisha, soldiers  
4 from Brigade 122 in Malisheve accompanied us to the border of  
5 Dukagjin. And then on the border with the Dukagjini area, we were  
6 taken by soldiers of the Dukagjini area and went into the Dukagjini  
7 zone. Sometimes there was a unit under the command of Alush Agushi  
8 who would escort us from the Dukagjini inside the territory where we  
9 were going in Pashtrik or Drenica zone. So this is what I remember  
10 how things were at the time.

11 MS. LAWSON: So with the Panel's leave, I'd like to read a short  
12 portion of your testimony in Haradinaj. The reference is IT-04-84  
13 T3256. It's page 3286 in the English that I'm going to read from,  
14 and it would be page 31 in the Albanian.

15 Q. The question you were asked was:

16 "And then you told us that they were accompanied to Jablanica by  
17 a group of soldiers from the Berisha area. Is that right?

18 "A. Yes.

19 "Q. Can I put it to you this way: Were they borrowing the  
20 soldiers from the Berisha unit to take them to Jablanica?

21 "A. I don't know what you mean by 'borrowing,' but that was the  
22 unit that was guarding the General Staff there and that was the unit  
23 that escorted the General Staff to Jablanica as well -- a security  
24 unit."

25 Is that accurate?



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Re-examination by Ms. Lawson (Continued)

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1 A. Yes, it is. And I said earlier that there was the unit under  
2 the command of Alush Agushi from the Dukagjini area. At the time,  
3 this was the unit which escorted us from Dukagjin to Berisha.

4 Q. And you've just mentioned the unit under Alush Agushi. Is that  
5 the Mala unit that was referenced earlier in your examination?

6 A. Yes, Mala, the nickname for Alush Agushi.

7 Q. During approximately what time period did the Mala unit operate  
8 under the auspices of the General Staff?

9 A. From what I remember, starting from when I went there in July  
10 and it was the escort unit throughout the time in August, September  
11 1998. Then when I returned to Kosovo it was still there.

12 Q. And what were its functions? You've already described escort as  
13 one of them. Did it have additional functions?

14 A. In addition to the escort functions, that unit was stationed  
15 mainly in Dukagjin. I don't remember the village. And that's the  
16 area where it operated.

17 Q. You were asked about access of General Staff members to  
18 satellite phones in summer 1998. And I'd like to read you some short  
19 pieces of text from a journalist who was in Likoc and the Drenica  
20 area from the end of June until September 1998.

21 MS. LAWSON: Can we please bring up SPOE00209434-ET. And the  
22 first page I want to go to is 209451.

23 Q. The first piece of text that I'm going to read to you is from  
24 the end of June 1998. In the English, I'm reading from the middle of  
25 the page.

Witness: Bislim Zyrapi (Resumed) (Open Session)  
Re-examination by Ms. Lawson (Continued)

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1 "There are some white plastic chairs under the plum trees.

2 "'The Serbs,' starts Luli when we have seated ourselves, 'they  
3 will never let you leave, never.'

4 "He takes out something that looks like a laptop, opens the  
5 cover and positions it slanting upwards. It is the first time I've  
6 seen a satellite telephone.

7 "'What is the number?' he asks."

8 Is it right that some of the satellite phones looked a bit like  
9 laptops?

10 MR. MISETIC: Mr. President, I'm going to object on the basis  
11 that the SPO led on direct, through his 154 statement at Part 14,  
12 page 12, as to when the date of the satellite phones came in. To the  
13 extent it's impeaching now the evidence that was submitted in direct  
14 not cross, we object.

15 MS. LAWSON: Your Honour, what I asked the witness on direct was  
16 in relation to when he personally first obtained a satellite phone,  
17 and then on cross it was asked specifically whether other members of  
18 the General Staff had access to satellite phones.

19 MR. MISETIC: Mr. President, if I may just respond.

20 PRESIDING JUDGE SMITH: Yeah.

21 MR. MISETIC: I'm not talking about the questioning during  
22 direct. I'm saying in the SPO interview, and it's clear, Part 14,  
23 beginning at page 11 and going on to page 12, what the witness's  
24 testimony is, and that is considered his testimony on direct. It was  
25 very specific as to what they had in their abilities from June to

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1 November and then what came about in December and thereafter.

2 So it's not something that arose in cross. This is their  
3 direct, what they tendered, and now it's impeachment of direct  
4 evidence.

5 PRESIDING JUDGE SMITH: The objection is overruled.

6 You may continue with the questioning.

7 MS. LAWSON:

8 Q. My question was is it right that some of the satellite phones  
9 looked a bit like laptops?

10 A. Yes, that's correct. It was composed of -- there were two  
11 components. One was you would open a cover that looked like a laptop  
12 but it did not have a screen. There was an antenna which was to be  
13 placed outside to receive signal.

14 MS. LAWSON: Can we move, please, to page 9465.

15 Q. And, again, I'm reading from the middle of the page in the  
16 English. He says that:

17 "[A young man] takes me over to a man in a green raincoat, who  
18 understands German and laughs patiently at my frustrations over Luli  
19 having disappeared and that no one accepts responsibility for me.

20 "'I have heard about you,' he says in a calm voice. 'Luli is  
21 not here. In a few days you will get more information. If you wish  
22 to ask for me, my name is Gjarpri. The name means The Snake.'

23 "Gjarpri brings me to a car with a satellite telephone standing  
24 on the bonnet. I call home and am able to talk with both of my  
25 parents."

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Re-examination by Ms. Lawson (Continued)

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1 MS. LAWSON: And can we move, please, to page 9472, and this  
2 next quote I'm reading is from September 1998.

3 Q. And I'm reading from the second half of the page in the English:

4 "In the evening Gjarpri pops up and says I can accompany him,  
5 Djopa and Kapush to another place. He is in a jubilant mood and  
6 jokes that he is the only one in the car who is not limping.

7 "The way Djopa drives, I don't know how much longer that will  
8 last. The wheels spin in the mud, and the dirt sprays in all  
9 directions. Soon we come to a village on a hill. Gjarpri asks me to  
10 follow along into a house. A paraffin lamp hangs from the ceiling.  
11 Behind a curtain in a window is a satellite telephone.

12 "'What is the number?' he asks."

13 Who had the nickname Gjarpri?

14 MR. MISETIC: Mr. President, I'm going to object. A different  
15 ground this time. It was in the SPO interview as to the dates of the  
16 satellite phones. It should have been done on direct, and now it's  
17 being done on redirect at a point where the Defence doesn't have an  
18 opportunity to cross on this. So we object as to the prejudice  
19 created.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 The objection is overruled.

22 Go ahead.

23 MS. LAWSON:

24 Q. Who had the nickname Gjarpri?

25 A. Hashim Thaci had the nickname Gjarpri.

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1 Q. Who had the nickname Kapush?

2 A. Not Kapush but it could be Kapuci. This was the nickname used  
3 by the brigade commander, Muje Krasniqi.

4 Q. And who used the nickname Qopa?

5 A. I don't know because there were two or three persons limping  
6 that could have been Qopa. I don't know exactly who that person was.

7 Q. Who were the people you knew with the nickname Qopa who were  
8 limping?

9 A. Sahit Jashari was limping. Sabit Geci was limping. Then in the  
10 Nerodime zone there was a Qopa. I don't know his name.

11 Q. Okay. And you've already mentioned that both Sabit Geci and  
12 Muje Krasniqi had been wounded and were transferred for treatment in  
13 Albania in approximately September 1998; is that correct?

14 A. That's correct.

15 MS. LAWSON: And, finally, can we please go to page 9462.

16 Q. And I'm reading from the top of the page:

17 "Later that morning an officer enters the dormitory. He is tall  
18 and strong with a bushy beard and a beret. The man says that his  
19 name is Femi and he is the commander in the area."

20 And then skipping two lines:

21 "I ask Femi whether it's possible to call the Norwegian Embassy  
22 in Belgrade. He goes out, fetches a satellite telephone from the car  
23 and rigs it to the window. After a couple of attempts I get through  
24 to the ambassador. He seems a little bewildered about the call but  
25 understands that I cannot say where I am in Drenica."

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1 Was there a commander called Fehmi in the Drenica zone?

2 A. Yes, the brigade commander Fehmi Lladrovci.

3 Q. Is it right that he was tall and bearded?

4 A. Yes.

5 MS. LAWSON: Can we please bring up P01426. We might need to  
6 zoom in.

7 Q. But at row 6, we can see Fehmi Lladrovci's name. And the date  
8 in the column on the left is May 1998. Did Fehmi Lladrovci have a  
9 satellite phone?

10 A. I don't know.

11 MS. LAWSON: Your Honour, I'd like to tender the three pages  
12 from the prior document that the witness commented on. So that is  
13 pages ending 9449, 9472, and 9462.

14 PRESIDING JUDGE SMITH: Any objection?

15 MR. MISETIC: Yes, the same objections I've made. This should  
16 have been done on direct and now we can't cross.

17 PRESIDING JUDGE SMITH: SPOE00209434-ET --

18 MR. EMMERSON: [Microphone not activated] ... Your Honour was  
19 about to rule.

20 May I inquire whether Your Honours have it mind that we may be  
21 able to cross this after cross-examination?

22 PRESIDING JUDGE SMITH: I do not have that in my mind at this  
23 time, no.

24 MR. EMMERSON: Very well. Because clearly there are matters  
25 arising now -- arising out of this material that certainly I would

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1 want to explore with the witness.

2 Now, it is a rather awkward situation that we find ourselves in  
3 if this is being introduced now and there isn't to be an opportunity.  
4 Sometimes in the past Your Honours have allowed questioning of  
5 matters arising in re-examination.

6 PRESIDING JUDGE SMITH: Well, let us finish this and get to that  
7 point, and then you may raise your position again.

8 MR. EMMERSON: Very well.

9 PRESIDING JUDGE SMITH: I'm sorry.

10 So in that ERN range -- is that the correct range?

11 MS. LAWSON: Yes. So it was just the --

12 PRESIDING JUDGE SMITH: So it is pages 9449, 9472, and 9462.

13 MS. LAWSON: Correct. Thank you.

14 PRESIDING JUDGE SMITH: They are admitted and will be assigned.

15 THE COURT OFFICER: And it will be assigned Exhibit P01449,  
16 classified as confidential. Thank you, Your Honours.

17 PRESIDING JUDGE SMITH: All right.

18 Go ahead.

19 MR. MISETIC: And, Mr. President, if I may just -- our request  
20 would be that since we can't cross, that the Prosecutor be required  
21 to put her case to the witness on the point she wishes to make with  
22 him.

23 JUDGE GAYNOR: Mr. Misetic, paragraph 112 of the Order on the  
24 Conduct of Proceedings directly addresses re-cross-examination, and  
25 it states:

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1 "The Trial Panel shall only permit re-cross-examination if new  
2 material is introduced during re-direct examination or  
3 cross-examination by any Party or participant."

4 So it is governed. You can seek leave to do so.

5 MR. MISETIC: I believe Mr. Emmerson has just made that point,  
6 and it's not clear that we're going to get that opportunity. So I  
7 have to make my record and make the objection.

8 JUDGE GAYNOR: It will be determined in due course, I think.

9 PRESIDING JUDGE SMITH: You may go ahead.

10 MS. LAWSON: Those exhibits may be reclassified as public, I  
11 believe.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 Reclassify as public.

14 THE COURT OFFICER: Thank you, Your Honours. P01449 will be  
15 reclassified as public, both English and Albanian transcript. Thank  
16 you.

17 PRESIDING JUDGE SMITH: Thank you.

18 MS. LAWSON: Can we please bring up P01267.

19 THE COURT OFFICER: If I may seek further guidance. Are we  
20 going to show the transcripts, the video?

21 MS. LAWSON: Yes, I was going to play the first minute of the  
22 video. Thank you.

23 THE COURT OFFICER: So it's going to be only the video that is  
24 going to be shown?

25 MS. LAWSON: The video and the English transcript. Thank you.



Witness: Bislím Zyrapi (Resumed) (Open Session)  
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1 [Video-clip played]

2 THE INTERPRETER: [Voiceover] "On 12 March, with the fall of the  
3 Jashari people, 14 military men, including Agim Qelaj, came to the  
4 government office in Bonn. I remember it like today. There were  
5 also Bislím, as usual, Sali, Kemal Shaqiri, Rrustem Berisha. They  
6 were all ready to go to the front line. There was fighting on the  
7 front line that day. Kadri Veseli was also at the front line, and he  
8 called us by phone from there. He called and he said, 'Professor,  
9 listen to the shells that Serbia is firing at the population. We are  
10 at the front line.' Agim Qelaj asked me to give him the phone. I  
11 gave it to him and, to cut it short, as we say, he began teaching him  
12 how to set up the trenches, how to go here and there. We ended the  
13 meeting with tears in our eyes, and Agim was ready to go to the front  
14 line immediately.

15 "After the battle ..."

16 MS. LAWSON: We can stop there. Thank you.

17 Q. Do you remember this meeting -- well, first, do you recognise  
18 who's speaking in the video?

19 A. Yes, it's Muje Rugova. I was at that meeting, yes.

20 Q. And do you remember Agim Qelaj having taken the phone and spoken  
21 to Kadri Veseli?

22 A. I don't remember when that conversation occurred. At that time,  
23 I did not see it.

24 Q. You weren't there while the phone call was made; is that  
25 correct?

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1 A. The meeting that Muje Rugova is mentioning is a meeting attended  
2 by all officers who had combat experience and who intended to go into  
3 Kosovo immediately. As for Muje Rugova-Kadri Veseli relations, they  
4 did keep contact at the time, with Fehmi as well, and this contact  
5 continued onwards.

6 The student was Hashim Thaci and Kadri Veseli, and the professor  
7 was Muje Rugova. We too, the officers who had started to arrive in  
8 Albania, went to Kosovo.

9 Q. Okay. Thank you for the explanation. And I understand from  
10 your answer that you don't remember the specific phone call that's  
11 being -- that Muje Rugova is describing; is that right?

12 A. I don't remember at all the phone call involving Agim Qelaj and  
13 Kadri Veseli. He did not mention it at the time, and I do not  
14 remember it.

15 Q. Thank you. So, finally, Defence counsel asked you about when  
16 the interim rules for organisation of the internal life of the KLA  
17 were created and suggested that your testimony here was different  
18 from testimony that you'd given previously.

19 MS. LAWSON: Can we please bring up IT-05-87\_1 T2423. And in  
20 the English, page 2452. And in the Albanian, page 32.

21 Q. And what's being brought up on the screen here is your testimony  
22 at the ICTY in the Djordjevic trial. The question you were asked  
23 was:

24 "Thank you, Mr. Zyrapi, but these were interim regulations on  
25 the organisation of internal affairs in the army that you passed in

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1 November -- in November 1998; am I correct?

2 "A. In November I received this document, the document was  
3 compiled earlier."

4 Is the information I read correct?

5 A. Yes. There was regulations earlier, and we amended and  
6 supplemented it from November onwards, not only the regulations but  
7 also other regulating documents.

8 Q. Thank you.

9 MS. LAWSON: Your Honour, I am nearing the completion of my  
10 questions now. I just have one caveat, and that is in relation to  
11 the Xhavit Haliti video that was shown yesterday. Our position,  
12 obviously, is that it's a short self-contained speech and that it  
13 should be admitted in full.

14 If the Panel was minded only to admit the first paragraph, I  
15 might want to show some further other content to the witness.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MR. MISETIC: Yes, I stand by my position yesterday. So if  
18 there's more that the Prosecution wishes to extract from that video  
19 for its case, it should be put to the witness.

20 [Trial Panel confers]

21 PRESIDING JUDGE SMITH: We've looked it over and discussed it  
22 and make a decision that the entire video will be admitted.

23 It needs to be assigned an exhibit number if it has not already.

24 THE COURT OFFICER: Thank you, Your Honours. We will proceed  
25 accordingly. Thank you.

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1 MS. LAWSON: And, Your Honours, that completes my questioning.

2 PRESIDING JUDGE SMITH: All right.

3 MS. LAWSON:

4 Q. Mr. Zyrapi, thank you again for your attention.

5 MR. MISETIC: Mr. President --

6 [Trial Panel confers]

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 Anticipating your request again, Mr. Emmerson, we will grant you  
9 the request on the specific issue of the satellite phones that were  
10 just issued. You may do a re-cross on that.

11 MR. EMMERSON: Yes. Just to be clear, first of all, the  
12 question I wanted to ask relates not to the phones but to the book  
13 that was being cited. Not to the phones specifically but to the  
14 book.

15 PRESIDING JUDGE SMITH: Okay. You want to --

16 MR. EMMERSON: And secondly --

17 PRESIDING JUDGE SMITH: You just have a short question about  
18 the -- about the --

19 MR. EMMERSON: Yes, another passage from the book. But,  
20 unfortunately, the timing is such that I am literally going through  
21 the material as I sit here to try to find the opportunity to -- to  
22 ask the question, trying to find the passage that I need. So it may  
23 be that, if Your Honours would allow me, it's a question to which I  
24 could be given some latitude in questions following judicial  
25 questioning.

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1 PRESIDING JUDGE SMITH: Let's begin with --

2 MR. EMMERSON: Yes.

3 PRESIDING JUDGE SMITH: -- the request by Mr. Misetic.

4 MR. MISETIC: Yes, Mr. President, I actually had more than that  
5 but I will finish it within ten minutes. And that is --

6 PRESIDING JUDGE SMITH: More than that? What do you mean "more  
7 than that"?

8 MR. MISETIC: Well, obviously the satellite phones. The issue  
9 of the video that you just said you were going to play the whole  
10 thing, I would then like to put it to the witness since the  
11 Prosecution is not putting it to the witness for the proposition. I  
12 think we should hear from the witness on these --

13 PRESIDING JUDGE SMITH: I'm only granting it for one reason and  
14 that's for the satellite phones. That was what was raised and that's  
15 what we will allow.

16 MR. MISETIC: Well, I can finish it all in ten minutes or less.

17 PRESIDING JUDGE SMITH: Start out with the phones and we'll see  
18 how it goes.

19 MR. MISETIC: Okay.

20 PRESIDING JUDGE SMITH: It isn't a timing issue. It's what you  
21 ought to be able to do.

22 So go ahead.

23 MR. MISETIC: Okay.

24 Further Cross-examination by Mr. Misetic:

25 Q. Mr. Zyrapi, just briefly, in your SPO interview at Part 14, page

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1 12, you testified to the SPO in 2019 -- actually, I apologise. Let  
2 me find the right page. Yes, page 11. You said:

3 "So from June to November [of 1998] we only had Motorola  
4 equipment that was a very short network or short range."

5 And then you continue on the next page:

6 "And so the only contact could be done, for example, through a  
7 courier.

8 "Q. What about a satellite phone?

9 "A. Later on. That only came about in December and after that.

10 "Q. So just from a practical perspective, before you got the  
11 [satellite] phone, you would, like, use couriers?

12 "A. Yes."

13 Then it goes on, and this is:

14 "Just so that I understand, how much time would pass that you  
15 would give ... a message and ... someone [would] come back and revert  
16 with an answer?"

17 And your answer:

18 "So at that time I didn't have direct contact with Mr. Sylva. At  
19 that time it was more Jakup Krasniqi and others who had direct  
20 contact. But had we -- when we would send a courier to communicate,  
21 it would take him a full two days to get there."

22 Right? Is that correct?

23 A. Yes, that's correct.

24 Q. Did the operations directorate, as far as you know, you were an  
25 officer of the operations directorate beginning in June and then

1 became the director of the directorate in mid-July, did it have a  
2 satellite phone that it could communicate, for example, with the  
3 overall commander in Albania?

4 A. No. I explained it very well, back then and now. I did not  
5 have a satellite phone, and I did not have a satellite phone during  
6 that time. From June and until I came back from Albania, I did not  
7 have a satellite phone and neither did the operations directorate  
8 have one.

9 The contact and how we maintained contact is as I described it.  
10 Now, whether somebody else had a satellite phone or not, that I don't  
11 know and I cannot comment on that.

12 Q. Okay. Now let's talk about the units. Right? So you're in the  
13 operations directorate. Do you know of any units of the KLA that had  
14 satellite phones with which someone might be able to communicate?

15 A. No. As far as I remember, no. When I visited and inspected  
16 these units, I did not see satellite phones with them. From  
17 September and until I returned to Kosovo again, I did not see any  
18 with them.

19 Q. Okay.

20 MR. MISETIC: And, Mr. President, I would have just a few very  
21 short questions on the issue of Xhavit Haliti and whether there was a  
22 political directorate.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. MISETIC: Okay.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

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1 MR. MISETIC: Yes. I think we released one document in the  
2 queue. I don't know if we're allowed to use it. It's an admitted  
3 exhibit, 1D50, I would like to put to him.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MS. LAWSON: No objection.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. MISETIC: Mr. Court Officer, if we could put Exhibit 1D50,  
8 please, on the screen. Okay. I guess we don't have it, so I'll just  
9 read it.

10 Q. Mr. Zyrapi, I will just tell you what the document is. It's a  
11 Political Declaration No. 7 from 13 August 1998 in which the KLA  
12 formally announced, and it says, and I'll read the quote from the  
13 third paragraph:

14 "With the intention of cutting off the manipulations related to  
15 the creation of these institutions, the General Staff makes it known  
16 to the public that Jakup Krasniqi, Xhavit Haliti, Bardhyl Mahmuti,  
17 Hashim Thaci, Faton Mehmetaj, and Sokol Bashota are the political  
18 representatives of the KLA. The public announcement of the KLA's  
19 political representatives facilitates the coordination of political  
20 activity at the national level."

21 Now, were you aware that in August the KLA had publicly  
22 identified those individuals, including Xhavit Haliti, as a political  
23 representative of the KLA?

24 A. Yes. At the time, Xhavit Haliti was also a political  
25 representative of the KLA, and we also had political representatives



1       abroad in various countries who acted on behalf of the KLA.

2       Q.     So when he uses the term "political directorate," could he be  
3       actually referring to these individuals that the KLA had a month  
4       earlier publicly announced were the political representatives, or do  
5       you know?

6       A.     I don't know what he meant by that. But at the time, there was  
7       no political directorate. Maybe in his opinion, because of the  
8       political representatives in various European countries, he called it  
9       a sort of directorate. But I, within the structure, did not see a  
10      political directorate active during that period.

11      Q.     Okay. And last question: Could these members of the political  
12      directorate, such as Xhavit Haliti, issue orders to soldiers on the  
13      ground to implement the tasks of the General Staff?

14      A.     No. They were political representatives and were in various  
15      countries. They dealt with political issues, with internationals,  
16      with diplomatic relations, concerning Kosovo.

17      Q.     Thank you, Mr. Zyrapi.

18           MR. MISETIC: And, Mr. President, I appreciate it. Thank you  
19      very much.

20           PRESIDING JUDGE SMITH: Now, Mr. Emmerson. Please confine it  
21      just -- go ahead.

22           MR. EMMERSON: I've reviewed my position and I don't propose to  
23      make an application.

24           PRESIDING JUDGE SMITH: [Microphone not activated].

25           We'll take the ten-minute break right now before we have the

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1 Judges' questions.

2 So we're -- you may leave the room for ten minutes.

3 [The witness stands down]

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

5 --- Break taken at 9.55 a.m.

6 --- On resuming at 10.05 a.m.

7 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness  
8 in.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: Mr. Zyrapi, we now have some questions  
11 from the Judges. We'll begin with Judge Barthe, who is to my left,  
12 to your right.

13 JUDGE BARTHE: Thank you, Judge Smith.

14 Questioned by the Trial Panel:

15 JUDGE BARTHE: And good morning, Mr. Zyrapi.

16 A. Good morning.

17 JUDGE BARTHE: I hope you can hear me well.

18 A. Yes, I can.

19 JUDGE BARTHE: Thank you. Mr. Zyrapi, the Panel has followed  
20 your testimony with great interest and attention over the last two  
21 weeks. We've also carefully reviewed the transcript of your  
22 testimony and, while doing that, a number of questions have arisen  
23 which we believe require further clarification. To this end, I would  
24 like to go through your evidence chronologically with you in order to  
25 clarify these questions. Do you understand this?

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1 A. I do, yes.

2 JUDGE BARTHE: Thank you. My first question is about a document  
3 shown to you by the Prosecution on 1 July 2024. That was the first  
4 day of your testimony. It's Exhibit P01381, and it's still  
5 classified as confidential.

6 Mr. Court Officer, could you please bring this exhibit back on  
7 the screen without broadcasting it.

8 [Trial Panel and Court Officer confers]

9 JUDGE BARTHE: I've just heard that the document is public, so  
10 it can be broadcasted.

11 Mr. Zyrapi, as you can see, the document is about unifying the  
12 Celiku, Lumi, and Lisi units. And my question relates to the  
13 following passage from pages 17358 and 9 of the transcript which  
14 reads as follows, I quote, and this is what you said on 1 July:

15 "We discussed the unifying of these units. Of these tasks, I  
16 had more in Suhareke area where these units, Celiku and Lisi, were  
17 operating. Lumi was in the territory of Malisheve municipality.  
18 These two units were unified in the Suhareke area into one local  
19 staff which was at the time called Suhareke local staff. This would  
20 be, in short, my contribution in unifying these units at the time.

21 "Q. And did you make recommendations or proposals to the  
22 General Staff in relation to the unification of these units?

23 "A. Yes, because I was sent there, first of all, by  
24 Sokol Bashota, since these two units operating in that area had  
25 problems. They were not in good relations. So to eliminate these

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1 problems and unifying the two units, I went there, spoke to both  
2 units, unified them, and we established the local staff of Suhareke.

3 "And, of course, once this was completed, I informed the  
4 operational directorate about the unification of these units and  
5 about the establishment of the Suhareke operational staff, local  
6 staff.

7 "Q. And did the General Staff approve this unification and the  
8 proposals that you had made?

9 "A. First of all, the General Staff at that time was called  
10 Central Staff. Of course, I informed the operational directorate,  
11 that is Sokol Bashota as the head of the operational directorate."

12 Mr. Zyrapi, in the last sentence of this quite long passage, you  
13 said of course you informed the operational directorate, namely,  
14 Sokol Bashota. But the question asked by the Prosecution was  
15 slightly different. The question was did the General Staff approve  
16 this unification and the proposals you made.

17 So let me ask you again: Did the General or the Central Staff  
18 approve the unification of the units mentioned in this document?

19 A. At the time I made the proposal -- actually, I informed the  
20 operational directorate about the organisation, the unification of  
21 this local staff. Now, was it approved or how was it dealt with, I  
22 don't know. I reported on my work. I was not present in the  
23 meetings of the staff to know whether they approved or not or how  
24 they proceeded.

25 JUDGE BARTHE: Thank you. Did anybody from the Central Staff, a

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1 member of the Central Staff, Mr. Bashota, for example, complain about  
2 the unification of this unit?

3 A. No, he did not complain. He complained earlier. They sent me  
4 there because these units were not coordinating their work amongst  
5 themselves, they were not cooperating, and the idea was how to assist  
6 these units. The consequence of this was that these two units  
7 merged, unified, and formed the local staff. As we read the document  
8 that was typed and drafted, it's an original document drafted on that  
9 day.

10 After this, we informed that this staff was formed. Everybody  
11 came closer, and the local staff was formed. There were no further  
12 complaints, be that from Sokol Bashota or the staff.

13 JUDGE BARTHE: Thank you. And is it correct that the Celiku  
14 unit later turned into Brigade 121, based in the Berisha mountains;  
15 Lumi became Brigade 122, based in Malisheve; and Lisi turned into  
16 123, based in Suhareke. Is that correct?

17 A. That's correct.

18 JUDGE BARTHE: Thank you. Mr. Zyrapi, my next questions are  
19 about what you told the Prosecution on 2 July 2024 regarding  
20 Exhibit P01408.

21 Mr. Court Officer, can we please have this exhibit back on the  
22 screen. Can we please go to page 2 of the document.

23 On page 2 of this document, it mentions the intelligence  
24 directorate or G2, which, according to the document, reports to both  
25 the commander and the chief of General Staff. Do you see that,

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1 Mr. Zyrapi?

2 A. Yes.

3 JUDGE BARTHE: On page 17435 of our transcript, you said by  
4 referring to the commander, it would mean to both the commander in  
5 Albania and the commander in Kosovo, but mostly, you said, to the one  
6 in Kosovo because that commander would receive the report directly.

7 Since we have learned that there was more than one deputy  
8 commander in Kosovo at a certain point in time, the Panel would like  
9 to know which commander in Kosovo you were referring to.

10 A. The deputy commander, because there were two deputy commanders  
11 inside Kosovo, Jakup Krasniqi and Sokol Bashota.

12 JUDGE BARTHE: So would both deputy commanders receive reports  
13 from the intelligence directorate, or G2, or only one?

14 A. Depending on who was this sent to, to the deputy or to both of  
15 them. He would report or they would report mostly to the person they  
16 were most frequently in contact with. In this case, Jakup Krasniqi.

17 JUDGE BARTHE: And who was the commander in Albania at the time?  
18 Was that Azem Syla?

19 A. Azem Syla. We always refer to Azem Syla when we talk about  
20 outside Kosovo in Albania.

21 JUDGE BARTHE: Thank you. My next question concerns  
22 Exhibit P01105 and what you told, Mr. Zyrapi, the Prosecution on the  
23 second day of your testimony and also later during your  
24 cross-examination by the Selimi Defence.

25 Mr. Court Officer, could you please show this exhibit again.

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1 Thank you.

2 Mr. Zyrapi, as you can see, this document purports to be an  
3 order or ordinance by the General Staff signed by Deputy Commander  
4 Jakup Krasniqi for Pashtrik operational zone commander Drini, the  
5 commander of Brigade 123, as well as Blerim Kuqi, to report to the  
6 KLA General Staff on 16 January 1999.

7 And you said on page 17446 of the transcript that you were  
8 present when Mr. Kuqi actually reported to the General Staff and that  
9 he came together with zone commander Ekrem Rexha, also known as  
10 Commander Drini, and brigade commander Nexhmedin Kastrati; is that  
11 correct?

12 A. That's correct.

13 JUDGE BARTHE: And you further told us that from what you  
14 remember when the three arrived, the zone commander, Commander Drini,  
15 went with you to the operational directorate office and you discussed  
16 operational matters. Whereas Nexhmedin Kastrati went to Brigade 121  
17 to discuss their related matters, and Blerim Kuqi was left in the  
18 command. Is that right?

19 A. That's right.

20 JUDGE BARTHE: And in the command with Blerim Kuqi were, as  
21 you've said, Jakup Krasniqi, Rexhep Selimi, and Fatmir Limaj; is that  
22 correct?

23 A. That's correct.

24 JUDGE BARTHE: Mr. Zyrapi, how do you know that Jakup Krasniqi,  
25 Rexhep Selimi, and Fatmir Limaj were in the command with Blerim Kuqi?

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1 Did you personally see them?

2 A. When I mentioned that I was also present in the meeting when  
3 they came, I then left with Drini and they remained inside with  
4 Blerim Kuqi. Based on this, I'm stating this.

5 JUDGE BARTHE: Understood. And you were asked by the  
6 Prosecution on 2 July 2024, I quote:

7 "Was there a decision to detain Blerim Kuqi?"

8 And your answer was on page 17447 of the transcript, I quote:

9 "Yes. After this, the decision was issued to detain him."

10 On 10 July, you were asked by counsel for Mr. Selimi to confirm  
11 that you don't know who issued the decision, and you responded, on  
12 page 17987 of the transcript:

13 "At that moment, I didn't know."

14 Now, Mr. Zyrapi, the Panel would like to know from you who made  
15 the decision to detain Blerim Kuqi. You said you did not know who  
16 issued the decision. So what do you know now? Who made the  
17 decision?

18 A. First of all, I do not know who exactly issued the decision. I  
19 do know that the decision was issued to detain Blerim Kuqi. Those  
20 who were present know better who issued the decision. I was not  
21 physically inside, present there when this decision was drafted or  
22 issued.

23 JUDGE BARTHE: So was the decision made during the meeting in  
24 the command? From what you know, was the decision made by the three  
25 individuals who were together with Blerim Kuqi; that is,



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1 Jakup Krasniqi, Rexhep Selimi, and Fatmir Limaj?

2 MS. ALAGENDRA: Your Honours, I believe the witness has already  
3 said he left the meeting, so whether or not he's in a position to  
4 answer that question.

5 PRESIDING JUDGE SMITH: Please allow the question to be  
6 answered.

7 Go ahead. You may answer the question.

8 THE WITNESS: [Interpretation] I cannot know who of them made  
9 this decision. I was not present there to see. I know that the  
10 decision was issued, made, and he was detained.

11 JUDGE BARTHE: And, Mr. Zyrapi, you said on 10 July 2024 that  
12 the decision was issued on the same day, that is, 16 January 1999;  
13 correct?

14 A. Yes, I mentioned it earlier. That was made on that day.

15 JUDGE BARTHE: Let me ask you again, how do you know that the  
16 decision to detain Mr. Kuqi was issued on 16 January, on the same  
17 day?

18 A. We know that Mr. Kuqi was detained, imprisoned on that very day.

19 JUDGE BARTHE: So your evidence is that Mr. Kuqi was arrested  
20 and imprisoned on that day, on 16 January 1999?

21 A. Yes, on that day.

22 JUDGE BARTHE: And how do you know that? Did you see it or did  
23 you hear it from someone?

24 A. After this decision was made, after I finished with  
25 Commander Drini, Commander Drini was also informed that he had been

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1 arrested. And when I asked Jakup Krasniqi, he confirmed that this  
2 measure had been taken and that he was arrested. I did not see the  
3 decision, and I do not know who made that decision.

4 JUDGE BARTHE: Thank you. I think this is clear now.

5 My next questions are about another exhibit which was used  
6 during your examination by the Prosecution, namely Exhibit P01414 or  
7 SPOE00228820.

8 Can we please bring that up. Thank you.

9 Mr. Zyrapi, on 2 July 2024, you confirmed, on page 17457 of the  
10 transcript, that you recognised the stamp and the signature on this  
11 document as the stamp of the General Staff and the signature of  
12 Mr. Jakup Krasniqi. And you further said you recall, more or less,  
13 this order forbidding the use of masks being issued; correct?

14 A. Yes, correct.

15 JUDGE BARTHE: You also said at the time some people were  
16 appearing with masks. Therefore, this order was issued to prevent  
17 the use of masks. And you were aware of this because there were  
18 complaints received from operational zones about people or soldiers  
19 wearing masks; is this correct?

20 A. That's correct.

21 JUDGE BARTHE: Now, I'd like to ask you the following: First,  
22 who exactly complained that people were appearing with masks? Did  
23 these complaints come from the operational zone commanders?

24 A. Yes, there were from operative zones, the Pashtrik, Shala,  
25 Drenica. From what I can remember, we received complaints -- such

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1 complaints at the time from zone commanders.

2 JUDGE BARTHE: And in what form were these complaints submitted?  
3 In written form or orally?

4 A. They were submitted orally during the meetings.

5 JUDGE BARTHE: During the meetings with the General Staff or  
6 members of the General Staff and operational zone commanders?

7 A. I remember this was mostly during my visits in the zones but  
8 also during the meetings with the commander.

9 JUDGE BARTHE: Can you explain why it was a problem that people  
10 or soldiers were wearing masks?

11 A. It was a problem because those who wore masks to avoid being  
12 identified were operating in zones where they were not assigned, or  
13 they had no authority to deal with civilians or to seize material  
14 means or to detain people. So the problem was that we could not know  
15 or identify the persons who were detaining or seizing these items,  
16 and these were soldiers that did not belong to the said zones; hence,  
17 the decision was made.

18 JUDGE BARTHE: And, finally, was this order, to your knowledge,  
19 implemented and followed?

20 A. It was sent to all zones. I do not know to what extent was it  
21 implemented. We gave and sent many orders but not all of them were  
22 fully implemented by zone commanders.

23 JUDGE BARTHE: Were there still complaints after the order was  
24 issued and sent to the operational zones, so after January 1999?

25 A. From what I can remember, no, we did not have such actions.

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1 JUDGE BARTHE: Thank you. My next questions concern the third  
2 day of your testimony, which was on 3 July 2024.

3 And could I ask the Court Officer to put Exhibit P00633 for us  
4 on the screen. Thank you.

5 As you can see, Mr. Zyrapi, this document is dated 12 February  
6 1999, and it is said to contain, among other things, the appointment  
7 of Sali Veseli as the acting commander of the Pashtrik operational  
8 zone.

9 You explained in relation to this document that it was not your  
10 prerogative, as chief of staff, to appoint zone commanders, brigade  
11 commanders, or battalion commanders. You said:

12 "Battalion commanders and officers within the zones were not to  
13 be appointed by the commander or the chief of the General Staff.  
14 They were," rather, "appointed by the zone commanders."

15 Correct?

16 A. Correct.

17 JUDGE BARTHE: And you further said that you did not want to  
18 sign or agree with the changes -- sign the document or agree with the  
19 changes or replacements in the Pashtrik zone because, one, you did  
20 not want to change the zone commander for professional reasons; and,  
21 two, it was not your competence to replace the zone commander. Do  
22 you remember saying this?

23 A. Yes, that's correct.

24 JUDGE BARTHE: For the record, I am referring here to pages  
25 17497 to 17499 of the transcript.

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1           Mr. Zyrapi, the Panel would like to know from you whose  
2 competence it was to replace a zone commander? Who in the KLA had  
3 the authority to do that?

4           A. Yes. Only the general commander had the right to replace a zone  
5 commander. Obviously, if the change and replacement of that  
6 commander is proposed by the chief of staff, and the reasons for his  
7 replacement are submitted, which is he is incapable of performing his  
8 duties, he's incapable of leading the units, then this can lead to  
9 the replacement of the zone commander. But if he has all the skills,  
10 the capabilities, and is acting accordingly, then he's not replaced.

11           Therefore, in this case, I did not agree with the replacement of  
12 the zone commander. However, the commander of the staff makes this,  
13 and it -- so the zone commander's replacement is proposed, and then  
14 the general commander approves it or not. The deputy commanders are  
15 proposed by the zone commanders and then appointed by the  
16 General Staff.

17           So it's the personnel directorate which prepares the document  
18 with the reasons why the replacement is being made, and then the  
19 general commander or the deputy signs the appointment to that  
20 position.

21           The other appointments are all made by the zone commander within  
22 the zone. The brigade commanders were proposed by the zone commander  
23 and appointed by the General Staff. All the others within the  
24 framework of the brigade were proposed and appointed by the zone  
25 commander. The battalion commanders were proposed by the brigade

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1 commander and approved by the zone commander.

2 JUDGE BARTHE: Thank you. Coming back to my original question  
3 about the replacement of a zone commander. Would the General Staff  
4 or other members of the General Staff be involved in such a decision;  
5 and if so, how? I mean, before the general commander replaces or  
6 decides to replace a zone commander, would there be a meeting, for  
7 example?

8 A. We had a meeting in relation to this as a staff, in which  
9 meeting I refused the change. However, there is also, within the  
10 staff, the personnel officers commission which analyses and makes a  
11 decision, a proposal to replace a zone commander or another senior  
12 officer, which is then submitted to the general commander for the  
13 final decision.

14 JUDGE BARTHE: And, Mr. Zyrapi, who proposed the appointments of  
15 the people in this exhibit, Exhibit P00633? Did these proposals come  
16 from the Pashtrik operational zone?

17 A. I don't know where they came from, who made these proposals, and  
18 how they were made.

19 JUDGE BARTHE: Just to be clear on that point. Were these  
20 people mentioned in this document actually appointed; for example,  
21 did Sali Veseli actually become acting commander of the Pashtrik  
22 operational zone in February 1999? I think you already said no. Is  
23 that right?

24 A. No, he never became one.

25 JUDGE BARTHE: And what was the reason for this? Because you

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1 didn't want to sign the document or was it rejected -- were the  
2 proposals rejected by the general commander? What was the reason for  
3 the fact that they weren't appointed?

4 A. The reason was that, first, I -- I've never seen this document  
5 before. This document was not shown to me at the time or offered --  
6 or asked me to sign it. I refused this proposal. Other matters were  
7 to be dealt with by the zone commander. However, I did not agree  
8 with this, and this did not come into effect. And at the time, the  
9 general commander had not taken a decision.

10 The time period when this happened, the general commander was  
11 outside the country, his deputy was inside the country, and we  
12 started the process of replacing the general commander as it can be  
13 seen in future meetings with the zone commanders. Therefore, this  
14 replacement did not come into effect, first, because I did not agree  
15 with this replacement; and, secondly, because the commander --  
16 general commander was not present to approve this change.

17 JUDGE BARTHE: Mr. Zyrapi, we heard about the replacement of  
18 Commander Drini in spring 1999. Could I ask you to briefly explain  
19 again how that went technically? I'm not interested, at least not  
20 for now, about the reasons. I don't want to know -- or I don't want  
21 to hear from you about the reasons, but just can you describe the  
22 procedure how that went?

23 A. I don't know the exact procedure that the personnel commission  
24 followed. They gave the proposal to the general commander, and the  
25 commander who took this decision for the replacement at the time was

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1 Sylejman Selimi, the overall commander, and he made that decision,  
2 and we wrote that decision for the replacement of Commander Drini  
3 with Tahir Sinani at the time.

4 JUDGE BARTHE: Now, I would like to ask do you know the reason  
5 or the reasons why Commander Drini was replaced and why Tahir Sinani  
6 was appointed?

7 A. He was replaced because at the time there were consistent  
8 requests for Commander Drini to be removed from that position. And  
9 as you can see from the meetings that were held, Rexhep Selimi asked  
10 consistently for Drini to be replaced by somebody else and removed  
11 from this position.

12 This was the reason that was given at the time. And also some  
13 reports from the zones were mentioned in this context, which I did  
14 not see at the time. However, I did see those reports later on, and  
15 from them I could see that that was not the reason. That is, the  
16 reason that was presented in those reports.

17 This is how the decision for his replacement was made.

18 JUDGE BARTHE: And were there complaints about Commander Drini's  
19 military performance, or what was the reason? Why were people asking  
20 for a replacement?

21 A. Not from a military or professional point of view. It was  
22 mostly for the following reasons: The group of officers that arrived  
23 in November and were distributed in Pashtrik zone, that was the  
24 result of the agreement with the Bukoshi government, and they were  
25 considered part of FARK, which was not true. They were all soldiers



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1 of the KLA. At the moment the agreement was signed, they accepted  
2 that they were under the command of the KLA and the General Staff of  
3 the KLA. They were not members of any other formation and did not  
4 have any other distinctive insignia.

5 The Bukoshi part attempted to provide other documentation, but  
6 we did resolve this issue with the arrival of FARK with Mr. Bicaj.  
7 And these young men were then assigned to these units and commands,  
8 and they acted upon the orders of the General Staff and the  
9 commanders of the zones of the General Staff, and there was no other  
10 military impact or influence on them.

11 And this was the background of the report claiming that  
12 Commander Drini was not cooperative, and this was not true. The  
13 officers, regardless of the units that they belonged, were the same.  
14 Regardless of their party affiliations, they were the same. They all  
15 have their own rights, politically speaking, when considered outside  
16 their professional military training.

17 So these were the reasons that were mentioned, and for me these  
18 reasons were not valid at all. This was the reason that led to his  
19 replacement, to the replacement of the zone commander.

20 JUDGE BARTHE: Thank you. And just to be clear on that point,  
21 was Commander Drini also considered part of FARK or to be part of  
22 FARK?

23 A. In fact, the report that we saw yesterday, which was read, the  
24 report of Mr. Halitjaha and Qadraku, not only him but I too, as chief  
25 of staff, was considered such, and this continues even in public

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1 media. Today these officers are called FARK. My joining of the KLA  
2 and Commander Drini's was in the KLA. We were part of the KLA. And  
3 Commander Drini was amongst first to join the units. At the time, he  
4 was part of the Celiku units in Kabashi area of Prizren. And when I  
5 arrived in Kosovo, I found him there as part of that unit. How can  
6 he be a FARK-recruited officer or member of the ministry that was at  
7 the time?

8 These gentlemen called us such at the time and continue to call  
9 us as such even now.

10 JUDGE BARTHE: Thank you. For my next questions, I would like  
11 to go back in time when you first entered Kosovo during the war.  
12 That was in May 1998; right?

13 A. Yes, May 1998.

14 JUDGE BARTHE: And you confirmed during your cross-examination  
15 by the Thaci Defence that you entered Kosovo together with Agim  
16 Qelaj, Hashim Thaci, Kadri Veseli, and Adem Grabovci; correct?

17 A. Yes, and others.

18 JUDGE BARTHE: And others. For the record, this is on pages  
19 17547 and 8 of the transcript.

20 Mr. Zyrapi, when you entered Kosovo with Mr. Thaci and  
21 Mr. Veseli, what were the two wearing? Were they wearing a uniform  
22 or civilian clothes?

23 A. As far as I remember, we were all wearing uniforms. The whole  
24 group was wearing uniforms, apart from several people who were  
25 carrying the weapons, who were supplying the weapons.

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1 JUDGE BARTHE: This would have been my next question. Did  
2 Mr. Thaci and Mr. Veseli have a weapon when they entered Kosovo with  
3 you; and if so, what kind of weapon?

4 A. All of us in the group were armed. We had personal weapons. We  
5 usually were armed with a Kalashnikov, A-47. Myself, Mr. Thaci, and  
6 Mr. Veseli, as well as others had that weapon. In addition, we  
7 had -- all of us were carrying an extra weapon for those who were  
8 inside Kosovo.

9 JUDGE BARTHE: And later on when you met the two, Mr. Thaci and  
10 Mr. Veseli, during the war, what were they wearing and did they carry  
11 a weapon as far as you remember?

12 A. Depending on the situation, sometimes in uniform, sometimes in  
13 civilian clothes. Sometimes carrying long weapons, sometimes not.  
14 Not only them, myself included. Depending on the activity, the  
15 movement.

16 JUDGE BARTHE: Thank you. My next questions are about what you  
17 understood to be Mr. Thaci's role or function in the General Staff.

18 You told us on 3 July 2024 that Mr. Thaci was covering the media  
19 and public relations directorate in June 1998, and he held the  
20 position as director for media and communication until November 1998  
21 until -- or when he eventually became the political representative of  
22 the KLA; is that right?

23 A. Yes, correct.

24 JUDGE BARTHE: You further said, on page 17549 of our  
25 transcript, that Mr. Thaci was appointed political representative of

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1 the KLA because of his prior experience with the public and the  
2 media, and he knew also the international aspects. So you said he  
3 was assigned to this task which he carried out until Rambouillet,  
4 after which he became prime minister of the Provisional Government of  
5 Kosovo; is that correct?

6 A. That's correct, yes.

7 JUDGE BARTHE: I would like to know the following now. What  
8 exactly were Mr. Thaci's duties as director for media and  
9 communication? In other words, what was he doing at that time as far  
10 as you know?

11 A. From what I know, from that time, and from what I could see,  
12 these were issues related to the media and internationals and  
13 relations with diplomats. He also had contacts with the political  
14 representatives who were active in various Western countries.

15 JUDGE BARTHE: Did you personally see him speaking to  
16 journalists while you were together?

17 A. No. Personally, I didn't.

18 JUDGE BARTHE: Did Mr. Thaci also give interviews on television  
19 at that time?

20 A. That I don't know.

21 JUDGE BARTHE: What else did Mr. Thaci do apart from being  
22 director for media and communication as far as you know, or was this  
23 a full-time job, 24 hours a day?

24 A. We were all busy 24 hours a day. He did deal with the media and  
25 also with the political representatives abroad in European or Western

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1 countries, and he dealt with the discussions with foreign diplomats  
2 at the time. This is as far as I remember and I know from that time.

3 JUDGE BARTHE: As far as you know, of course, was he also  
4 responsible, perhaps in cooperation with the spokesperson of the KLA,  
5 for drafting and publishing communiqués or political or other  
6 declarations of the KLA?

7 A. I don't know about that. I had no access.

8 JUDGE BARTHE: So you don't know who was responsible for  
9 preparing official declarations of the KLA?

10 A. No, I don't know.

11 JUDGE BARTHE: Thank you.

12 Mr. Zyrapi, I have another question about the role of Mr. Thaci  
13 as political representative of the KLA before he became  
14 prime minister of the -- or in the PGoK, the Provisional Government  
15 of Kosovo.

16 We have heard several times that Adem Demaci, who was residing  
17 in Prishtine during the war, was also a political representative of  
18 the KLA; is that right?

19 A. Yes, that's right.

20 JUDGE BARTHE: So I wonder what was the difference between  
21 Mr. Thaci's and Mr. Demaci's role if both were political  
22 representatives of the KLA?

23 A. As I mentioned earlier, Hashim Thaci was assigned to be in the  
24 political directorate exclusively for discussions with internationals  
25 because of his experience. Adem Demaci dealt with the public opinion

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1 in general in his -- in carrying out this duty. And this was the  
2 difference between their duties.

3 When we speak of Hashim Thaci during that period just before the  
4 restructuring, we had internationals who were observers in Kosovo and  
5 they had to be oriented somewhere, and that was the directorate with  
6 Hashim Thaci. Maybe there was such relation with Adem Demaci as  
7 well, but I don't know how that was coordinated or done.

8 JUDGE BARTHE: Was one of the two, Mr. Thaci or Mr. Demaci,  
9 superior to the other; and if so, who was superior?

10 A. I don't know who was superior because a political representative  
11 was a political representative. Their superior would be the command  
12 of the General Staff. From organisational point of view, I don't  
13 know who their superior was.

14 JUDGE BARTHE: Thank you. My next questions before we break at  
15 11.00 pertain to another issue.

16 And, Mr. Court Officer, can we please bring up P0178, which is a  
17 video, and the corresponding transcript, 061427-27-TR-ET. I don't  
18 think we have to play the video.

19 I was asked to repeat the P number. The P number is or exhibit  
20 number is P01278.

21 THE COURT OFFICER: And, Your Honour, I would be grateful if you  
22 can direct me if you want to see the video or -- if it can be played,  
23 or just --

24 JUDGE BARTHE: No, I don't think the video has to be played.  
25 Just the still.

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1 Mr. Zyrapi, do you remember seeing this video during the first  
2 week of your testimony?

3 A. Yes, I do.

4 JUDGE BARTHE: According to the English translation of what was  
5 said in the video, you said, among other things, the following, and I  
6 quote, and this is from 061427-27-TR-ET:

7 "During our training of the soldiers and officers, we are very  
8 much impressed by the ability and the speed at which the soldiers and  
9 officers of the Kosovo Liberation Army who are trained become so  
10 quickly prepared to meet the needs of the KLA and the needs related  
11 to the battles and fighting waged on the territory of Kosovo."

12 Mr. Zyrapi, you confirmed, in response to a suggestion from the  
13 Thaci Defence on page 17570 of the transcript, that this video was  
14 recorded for propaganda purposes.

15 Now, can I ask you the following: Was that part, or the part I  
16 just read to you, also recorded for propaganda purposes? In other  
17 words, were you or were you actually not impressed by the ability and  
18 the speed at which KLA soldiers and officers became prepared to meet  
19 the needs of the KLA and the needs related to the battles and  
20 fighting on the territory of Kosovo? Was that propaganda or was that  
21 your impression?

22 A. First of all, the video was part of the propaganda. And there  
23 were certain elements, surprisingly, that they could learn fast, but  
24 there were other elements that they did not know. However, it was  
25 mostly part of the propaganda claiming that they were quickly being

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1 enabled and learning to join the war in Kosovo, but it -- as I said,  
2 it was mostly propaganda.

3 JUDGE BARTHE: So -- one final question on that. Was that -- or  
4 do I understand your evidence correctly that you were not convinced  
5 or you had doubts that the soldiers would acquire skills that could  
6 be used or they could use in combat against the enemy at that time?

7 A. That's correct.

8 JUDGE BARTHE: Thank you. That's all.

9 PRESIDING JUDGE SMITH: We'll take the morning break at this  
10 time, Witness. So you may leave the courtroom with the Court Usher.

11 [The witness stands down]

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

13 --- Recess taken at 11.03 a.m.

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

15 PRESIDING JUDGE SMITH: Please bring the witness in.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: All right. Mr. Zyrapi, we will continue  
18 with Judge Barthe's questions.

19 JUDGE BARTHE: Thank you.

20 And welcome back, Mr. Zyrapi.

21 A. Thank you.

22 JUDGE BARTHE: I have another question in relation to the  
23 General Staff. You told us on 3 July 2024 that the General Staff did  
24 not give green light to go forward with the attack on Rahovec because  
25 it would have required, as you said, more time and preparation,



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1 equipment and units, to conduct such an operation in  
2 civilian-inhabited areas. And, nevertheless, the commander of a  
3 local unit carried out an action without asking you or the  
4 General Staff, entered Rahovec, and conducted the assault, which  
5 resulted, as you said, in negative consequences for the KLA.

6 Do you remember saying this?

7 A. Yes.

8 JUDGE BARTHE: For the record, this can be found on page 17585  
9 of the transcript.

10 Mr. Zyrapi, one day later, on 4 July 2024, on page 17629 of the  
11 transcript, you were asked by the Thaci Defence about an incident in  
12 December 1998 involving Commander Remi on the Podujeve line, and you  
13 agreed with Mr. Misetic that Commander Remi wouldn't listen to  
14 requests from the General Staff operational directorate to withdraw  
15 his forces from the Podujeve line. Do you recall this?

16 A. Yes.

17 JUDGE BARTHE: My first question in this context is this: Did  
18 the General Staff operational directorate give Commander Remi a  
19 direct order to withdraw his forces from the Podujeve line?

20 A. From what I can remember, yes.

21 JUDGE BARTHE: And who gave him the order?

22 A. From what I can remember, at the time I discussed this with the  
23 deputy commander of the operative zone, and I advised him to withdraw  
24 or to stop the advance towards the fighting area. I did not have  
25 direct contacts with Commander Remi at the time, but I did have

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1 contacts with the deputy commander. And I'm speaking for myself. I  
2 do not know about the others.

3 JUDGE BARTHE: So, Mr. Zyrapi, as a former professional soldier,  
4 you certainly know the difference between an order and an advice. So  
5 let me ask you again. Did you give the deputy commander the order or  
6 an order or did you advise him to withdraw the forces from the  
7 Podujeve line?

8 A. At that time, it was some sort of an advice.

9 JUDGE BARTHE: And was that sort of advice binding for  
10 Commander Remi? In other words, was Commander Remi free to follow  
11 the order?

12 A. He had the right to make decisions on his own and to proceed  
13 further. We received information that things happened, but we were  
14 not in a position to know better than the zone commander or deputy  
15 commander what actually happened in the zone.

16 Therefore, from the professional aspect, from the -- in the  
17 framework of the operational directorate, I gave this advice because  
18 we did not agree, we did not give the green light for these actions.  
19 But sometimes the zone commanders would act or would refuse to act  
20 based on their own decision.

21 JUDGE BARTHE: And was that a problem, that zone commanders, as  
22 you said, sometimes would act or would refuse to act based on their  
23 own decision? Was that a problem for you as -- or other members of  
24 the General Staff?

25 A. Yes.

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1 JUDGE BARTHE: And would there be or were there any follow-ups,  
2 any reactions from your side after Commander Remi did what he wanted  
3 to do and didn't withdraw from the Podujeve line?

4 A. No, I was not in a position to take any such action at the time.

5 JUDGE BARTHE: From your military perspective or with your  
6 military background, is that a common problem, a common military  
7 problem, that soldiers, commanders on the ground make their own  
8 decisions and do not follow advice given by superiors?

9 A. This is a problem inherent to the army we had, the Kosovo  
10 Liberation Army that was in the process of developing. This wouldn't  
11 happen in regular armies who have a different system. We had such  
12 cases and events in our army, and we were not able to issue or take  
13 any specific measures in this regard.

14 JUDGE BARTHE: Can you tell us another incident where zone  
15 commanders or local commanders ignored advice given to them by the  
16 operative or the operational directorate within the General Staff?

17 A. I can describe the attack in Belacevac which was conducted  
18 without the permission or the green light of the Staff or the  
19 operational directorate. This was another action that was carried  
20 out.

21 JUDGE BARTHE: When was that? Which year?

22 A. In 1998. I don't know if it was August or another month when  
23 the attack was carried out in Belacevac with a superficial unit where  
24 the zone command did not ask for the consent of the operational  
25 directorate to carry out this attack.

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1 JUDGE BARTHE: And later on, can you give us also an example  
2 for --

3 THE INTERPRETER: Interpreter's correction, line 5, it's not a  
4 superficial unit but an open pit mine.

5 THE WITNESS: [Interpretation] I don't know. Now I don't  
6 remember. There are other cases. These are the operations or events  
7 that I do remember.

8 JUDGE BARTHE: And was that a common problem or problem  
9 throughout the war, or did that change throughout the war, let's say,  
10 in 1999 after the restructuring, or after November 1998, the  
11 restructuring of the General Staff and the KLA in general? Did that  
12 change?

13 A. This was a constant problem until the end of the war. But the  
14 operational actions, as those that happened earlier, were -- did not  
15 happen anymore. At least in a much smaller number. I don't remember  
16 any specific events similar to those.

17 JUDGE BARTHE: Thank you. Now, Mr. Zyrapi, I would like to ask  
18 you about another topic that was addressed during cross-examination  
19 by the Thaci and the Selimi Defence.

20 You confirmed that in summer 1998, when it was alleged that  
21 Serbian civilians were abducted in the course of the attack on  
22 Rahovec, you did not have the ability to arrest, for example, a zone  
23 commander because you did not have a military police unit at your  
24 disposal as the director of the operational directorate. You  
25 remember that?

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1 A. Yes.

2 JUDGE BARTHE: You further confirmed both during your  
3 cross-examination by the Thaci and the Selimi Defence that you or the  
4 General Staff did not take any disciplinary measures since you did  
5 not have the structures to take such measures. And you said, this  
6 can be found on page 17589 of the transcript, and I quote:

7 "All we could do eventually was to replace the officer in  
8 question from the commanding position and remove him."

9 Do you remember saying this during your cross-examination?

10 A. Yes.

11 JUDGE BARTHE: Mr. Zyrapi, I would like to know the following.  
12 Do you know whether officers or soldiers were, in fact, replaced or  
13 removed after you learned about the allegations of abducted Serbian  
14 civilians?

15 A. With respect to this, in the whole case of Rahovec, I explained  
16 who started this action. As a preliminary measure against the  
17 commander who led the local staff in Rahovec, we could not take any  
18 measures against him because he fell and was killed during the  
19 fighting in Rahovec. So there were no measures we could take against  
20 him because he was not alive anymore.

21 JUDGE BARTHE: If I'm not mistaken you told the Selimi Defence  
22 on 10 July 2024, on page 17933 of the transcript, that the alleged  
23 abduction of Serbian civilians - Mr. Roberts called them prisoners -  
24 was not discussed within the General Staff or among its members;  
25 correct?

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1 A. Correct.

2 JUDGE BARTHE: So it was never discussed whether the allegations  
3 against the KLA were true or false; is that your evidence?

4 A. It was not discussed in general terms. At least I'm speaking  
5 for myself. Because from the beginning of Rahovec attack up until  
6 September, there were successive offensive. We didn't have time to  
7 discuss or deal with these matters at the time.

8 JUDGE BARTHE: Did you personally ask anyone whether the  
9 allegations were true?

10 A. No, because, first of all, I was not aware of this. When I  
11 learned it, it was too late to further inquire about this.

12 JUDGE BARTHE: And was there a discussion in the General Staff  
13 or among its members, as far as you know, in August 1998 after the  
14 allegations became, as you said, public, or later, how to deal with  
15 those who were responsible for the alleged abduction of the Serbian  
16 civilians?

17 A. No. As I said, in the month of August, there were constant  
18 assaults in -- and attacks conducted in August, so I did not have  
19 time or the ability to discuss these matters.

20 JUDGE BARTHE: Mr. Zyrapi, what I would like to understand is  
21 this. You said in your SPO interview, Part 3, at page 14, that you  
22 heard about allegations of abducted Serb civilians from the media at  
23 the end of August 1998, and you learned it from a denial that had  
24 been issued by the KLA.

25 So I wonder how could it be that allegations were denied if

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1 there were no resources for investigating whether the allegations  
2 were true or false, if there were no discussions among members of the  
3 General Staff, at least to your knowledge. So why were allegations  
4 denied if nobody was able to find out whether they were true or  
5 whether they were made up, for example, by Serbian propaganda?

6 A. Your Honour, I mentioned this. I was not able to do this  
7 because of the offensives and their movements. I was not able to  
8 hear if there was any discussion between the staff members, if there  
9 was any opinion expressed or any statement issued.

10 JUDGE BARTHE: Just to be clear on that point, I wasn't  
11 referring to you. I didn't mean you. Or I didn't suggest that you  
12 should have inquired. But, anyway, let's move on.

13 Mr. Zyrapi, you also discussed with the Thaci Defence on 4 July  
14 2024 the role of Azem Sylja as the overall or general commander of the  
15 KLA. And you told us that the chief of staff -- or as chief of  
16 staff, you received orders and instructions from Mr. Sylja when  
17 Mr. Sylja was inside the country, you said, and when he could send  
18 those. This is from page 17627 of the transcript.

19 Do you remember saying that on 4 July or during your  
20 cross-examination by the Thaci Defence?

21 A. Yes.

22 JUDGE BARTHE: When Mr. Sylja was not in Kosovo, how often did  
23 you receive orders or instructions from him? Was that every day or  
24 once a week or once a month? So often could he send orders?

25 A. He could not do that frequently. I was not able to receive

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1 instructions -- frequent instructions from Mr. Syla. In particular,  
2 during November, December, he was only on one occasion in Kosovo when  
3 we met and received instructions to discuss with Mr. Syla. Before  
4 that, when I was in Albania in November, we discussed internal  
5 matters. But then in January, February, I did not have contacts with  
6 him. Then he went to Rambouillet, and I saw him when he came back  
7 from Rambouillet.

8 If something was needed to be sent in written form, this would  
9 be sent through a courier and would reach us two or three days later,  
10 depending on how the courier could travel to bring us an order,  
11 advice, or instruction from the General Staff. So we had very rare  
12 contacts.

13 JUDGE BARTHE: When you were still in Kosovo, so before  
14 September, before you left, and Mr. Syla was in Albania, did you  
15 receive telephone calls from him? Did you call him or did he call  
16 you?

17 A. No, not before I went to Albania, because I did not have a  
18 telephone and I obviously could not have telephone contacts with him.

19 JUDGE BARTHE: And you just mentioned that Mr. Syla was also  
20 coming or that he came to Kosovo and he was in the country. In your  
21 SPO interview, Part 14, on page 7 and the following pages, you said  
22 that he was in Kosovo in August, Mr. Syla was in Kosovo in August  
23 1998, and December 1998 for one or two weeks, in January 1999 for  
24 four or five days, and in February 1999 for two days before and two  
25 days after Rambouillet. Is that right? Is that still your evidence?



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1 A. Yes. From what I can remember, in August, yes; December, yes;  
2 January, when he came when the Recak events occurred. I know also  
3 that he was there before he went to Rambouillet and when he returned  
4 from Rambouillet in February. And then I saw him again when I went  
5 to Albania.

6 JUDGE BARTHE: In your SPO interview, Part 14, and I'm referring  
7 to the same pages, pages 7 and the following -- or page 7 and the  
8 following pages, you said that you did not see Mr. Syla in June and  
9 July 1998. And, as you just said, you met him in Tirana in September  
10 1998; is that right?

11 A. In June and July, I did not see him in Kosovo. In August, yes.  
12 And then again in September when I went to Albania.

13 JUDGE BARTHE: How often did you meet Mr. Syla during the time  
14 Mr. Syla was in Kosovo, approximately? Did you meet him every day or  
15 only once or twice during his stays in Kosovo, during his visits?

16 A. When he was in Kosovo, I did not really see him frequently. We  
17 probably met one day or two days, depending on how long he stayed in  
18 Kosovo, because he didn't stay long. He would stay two, three, four  
19 days, depending on the situation on the ground. So during that time  
20 period I might have seen him two, three times.

21 JUDGE BARTHE: Thank you. Let's move on to a different topic.  
22 Mr. Zyrapi, on pages 17631 and 2 of the transcript, you talked about  
23 communication between the General Staff and the zone commanders. And  
24 you said that until November 1998, it was difficult for you or for  
25 the General Staff to communicate with the zone commanders.

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1           In your SPO interview at Part 14, page 11, and I think this  
2           passage was also read to you today by Mr. Misetić from the Thaci  
3           Defence, you said that from June to November 1998 you only had  
4           Motorola equipment that was very a short network or short range. Do  
5           you remember saying that to the Prosecution in your interview?

6           A.    Yes.

7           JUDGE BARTHE: Were these Motorola devices radio devices or  
8           mobile phones?

9           A.    Radio devices which we used at the time. Short frequencies, not  
10          long frequencies.

11          JUDGE BARTHE: And what was approximately the range of these  
12          devices, if you know?

13          A.    Depending on the relay antennas, usually this range would be 5  
14          to 10 kilometres, not further than that.

15          JUDGE BARTHE: And you said today that you personally did not  
16          have a phone -- a mobile phone. Did you have a radio device, such a  
17          device, a Motorola device in summer 1998?

18          A.    Yes, I had a Motorola, but I did not have a telephone.

19          JUDGE BARTHE: And did you see other soldiers, KLA soldiers  
20          using mobile phones during that time?

21          A.    People had mobile phones, depending on where they got them from.  
22          But I did not see satellite phones.

23          JUDGE BARTHE: I was talking about regular mobile phones, not  
24          about satellite mobile phones. You said you saw mobile phones,  
25          people with mobile phones; is that your evidence?

1 A. Yes, mobile phones. So these are personal phones. Whereas  
2 satellite phones are different. As I explained to the question of  
3 the Prosecutor, they were in the form of -- shape of a laptop, yes,  
4 at a later stage. But at the time we're talking about, they -- some  
5 people had mobile phones, personal phones, but not satellite ones.

6 JUDGE BARTHE: And just to be very clear on that point, you did  
7 not personally have a -- or you did not have a personal, a private  
8 mobile phone at that time; right?

9 A. No, I didn't.

10 JUDGE BARTHE: Thank you. Mr. Zyrapi, my next questions relate  
11 to Exhibit 1D00029-ET.

12 Mr. Court Officer, could we please have this exhibit on the  
13 screen. Thank you.

14 Mr. Zyrapi, do you remember seeing and discussing this exhibit  
15 with the Thaci Defence on 4 July 2024 and I think also with other  
16 Defence teams later?

17 A. Yes.

18 JUDGE BARTHE: Now, point 4 of this order says:

19 "The arrest, detention or imprisonment of persons without an  
20 order from a brigade commander or above is prohibited, except in the  
21 case of a critical combat situation or when various criminal offences  
22 [were] being committed against members of the KLA, against  
23 individuals or the civilian authorities."

24 Do you see that?

25 A. Yes, yes.

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1 JUDGE BARTHE: And you said in response to a question by  
2 Mr. Misetic that this provision was included because there were  
3 complaints, and the aim was to discipline all soldiers, in particular  
4 those who were still not under full command; is that correct? Do you  
5 remember?

6 A. Yes, that's correct.

7 JUDGE BARTHE: Thank you. For the record, I was referring to  
8 page 17640 of the transcript.

9 Now, point 6 -- if we can scroll down. Thank you.

10 Point 6 of this order explicitly refers to a military court.  
11 And you confirmed that if someone was suspected to be a collaborator,  
12 you wanted that person to be sent to the legal department for  
13 processing; is that right?

14 A. Yes, to the legal sector for further measures.

15 JUDGE BARTHE: My first question in this context is this: Can  
16 you tell us again who established the military court or military  
17 courts if there was more than one? Was that Mr. Sokol Dobruna?

18 A. After this, because when this order was written, it was still  
19 being formed. However, later on this legal sector, led by Mr. Sokol  
20 Dobruna, he was the one who established this.

21 JUDGE BARTHE: On 4 July 2024, you said that Mr. Dobruna was  
22 appointed upon proposal of the general commander Azem Sylja and  
23 Mr. Dobruna's zone commander Ramush Haradinaj because Mr. Dobruna was  
24 from Mr. Haradinaj's zone, the Dukagjini zone. And this is on page  
25 17642 of the transcript.

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1 In your cross-examination by the Krasniqi Defence on 11 July  
2 2024, on page 18084 of the transcript, you said the following, and I  
3 quote:

4 "Q. And on Thursday last week, you were asked by Mr. Misetic  
5 about the appointment of Mr. Dobruna in November 1998, and you stated  
6 that the decision to appoint Mr. Dobruna was made by the general  
7 commander, Azem Syla."

8 And then you were asked on 11 July 2024 by counsel for  
9 Mr. Krasniqi:

10 "Do you recall that?"

11 And your answer was:

12 "Yes."

13 And then:

14 "Q. And a document such as this, if it was signed by  
15 Mr. Krasniqi, he was only formalising a decision already made by the  
16 general commander; am I correct?"

17 And your answer was:

18 "Yes, correct."

19 Mr. Court Officer, can we please have Exhibit P1175 on the  
20 screen, both in the English and the Albanian. I repeat, P1175.  
21 Thank you.

22 Mr. Zyrapi, the English translation of this exhibit reads as  
23 follows, first paragraph:

24 "In its meeting held on 12 November 1998 based on the need for  
25 the reorganisation, structuring and institutionalisation at a higher

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1 level the General Staff makes this

2 "Decision

3 "1. Sokol Dobruna from Gjakove by profession an attorney, is  
4 appointed as Chief of the Juridical Sector in the Cabinet of the  
5 Commander of the KLA GS /General Staff/."

6 And, Mr. Zyrapi, just to be clear what your evidence is on this  
7 point. Who made the decision to appoint Mr. Sokol Dobruna? Was that  
8 the General Staff by way of a majority decision or by consensus, or  
9 was it Azem Syla alone in his capacity as general commander, or was  
10 it one of his deputies?

11 A. The meeting on 12 November for the restructuring involved all of  
12 the General Staff of the KLA. And during that meeting, a request was  
13 made for such a person with experience to be appointed. And  
14 commanders of the zones were asked during that meeting to put forward  
15 proposals based on people they knew, and so forth, for this position.  
16 Of course, this also involves the aspect of the general commander  
17 because it's part of his cabinet. This is how it was preceded.

18 The commanders of the zones were asked for proposals, and the  
19 commander of the Dukagjini operational zone made the proposal because  
20 Mr. Dobruna was part of that area, and he was proposed, as I said, by  
21 the commander of the Dukagjini zone. The proposal was sent to the  
22 staff. Of course, the general commander was asked for his opinion.  
23 And he was then approved to be assigned to the legal sector, and he  
24 was eventually assigned to that sector.

25 JUDGE BARTHE: And was there a vote within the General Staff

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1 among the members of the General Staff before it was sent -- the  
2 proposal was sent to the general commander?

3 A. No, nothing special. It came as a proposal, and the general  
4 commander then made the decision and prepared the order in this  
5 respect. There was nothing in particular, meaning voting or other  
6 proposals.

7 JUDGE BARTHE: Thank you. I'd like to move on to another point.  
8 You said that the military court mentioned in point 6 of the  
9 previous exhibit was also created to deal with the issue of  
10 collaborators; is that correct?

11 A. Yes.

12 JUDGE BARTHE: And was that military court or the military court  
13 system in general also supposed to deal with civilian collaborators;  
14 that is, non-KLA members?

15 A. We did not have other legal sectors. We did not have civilian  
16 legal sectors in Kosovo at the time. This was the only sector that  
17 would and could deal with both civilian and military aspects.

18 JUDGE BARTHE: As far as you know, how many cases of civilian  
19 collaborators or non-KLA members were tried before the military court  
20 after it was established?

21 A. After it was created?

22 JUDGE BARTHE: After it was created, of course.

23 A. I don't know how many cases there were, Sokol Dobruna should  
24 know that, because I didn't deal with that matter. I could only give  
25 my advice for maintenance and security. But I do not have knowledge

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1 about how many cases there were.

2 JUDGE BARTHE: During the first week of your testimony here, and  
3 also during your cross-examination by the Krasniqi Defence, you  
4 discussed the case of the two Serbian woodcutters who were allegedly  
5 abducted and mistreated in February 1999, and one of them died while  
6 in custody. Do you remember that case and that you discussed it with  
7 the Prosecution here and with the Defence?

8 A. I do. I remember this case.

9 JUDGE BARTHE: Do you know whether the persons who were  
10 responsible for the detention and mistreatment of the two woodcutters  
11 were later investigated and punished by the KLA?

12 A. No, I don't know. I don't know what measures were taken and  
13 what was done.

14 JUDGE BARTHE: Were you informed by Mr. Dobruna or by another  
15 person from the legal sector about any investigation or disciplinary  
16 measures regarding that case, the case of the two woodcutters, or  
17 other cases involving the alleged abduction or mistreatment of  
18 civilians?

19 A. No, I don't have any knowledge about that.

20 MR. EMMERSON: Excuse me, there's a mistranscription of  
21 Judge Barthe's question. Instead of "you were" at the beginning, it  
22 should be "were you."

23 JUDGE BARTHE: That's right. Thank you very much, Mr. Emmerson.

24 The reason, Mr. Zyrapi, why I'm asking that is because you said  
25 in the Milutinovic trial, and also here on page 17627 and 8 of the



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1 transcript, that your duties as chief of staff included, among other  
2 things, disciplinary measures. This is why I was asking you whether  
3 you were informed or not. But you said you were not informed. You  
4 had no knowledge; right?

5 A. That's right. I was not informed about that matter, whether  
6 measures were taken or not.

7 JUDGE BARTHE: Who was responsible for overseeing the work of  
8 the military court?

9 A. The command. The commander and his cabinet.

10 JUDGE BARTHE: Mr. Zyrapi, practically speaking, how can  
11 Mr. Sylva oversee the work of the legal sector when he was in Albania  
12 most of the time and Mr. Dobruna was not available? Maybe one of the  
13 two deputy commanders was responsible for this, or maybe both; is  
14 that right?

15 A. Well, in the absence of the commander, the deputies are there  
16 and they do the work and oversee this sector.

17 JUDGE BARTHE: Both deputies or just one; and if so, which of  
18 the two was responsible to oversee the legal sector?

19 A. Both of them, but mostly deputy Jakup Krasniqi because he was  
20 close -- closer there.

21 JUDGE BARTHE: Now I would like to move on to a different topic.  
22 I would like to ask you who was in charge of the military police  
23 directorate after it was created?

24 A. After it was created, in charge of the military police  
25 directorate was Fatmir Limaj. He was appointed to this function.

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1 JUDGE BARTHE: And was there another person who was in charge of  
2 the military police directorate before Mr. Limaj became head of that  
3 directorate?

4 A. No, because this directorate did not exist before that. As far  
5 as I know, it was created with the restructuring of the staff of the  
6 Kosovo Liberation Army.

7 JUDGE BARTHE: I understand. And so Mr. Limaj, Fatmir Limaj was  
8 the first director of the military police at the General Staff level;  
9 correct?

10 A. Yes, that's correct.

11 JUDGE BARTHE: And what did Mr. Limaj do before he became head  
12 of the military police directorate? Did he have another role or  
13 another position in the KLA?

14 A. Yes. Before he became director of the military police  
15 directorate, he was commander of 121 Brigade.

16 JUDGE BARTHE: And can you tell us again who appointed Mr. Limaj  
17 as head of the military police directorate?

18 A. With the restructuring of the General Staff, we asked for  
19 proposals who to be appointed at this position. I don't know who  
20 made the proposal. And he was placed in the directorate of the  
21 military police. And this is during the transformation of the  
22 General Staff of the KLA.

23 JUDGE BARTHE: So, in principle, it was the same procedure as  
24 the appointment of Mr. Dobruna; is that right?

25 A. That's right.

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1 JUDGE BARTHE: And can you tell us when exactly he was  
2 appointed?

3 A. With the restructuring of the General Staff of the KLA. Now, I  
4 don't know whether it's November or later, the 12th and these dates  
5 that mark the beginning of the transformation. But it was November.  
6 It's towards the end of November, but I don't remember the exact  
7 date.

8 JUDGE BARTHE: And, Mr. Zyrapi, do you know whether Mr. Limaj  
9 had already taken over the position as head of the military police  
10 directorate or head of the military police before he was formally  
11 appointed?

12 A. I don't know how he would formally be able to take over that  
13 position when the restructuring of the General Staff had not begun.  
14 As far as I know, there was no military police directorate before  
15 that. Had there been one, I would have seen that. So to my  
16 knowledge, I don't know if there was anybody before that to lead this  
17 directorate.

18 JUDGE BARTHE: Just to be clear, I'm not speaking about the  
19 formal appointment. I'm talking about the actual work. And just to  
20 let you know why I'm asking that, on page 17836 of the transcript,  
21 you agreed with the Veseli Defence that although Mensur Kasumi had  
22 not formally been appointed as the replacement of Mr. Veseli as head  
23 of the intelligence directorate until the beginning, you said,  
24 beginning of April 1999, Mr. Kasumi had already performed some  
25 intelligence functions prior to this formal appointment.

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1           So I wonder whether this could also be true or could have been  
2 true in relation to Mr. Limaj in relation to the military police.

3           A.   No, I did not have such knowledge, and he did not exercise such  
4 duties.

5           JUDGE BARTHE: Thank you. Finally, are you aware of any  
6 complaints that lower levels at the zone had reported directly to the  
7 General Staff? Have you heard, for example, of complaints that the  
8 military police at the brigade level had directly reported to the  
9 military police directorate, of course, after it was created -- it  
10 had been created; or that the intelligence sector at the brigade  
11 level had directly reported to the intelligence directorate without  
12 reporting to their respective zone commanders? Have you heard of  
13 such complaints?

14          A.   When the restructuring started, many people who were on  
15 positions and tasks, posts, they did not know what their duties and  
16 responsibilities were. There were such that were conscious of what  
17 they should do and there were others that were not.

18          The intelligence sectors or intelligence and  
19 counter-intelligence sectors in zone level, they report to brigade  
20 commanders. However, if, for example, the staff asks for information  
21 concerning the movement and positions of the enemy forces, such  
22 informations could go directly to the General Staff. However, the  
23 sectors themselves would report to the brigade commanders not higher  
24 up, that is, not directly report to the sector at General Staff  
25 level.

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1 JUDGE BARTHE: Have you heard of complaints that during the time  
2 that Commander Drini was operational zone commander, lower levels at  
3 the zone reported directly to the General Staff, thereby not  
4 reporting to Commander Drini directly, to the General Staff or to  
5 members of the General Staff?

6 A. Yes, there was one complaint. Especially this one with  
7 intelligence, counter-intelligence matters. I don't know whether he  
8 reported or not, and to whom, when he assumed that duty, but he did  
9 not report to the person who replaced him. Then the commander of the  
10 zone took measures and settled the issue of reporting, because people  
11 like Mr. Qadraku, for example, would act on their own decisions.

12 According to them, the other directorates had to be informed.  
13 They, pursuant to rules, have to cooperate between each other but not  
14 reporting. The reporting should go by the zone commanders, and then  
15 the information can go higher up, the information that is to be sent  
16 higher up. So there were such instances but not many.

17 JUDGE BARTHE: Thank you. My next questions are about what you  
18 told us on 8 July 2024 during your cross-examination by the Veseli  
19 Defence.

20 On page 17795 of the transcript, you confirmed that the process  
21 of allocating tasks within the General Staff itself to different  
22 individuals started on 12 November 1998 and it continued onwards, you  
23 said. Do you remember saying this?

24 A. Yes, I remember saying that.

25 JUDGE BARTHE: And on the next page, this is page 17796 of the

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1 transcript, you were asked by Mr. Emmerson if it was you, as chief of  
2 staff, who made the decision that Mr. Veseli should be appointed to  
3 intelligence and sent to Albania for training in November. And you  
4 answered:

5 "Yes, I made the decision for him to be sent to training."

6 A bit later, Mr. Zyrapi, on page 17814 of the transcript,  
7 Mr. Emmerson stated following on the record, I quote:

8 "Now, again, you said you had appointed Mr. Veseli to G2 in  
9 November and then dispatched him for training with the Albanian  
10 intelligence shortly thereafter."

11 And you responded to this and to another suggestion by  
12 Mr. Emmerson:

13 "Yes, that's correct."

14 Now, just to be clear what your evidence is, did you actually  
15 appoint Mr. Veseli as head of the intelligence directorate, or G2, in  
16 November 1998 as it was suggested to you by Mr. Emmerson?

17 A. No. It could have been a proposal only, because the commander  
18 does the appointments to director positions. It is true that I sent  
19 him to training. So it could be a mixup. The proposal, yes, came  
20 from me, but it is the commander who appointed him to the position of  
21 the director of intelligence and counter-intelligence directorate.

22 JUDGE BARTHE: Thank you. And can you tell us why you proposed  
23 Mr. Veseli for the position as head of the intelligence directorate?  
24 What were the reasons why you proposed him?

25 A. Because he led the information directorate earlier on and for

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1 sake of continuity with the restructuring of the General Staff, for  
2 him to continue to develop this directorate. This was the reason  
3 behind the proposal.

4 JUDGE BARTHE: Thank you. My next question is this, Mr. Zyrapi:  
5 According to paragraph 17 of Preparation Note 2, you told the SPO,  
6 the Prosecution, in your preparation session, that between September  
7 and November 1998, your source of information about the developments  
8 in Kosovo was Azem Syla and Kadri Veseli. And you were asked about  
9 that but only -- briefly, but only in relation to Mr. Syla by the  
10 Krasniqi Defence. And today the Prosecution, and that is on page 6  
11 of the realtime transcript, asked you the following, I quote:

12 "Did you have contact with Kadri Veseli during that time  
13 period?"

14 And Madam Prosecutor was referring to the time period September  
15 and October 1998. And your answer was:

16 "I had contacts with Kadri Veseli after I returned from the  
17 Western countries, and we started the negotiations, discussions with  
18 the Bukoshi government, but not prior to that."

19 Can I ask you first, Mr. Zyrapi, when did you exactly return to,  
20 I assume, Albania?

21 A. I returned to Albania from the West at the end of October. I do  
22 not remember the exact date right now.

23 JUDGE BARTHE: And before you returned to Albania, you never  
24 spoke to Kadri Veseli? He never called you or you called him?

25 A. As far as I know, we did not meet during that time. I know that

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1 the last phone conversation was in the last part of October.  
2 Kadri Veseli called me and told me to return to Tirana as we had to  
3 proceed with some discussions and negotiations. This was the first  
4 phone contact that we had, as far as I remember. And then upon my  
5 return to -- in Tirana, we met physically and we went and discussed  
6 with Bukoshi government.

7 JUDGE BARTHE: And after you had returned to Albania, what kind  
8 of information did you discuss with Mr. Veseli?

9 A. We discussed the issue of negotiations. We didn't discuss  
10 internal matters. We talked about the negotiations that would start  
11 with the Bukoshi government and about the venues of the meetings.

12 JUDGE BARTHE: So you discussed political issues; is that right?

13 A. Correct. In relation to the negotiations.

14 JUDGE BARTHE: And did you also discuss military matters such as  
15 the situation of the units in Kosovo?

16 A. No, we did not discuss the situation in Kosovo. We only  
17 discussed military matters once we started our talks with the  
18 ministry within the Bukoshi government.

19 JUDGE BARTHE: I'm not sure whether the transcript is correct.  
20 Your answer is recorded as:

21 "We only discussed military matters once we started our talks  
22 with the ministry within the Bukoshi government."

23 So you discussed military matters, right, but later on?

24 MR. EMMERSON: I'm obviously conscious not to say anything in  
25 front of the witness, but might it be wise for me to [Overlapping



1 speakers] ...

2 PRESIDING JUDGE SMITH: We can excuse the witness if you have an  
3 objection.

4 MR. EMMERSON: Yes, I'm sorry --

5 PRESIDING JUDGE SMITH: We can excuse the witness if you --

6 MR. EMMERSON: Yes, I think it might -- it's not so much an  
7 objection as a clarification, but it might be better in the absence  
8 of the witness, I think.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: Go ahead, Mr. Emmerson.

12 MR. EMMERSON: In relation, obviously, to the negotiations, the  
13 Bukoshi negotiations that both Mr. Veseli and Mr. Zyrapi were  
14 involved in, they were primarily military negotiations in terms of  
15 the merging of the two armed forces. And I think that's where the  
16 confusion is arising in the witness's mind between -- because I think  
17 Your Honour specifically referred to that as political as distinct  
18 from military. And what he -- I think where this confusion is  
19 arising from is that -- is that clearly it was a partly military  
20 discussion taking place with the Bukoshi government about the merging  
21 of their various resources.

22 PRESIDING JUDGE SMITH: We'll see if we can straighten that out.

23 JUDGE BARTHE: Thank you.

24 PRESIDING JUDGE SMITH: You can bring the witness back in now.

25 [Trial Panel and Court Officer confers]

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1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 Thank you, Mr. Zyrapi. We will continue with Judge Barthe's  
4 questions.

5 JUDGE BARTHE: Thank you.

6 And welcome back, Mr. Zyrapi. I was just advised the  
7 negotiations with the Bukoshi government had a military dimension,  
8 and this might have caused some confusion.

9 When I mentioned military matters, I was just referring -- or  
10 primarily referring to the situations of the troops, the KLA units on  
11 the ground in Kosovo at that time. And if I'm not mistaken, you said  
12 that this was not an issue. This was not discussed with Mr. Veseli  
13 when you met him in Albania; right?

14 A. That's correct.

15 JUDGE BARTHE: And was that discussed among the two of you,  
16 among Mr. Veseli and you, after the negotiations had started, the  
17 situation of the troops on the ground in Kosovo?

18 A. Not that much, because I knew the situation of the units inside  
19 the territory of Kosovo up to September, and we were expecting  
20 changes that would occur between -- in the course of September,  
21 October. So, therefore, we waited for us to go inside the territory  
22 of Kosovo and to get this information or updated information on the  
23 situation on the ground.

24 JUDGE BARTHE: And from your conversations and discussions with  
25 Mr. Veseli, did you have the impression that Mr. Veseli was also

1 aware of the situation of the troops on the ground in Kosovo?

2 A. No, we did not discuss that matter at all. We did not discuss  
3 the situation of the units on the ground. I believe he did not know  
4 either the situation or the state of the units within the territory  
5 of Kosovo.

6 JUDGE BARTHE: And can you tell me the reason why you didn't  
7 discuss it? Was it not relevant for your negotiations with the  
8 Bukoshi government? I mean the situation of the troops on the  
9 ground. Was that not a factor, an aspect that would be relevant for  
10 further discussions?

11 A. No, they were not relevant because the discussions we had were  
12 about finding a system to unify the Bukoshi units or  
13 Bukoshi-associated units and the units inside the country from the  
14 command further down, but not the details of the situation on the  
15 ground, and this was not a topic discussed during the meeting.

16 JUDGE BARTHE: Thank you. Now, Mr. Zyrapi, I have a few more  
17 questions that I would like to -- or would like to clarify a few more  
18 issues with you. And the first of these issues is about  
19 Mr. Rexhep Selimi using or attempting to use the rapid response unit  
20 of the General Staff for arresting people.

21 Before you answer, in your examination by the SPO on page 17443  
22 of the transcript, you stated that the reconnaissance rapid response  
23 unit was used by Rexhep Selimi as the inspector general on one  
24 occasion, namely, in a village on the territory of the Pashtrik zone,  
25 and that that was the reason why an order was issued by you, which is

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1 admitted as Exhibit P00901, page 6967 in the English and page 6968 in  
2 the Albanian version.

3 I don't think it's necessary that we bring it up.

4 During your cross-examination, however, you were asked by the  
5 Selimi Defence the following, and I quote:

6 "Q. So my understanding of this document," this exhibit, the  
7 order that was issued by you, "is that, obviously, Mr. Selimi is  
8 attempting to use this unit."

9 And you responded, among other things, I quote:

10 "... I have explained that Mr. Selimi has not made use of it for  
11 arresting people, but it is a unit that should always be at the ready  
12 to intervene."

13 Mr. Zyrapi, do you remember saying this in response to --

14 A. Yes.

15 JUDGE BARTHE: -- the question?

16 A. Yes, that's correct.

17 JUDGE BARTHE: Thank you. And my question is did

18 Mr. Rexhep Selimi actually use the unit or did he only attempt to use  
19 the unit?

20 A. No, he did use the unit. But the unit was there in that village  
21 for disciplinary measures and not for arrests. They did not carry  
22 out arrests, despite the fact that this unit should not have been  
23 used for that because there was a military police formed, and in the  
24 absence of the military police and the General Staff, they could have  
25 hired some from the zones and carried out these actions. Because

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1 these units, reconnaissance and sabotage units and rapid response  
2 units are there for rapid reaction in the event of an attack or other  
3 actions carried out by the staff, but not for carrying out  
4 disciplinary measures or arrests.

5 JUDGE BARTHE: And what was the disciplinary measure that was  
6 executed and against whom was it directed?

7 A. This disciplinary measure was taken against soldiers who entered  
8 in that village, which was not under KLA control, and then most of  
9 them used phones in that location and their conversations -- soldiers  
10 communicating through those phones could have communicated  
11 information or intelligence --

12 JUDGE BARTHE: [Overlapping speakers] ...

13 A. -- in particular when calling landline phones, and they were  
14 obviously intercepted by Serbian forces. So one going around in  
15 uniform in that village and doing these things were not appropriate,  
16 and these were the disciplinary measures taken, asking them to leave  
17 that location and to stop using their phones to communicate  
18 information which would reveal military secrets of the KLA. This was  
19 the reason for this disciplinary measure.

20 JUDGE BARTHE: And may I ask again what exactly was the  
21 disciplinary measure? Did they seize the phones or what did they do?  
22 The rapid response unit.

23 A. No, they removed the soldiers from that village. They were not  
24 able to seize the phones because they were landlines, property of  
25 villagers. So the measure was to have the soldiers leave this

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1 village.

2 JUDGE BARTHE: Did they remove the soldiers by force or how did  
3 that work, if you know?

4 A. In practice, the use of force is also included to remove them  
5 from there. Those who resisted or did not follow the order, they  
6 were removed. But there were no arrests or any such things. This  
7 was a disciplinary measure implemented.

8 JUDGE BARTHE: And you know who ordered the measure, the  
9 disciplinary measure?

10 A. No. This was ordered by the commander. The general --  
11 inspector general controls these measures and has the capacity to  
12 react in his capacity. But not by me.

13 JUDGE BARTHE: Just to be clear on that point. It was ordered  
14 by the general commander and executed -- the order was executed by  
15 the general inspector or?

16 A. The order came from the command. The inspector general, upon  
17 receiving the information about these events, took measures based on  
18 the instructions of the commander or the deputy commander.

19 JUDGE BARTHE: Thank you. And, Mr. Zyrapi, another final point  
20 on which the Panel -- at least for me, which the Panel needs  
21 clarification from you is the following.

22 On 10 July 2024, on pages 17977 and 8, you were asked by the  
23 Selimi Defence about a press release - and this is Exhibit P00303 -  
24 that dealt with the arrest and detention of the two LDK officials,  
25 Cen Desku and Jakup Kastrati. Do you remember discussing this with

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1 the Selimi Defence last week?

2 A. Yes.

3 JUDGE BARTHE: And you were also shown another document,  
4 Exhibit P00300, that mentioned two Serbian journalists who were  
5 allegedly arrested by the KLA on 18 October 1998. Do you recall  
6 that?

7 A. Yes.

8 JUDGE BARTHE: In Part 3 of your SPO interview, and also during  
9 your cross-examination by the Krasniqi Defence, on 10 July 2024, at  
10 page 18013, you said that you had heard about the case of Mr. Desku  
11 and Mr. Kastrati, but you don't know who ordered their arrest. Is  
12 that still your evidence?

13 A. Yes, that's correct, because at the time when they were arrested  
14 I was not in Kosovo.

15 JUDGE BARTHE: On page 37 of Part 3 of your SPO interview, you  
16 said that you talked to members of the KLA General Staff about the  
17 case of Mr. Desku and Mr. Kastrati when you became chief of staff.  
18 Could you please tell the Panel with whom you spoke?

19 A. At the time, after his release, and the staff restructuring had  
20 started, this is the time when I discussed the matter, because I did  
21 not know that they -- these two officials were detained. This was  
22 the time when we discussed the matter. I asked about this. I was  
23 told about the measure taken, but I was not given a clear, precise  
24 explanation of what had happened and how had it happened.

25 So this is the moment and the conversation during which I

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1 learned that they were detained, but no further detailed discussions  
2 in this regard.

3 JUDGE BARTHE: And did you learn that in a meeting of the  
4 General Staff, or was it a private conversation with an individual  
5 member of the General Staff or other -- more than one member?

6 A. After their release this was made public. There was a meeting  
7 at the staff, a meeting within the staff. I don't know whether all  
8 staff members were present. This is the moment when I asked the  
9 question, because I did not know up until then.

10 JUDGE BARTHE: And do you know who was present at that meeting?

11 A. I don't remember all those who attended.

12 JUDGE BARTHE: Do you remember whether one of the four accused  
13 was present?

14 A. Usually there were two of them in these meetings, in the staff  
15 meetings. At the time, it was Mr. Jakup Krasniqi and mostly  
16 Rexhep Selimi who attended the staff meetings in November, December.

17 JUDGE BARTHE: And what about Mr. Thaci? In your SPO interview,  
18 you said that if Mr. Kastrati and Mr. Desku were arrested because  
19 they were LDK members, then, you said, it would be a political issue.  
20 This is on page 39 of Part 3 of the interview. Would that not be an  
21 issue, for example, for Mr. Thaci as a political representative of  
22 the KLA?

23 A. To my knowledge, at the time he was not a representative or head  
24 of the political directorate. At the time, he was in charge of the  
25 relation with international media. Now, was he or not, I don't know.



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1 When I came in, the restructuring of the staff had started, and I'm  
2 not aware that it existed as a directorate before. I indicated when  
3 it was formed. And that was the tasks performed by Mr. Thaci, in  
4 charge of media and international relations.

5 JUDGE BARTHE: Mr. Zyrapi, according to the information we have,  
6 Mr. Kastrati and Mr. Desku were released on 27 November 1998. And if  
7 I'm not mistaken, you said there was a meeting after their release,  
8 so after 27 November 1998. So was Mr. Thaci already a political  
9 representative at that time?

10 A. At the time, the proposal was made to form a political  
11 directorate. But in general, the staff was not -- because we had a  
12 staff meeting on 28 November, but the directorates started its work  
13 with the restructuring process.

14 JUDGE BARTHE: And did you talk to anyone from the General Staff  
15 about the case of the two Serbian journalists; and if so, who did you  
16 speak to?

17 A. No, I don't know in relation to the two Serbian journalists. I  
18 saw it in the document that was shown to me. I did not discuss this,  
19 but I do know that I heard when these journalists were released.

20 JUDGE BARTHE: So you didn't discuss this, the case of the two  
21 Serbian journalists, with anyone from the General Staff?

22 A. No, I personally didn't.

23 JUDGE BARTHE: Including the four accused; right?

24 A. I personally did not ask any question in this regard. I did not  
25 deal with this matter.

1 JUDGE BARTHE: Thank you very much, Mr. Zyrapi. I have no  
2 further questions. Thank you.

3 PRESIDING JUDGE SMITH: Mr. Zyrapi, this will end your time here  
4 today. We will see you tomorrow morning at 9.00. We wish you a good  
5 day. Thank you for being with us.

6 You may leave the courtroom now.

7 [The witness stands down]

8 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.  
9 tomorrow --

10 MR. EMMERSON: Sorry --

11 PRESIDING JUDGE SMITH: I'm sorry, Mr. Emmerson's got something.

12 MR. EMMERSON: I apologise. Without being impertinent or making  
13 impertinent inquiries, I think it would probably be helpful if we  
14 just had a moment to take stock of what the rest of the week looks  
15 like in time terms. I think for all Defence teams, I would imagine  
16 it would be helpful to know if --

17 PRESIDING JUDGE SMITH: Well, it would be wonderful if we could  
18 finish with this witness this week. I think we can.

19 MR. EMMERSON: Do we have any sense is really my question --

20 PRESIDING JUDGE SMITH: Judge Mettraux has questions, of course,  
21 and Judge Gaynor has questions.

22 MR. EMMERSON: Does that likely take us to the end of the day  
23 tomorrow is the question -- no, it does not. Okay.

24 PRESIDING JUDGE SMITH: I don't think it would take till the end  
25 of the day, but you may get some --

1 MR. EMMERSON: Because we only have until 11.00 on Thursday.

2 PRESIDING JUDGE SMITH: Well, I've made inquiry with the witness  
3 and he would be willing to stay for one more session on Thursday.

4 MR. EMMERSON: Well, that gives a little bit of extra time.

5 PRESIDING JUDGE SMITH: But I think that's sort of so he can get  
6 finished, so we --

7 MR. EMMERSON: Yes.

8 PRESIDING JUDGE SMITH: We're going to have to all bear that in  
9 mind.

10 MR. EMMERSON: Correctly understood. Thank you.

11 PRESIDING JUDGE SMITH: Anything else?

12 We're adjourned until 9.00 a.m. tomorrow.

13 --- Whereupon the hearing adjourned at 12.54 p.m.

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