



In: KSC-BC-2020-06

Name: The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi

Before: Trial Panel II
Judge Charles Smith III, Presiding Judge
Judge Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr. Fidelma Donlon

Date: 12 May 2023

Classification: PUBLIC REDACTED

[IN COURT REDACTION ORDER]

The Trial Panel II FINDS that the following blacked out text contains confidential information and ORDERS this information shall be removed/ edited from the PUBLIC broadcast/streaming, audio visual recording and transcripts in all three languages *Albanian/ English/ Serbian*. Hearing of 12 May 2023, transcript reference Page 95 Line 17 (time code 14:34:01); Page 95 Line 24 (time code 14:34:07); Page 96 Line 1 (time code 14:34:15); Page 96 Line 10 (time code 14:34:48); Page 96 Line 11 (time code 14:34:50); Page 96 Line 17 (time code 14:35:02); Page 97 Line 1 (14:35:35); Page 97 Line 5 (time code 14:35:51) and Page 97 Line 6 (time code 14:35:53).

95:17	We are willing to allow evidence to be led concerning the	14:33:35
18	operational capabilities, the impact of battles, or other police	14:33:41
19	force action of Serbian forces as might be relevant to establishing	14:33:47
20	how such forces might impact the organisational structure or	14:33:52
21	abilities of the KLA. That will be allowed. If you can establish	14:33:55
22	that [REDACTED] has such knowledge.	14:34:01
23	If you wish to as a general question of this witness on	14:34:03
24	cross-examination as to whether or not [REDACTED] knows of acts of	14:34:07
25	retaliation against any parties, including Kosovan Albanians, by	14:34:11
96:1	returning Albanians or other Kosovo parties, [REDACTED] can give a general	14:34:15
2	answer.	14:34:18
3	So the information you intend to lead with this witness is	14:34:18
4	generally irrelevant except in the way I outlined it and it's not	14:34:22
5	probative of any other matter at issue in this case.	14:34:28
6	MR. KEHOE: One moment of clarity, Judge. But, obviously, the	14:34:33
7	Prosecutor -- one of the documents I was going to look at was a	14:34:36
8	Prosecution documents 82 that they introduced into evidence, and I	14:34:39
9	was about to -- going to read the parts that the Prosecution didn't	14:34:44
10	read concerning [REDACTED] going back in there and what [REDACTED], in fact,	14:34:48
11	observed when [REDACTED] went in there.	14:34:50
12	So this is a document that's in evidence put in by the	14:34:52
13	Prosecution on this particular issue.	14:34:56
14	PRESIDING JUDGE SMITH: That's what I just ruled on.	14:34:57
15	MR. KEHOE: Okay. So I can use this?	14:34:58
16	PRESIDING JUDGE SMITH: You can use it but only to a limited	14:35:00
17	matter. You can ask about what [REDACTED] observed, but I don't want to hear	14:35:02
18	about who did what to who. Okay?	14:35:05
19	MR. KEHOE: Yes, Your Honour. I got it.	14:35:08
20	PRESIDING JUDGE SMITH: We're talking about battle information,	14:35:09
21	police actions. Those things are relevant. But when it comes down	14:35:11
22	to a particular crime being committed, a particular type of	14:35:16
23	"atrocities" that you are alleging, those are not relevant to what's	14:35:22
24	going on in this case. Retribution can be shown if you have a	14:35:26
25	specific act of retribution and somebody who can testify against it.	14:35:30
97:1	This [REDACTED] will not be able to.	14:35:35
2	MR. KEHOE: It is an interesting point, because throughout the	14:35:37
3	direct examination by the Prosecution we had any number of questions	14:35:40
4	like: Have you heard, or do you know, or have you heard X, Y, and Z,	14:35:45
5	which was a protracted explanation. I am sure when I ask [REDACTED] that	14:35:51
6	question that [REDACTED] going to be able to answer, "Yes, I have heard of	14:35:53
7	these acts of retribution."	14:35:57
8	PRESIDING JUDGE SMITH: That's okay and that's a general answer.	14:36:01
9	MR. KEHOE: Okay. I just didn't want to get cross-wise with	14:36:03
10	Your Honour when I was in the middle of the direct	14:36:07

Registry implementation: Yes No Feed Terminated Time From _____ to _____

AV: Name _____ Signature: _____ Time From _____ to _____



Charles J. Smith III

Judge Charles Smith III
Presiding Judge

Registry implementation: Yes No Feed Terminated Time From _____ to _____
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