



**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:** 18 May 2023

**Classification:** PUBLIC REDACTED

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**[IN COURT REDACTION ORDER]**

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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 18 May 2023, transcript reference Page 6 Line 20 to Page 6 Line 22, (time code from 09:08:32 to 09:08:55).

6:16	Before we continue with our first witness today, the Panel	09:08:14
17	wishes to address one matter that came up yesterday when the SPO	09:08:17
18	offered statements and associated exhibits of W03165. Counsel for	09:08:20
19	Mr. Veseli recorded an objection to the admission of two documents	09:08:28
20	[REDACTED]	09:08:32
21	[REDACTED]	09:08:46
22	[REDACTED]	09:08:55
23	These two documents have already been found appropriate for	09:09:07
24	admission by the Panel in its decision in F01380 at paragraph 126.	09:09:10
25	Objections to admission which had been raised by the Defence in	09:09:18
7:1	filing F01308, have, therefore, already been addressed by the Panel	09:09:23
2	and a decision has been rendered in respect of those.	09:09:28
3	Once admitted or declared admissible, admission of an exhibit	09:09:30
4	can only be challenged under the rules by means of an application for	09:09:34

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**Judge Charles Smith III  
Presiding Judge**

Registry implementation: Yes  No  Feed Terminated  Time From \_\_\_\_\_ to \_\_\_\_\_  
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11:1	were in your car, did there come a point where you had to decide to	09:16:51
2	turn your car either left or right; and if so, without saying the	09:16:56
3	town names, if you can tell us what was in each direction?	09:17:02
4	A. So after I took my car and my weapon, I got into -- I followed	09:17:17
5	the car in which were my relatives taken by the masked people. At	09:17:28
6	the exit of the village, two of them had been pulled out of the car,	09:17:50
7	[REDACTED]	09:17:50
8	[REDACTED]	09:17:51
9	[REDACTED]	09:17:54
10	Q. Sir, I just want to remind you we're in open session, so please	09:17:59
11	limit your question and don't use the town names ^ . I'm just	09:18:06
12	asking. I know it's only a part of the story. If you can just focus	09:18:11
13	on that part, which is at some point did you come to a decision where	09:18:14
14	you had to turn left or right? That's my first question. Did there	09:18:17
15	come a point that you had to decide to turn left or right to try to	09:18:22
16	find your relative?	09:18:25
17	A. To -- so I took this shortcut.	09:18:31
18	Q. After you took the shortcut though, once you were in your car,	09:18:37
19	did there come a point after you met people on the road where you had	09:18:43

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**Judge Charles Smith III**  
Presiding Judge

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25:1	A. Yes.	09:52:44
2	Q. When you were performing your duties after your [REDACTED] murder,	09:52:45
3	what would you wear?	09:52:53
4	A. After my relative was killed, I was wearing civilian clothing.	09:53:02
5	I did not put on a uniform of the KLA since then.	09:53:07
6	Q. And do you still have your KLA uniform?	09:53:12
7	A. No.	09:53:26
8	Q. Why didn't you have your uniform anymore?	09:53:27
9	A. Because it was damaged back then, and I did not receive -- I did	09:53:35
10	not buy any other uniform. So in the first round, I bought one	09:53:41
11	uniform, but then I decided not to buy one. And I could not wear	09:53:45
12	[REDACTED]	09:53:50
13	and it was a problem to me to get that uniform in my house. It was a	09:53:56
14	problem for the whole family.	09:53:59
15	Q. I understand.	09:54:02
16	PRESIDING JUDGE SMITH: [Microphone not activated].	09:54:34
17	MS. O'REILLY: Your Honours, could we move into private session	09:54:34
18	for a moment?	09:54:35
19	PRESIDING JUDGE SMITH: [Microphone not activated].	09:54:35

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**Judge Charles Smith III**  
**Presiding Judge**

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40:11	MR. MOSKOWITZ: Your Honour --	10:34:37
12	PRESIDING JUDGE SMITH: Do you wish to remain in closed session	10:34:39
13	or private session?	10:34:43
14	MR. MOSKOWITZ: Yes, this is what I wanted to talk about. I	10:34:44
15	would like to try to keep it in open session as much as possible, but	10:34:47
16	what	10:34:50
17	[REDACTED]	10:34:54
18	[REDACTED]	10:34:59
19	[REDACTED]	10:35:03
20	[REDACTED]	10:35:11
21	PRESIDING JUDGE SMITH: Just a second.	10:35:12
22	MR. MOSKOWITZ: We're in closed? Are we in closed? I think we	10:35:14
23	should in closed session so we can discuss this.	10:35:23
24	PRESIDING JUDGE SMITH: All right. Let's go into closed	10:35:28
25	session, please.	10:35:30
41:1	[Private session].	10:35:42

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**Judge Charles Smith III**  
**Presiding Judge**

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48:17	[Open session]	10:51:49
18	THE COURT OFFICER: Your Honours, we're in open session.	10:51:50
19	PRESIDING JUDGE SMITH: Thank you.	10:51:52
20	Now you can proceed.	10:51:53
21	MR. MOSKOWITZ: Thank you, Your Honour.	10:51:54
22	Q. [REDACTED] Witness, I want now to turn your attention and focus your	10:51:55
23	mind, if you can, to that [REDACTED] and I want you to, as	10:52:03
24	best you can, give me an estimate of time. I'm going to ask you for	10:52:15
25	an estimate of time, and I want you to give me how much time elapsed	10:52:21
49:1	or how much time went by from the time you left your house after	10:52:28
2	hearing gunshots, you left your house, to the time you left the	10:52:35
3	village. So the time you left your -- you hear gunshots, you leave	10:52:42
4	your house, to the time you left your village at position B.	10:52:48
5	A. It was about ten minutes in total.	10:53:02

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**Judge Charles Smith III**  
Presiding Judge

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51:5	A. Yes, I mapped with the kidnapers.	10:56:48
6	Q. [Microphone not activated] Specifically when you're in this	10:56:55
7	shortcut that you're describing -- could you describe this shortcut a	10:57:01
8	little bit? I'm having a hard time visualising it, you know.	10:57:09
9	A. There was this shortcut that led to the main road. So you had	10:57:16
10	to go through the shortcuts, it was closer to [REDACTED] it was	10:57:22
11	about 150 metres away from A. I went through the shortcut, and the	10:57:27
12	shortcut was about 70, 80 metres.	10:57:35
13	Q. You also testified earlier today -- or yesterday that you heard	10:57:37
14	shouts at some point from some people in a crowd, and that because of	10:57:54
15	those shouts you knew that relatives were in a car taken by people	10:58:04
16	wearing masks. Could you explain where you were when you listened to	10:58:15
17	those shouts?	10:58:21
18	A. I was going towards the direction of A, where the shots were.	10:58:26
19	People told me that the three of them were taken, and the car left	10:58:36
20	downwards.	10:58:41
21	Q. You knew about what was happening to your relatives because of	10:58:43

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**Judge Charles Smith III**  
**Presiding Judge**

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53:4	MR. MOSKOWITZ: [Microphone not activated].	11:01:55
5	PRESIDING JUDGE SMITH: Okay.	11:01:58
6	MR. MOSKOWITZ: [Microphone not activated].	11:02:00
7	Q. So the people walking or behind the car wouldn't let you get	11:02:02
8	close to the car, so you only saw 1 and 2, not 3, in the car. And	11:02:08
9	this was by the [REDACTED]; correct?	11:02:14
10	A. Before we went to position B because position B was further	11:02:21
11	afield.	11:02:30
12	Q. [Microphone not activated].	11:02:30
13	A. From where I was staying.	11:02:32
14	Q. [Microphone not activated].	11:02:34
15	PRESIDING JUDGE SMITH: We will redact the reference.	11:02:36
16	MR. MOSKOWITZ: Yes, Your Honour. I'm sorry.	11:02:39
17	Q. One more question: Did you see 1, 2, and 3 exit the car at	11:02:41
18	position B?	11:02:45
19	A. No.	11:02:48
20	Q. Where were you when they exited the car at position B? Were you	11:02:51

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**Judge Charles Smith III**  
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55:5	--- On resuming at 11.30 a.m.	11:30:46
6	PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness	11:31:05
7	in.	11:31:07
8	I think somebody asked a question to [REDACTED] about the paper [REDACTED]	11:31:11
9	got in front of [REDACTED]. We'll certainly introduce that into evidence so	11:31:16
10	that there's a record made of exactly what [REDACTED] was looking at.	11:31:20
11	MR. MOSKOWITZ: Thank you, Your Honour. I would like to, at	11:31:24
12	this time, since we're talking about introducing things into	11:31:27
13	evidence, having been reminded by counsel for the SPO that I haven't	11:31:29
14	yet done this, which I appreciate, I want to move the map into	11:32:03
15	evidence if we could. That would be DHT00577.	11:32:03
16	PRESIDING JUDGE SMITH: [Microphone not activated].	11:32:04
17	MR. MOSKOWITZ: Yes, DHT00577.	11:32:05
18	PRESIDING JUDGE SMITH: Any objection to that tender?	11:32:10
19	MS. MAYER: No objection, Your Honour.	11:32:13
20	PRESIDING JUDGE SMITH: Any from the Defence? No.	11:32:15
21	DHT00577 is admitted and will be assigned a number.	11:32:17
22	THE COURT OFFICER: Your Honours, that will be Exhibit 1D13.	11:32:21
23	PRESIDING JUDGE SMITH: All right.	11:32:29
24	MR. MOSKOWITZ: I think now I'm going to be getting into an area	11:32:30
25	where we need to review [REDACTED] prior statements on this -- in [REDACTED]	11:32:34
56:1	village where [REDACTED] was, because those statements add additional detail.	11:32:42
2	PRESIDING JUDGE SMITH: All right.	11:32:47
3	MR. MOSKOWITZ: They will necessarily involve names and places.	11:32:47
4	I don't think there's any way around it, so we may need now to go	11:32:50
5	into private session.	11:32:53
6	PRESIDING JUDGE SMITH: Thank you for that information.	11:32:54
7	Madam Court Officer, into private session please.	11:33:00

**Judge Charles Smith III**  
Presiding Judge

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75:14	[Open session].	12:18:26
15	THE COURT OFFICER: Your Honours, we're in public session.	12:18:26
16	PRESIDING JUDGE SMITH: Thank you.	12:18:27
17	[REDACTED]	12:18:28
18	[REDACTED]	12:18:29
19	[REDACTED]	12:18:30
20	[REDACTED]	12:18:34
21	[REDACTED]	12:18:39
22	[REDACTED]	12:18:44
23	[REDACTED]	12:18:51
24	[REDACTED]	12:18:55
25	[REDACTED]	12:18:58
76:1	[REDACTED]	12:19:00
2	[REDACTED]	12:19:04
3	[REDACTED]	12:19:04
4	[REDACTED]	12:19:07
5	[REDACTED]	12:19:18
6	[REDACTED]	12:19:23
7	[REDACTED]	12:19:24
8	[REDACTED]	12:19:28
9	[REDACTED]	12:19:33
10	[REDACTED]	12:19:35
11	[REDACTED]	12:19:35
12	[REDACTED]	12:19:40
13	[REDACTED]	12:19:46
14	[REDACTED]	12:19:50
15	[REDACTED]	12:19:56
16	[REDACTED]	12:20:00
17	[REDACTED]	12:20:04
18	[REDACTED]	12:20:07
19	[REDACTED]	12:20:12
20	[REDACTED]	12:20:19
21	[REDACTED]	12:20:23
22	[REDACTED]	12:20:25
23	[REDACTED]	12:20:30
24	[Private session].	12:20:47

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*Charles J. Smith III*

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**Judge Charles Smith III**  
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80:19	Q. If I can suggest that that conversation was very brief, probably	12:27:53
20	lasting -- well, you tell me. How long were you at that car talking	12:27:59
21	to number 4?	12:28:03
22	A. I just stopped and I asked him, "Did you see a car going in this	12:28:11
23	route with some masked people? Because [REDACTED] was in the car."	12:28:19
24	He answered, "No." And I got in my car and I went towards the	12:28:28
25	[REDACTED] again.	12:28:32
81:1	Q. So your best recollection is the car was parked, it was a Golf	12:28:38
2	III make, and that number 4 was wearing black clothing. That is	12:28:45
3	correct, right?	12:28:57
4	A. Yes.	12:28:58
5	Q. I just want to know if you are aware that number 3 has a	12:28:59
6	slightly different recollection of that incident. Were you aware of	12:29:09
7	that?	12:29:12

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**Judge Charles Smith III  
Presiding Judge**

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82:6	wearing camouflage, not black. Does that refresh your recollection	12:31:35
7	at all about number 3's account of this incident?	12:31:41
8	PRESIDING JUDGE SMITH: Well, counsel, it's not accurate. It	12:31:45
9	isn't [REDACTED] recollection because [REDACTED] said [REDACTED] didn't remember it and	12:31:47
10	wasn't there.	12:31:57
11	MR. MOSKOWITZ: [Microphone not activated].	12:31:59
12	Q. You say you don't remember it, but now I'm asking you whether	12:31:59
13	this generates a memory of what number 3 recalls or not?	12:32:03
14	A. I was not present when [REDACTED] gave this evidence. I can't remember	12:32:12
15	any single word uttered by -- in this -- during this testimony.	12:32:18
16	MR. MOSKOWITZ: Your Honour, I think at this point I have a	12:32:30
17	point to make that will require us to go into closed session.	12:32:32
18	PRESIDING JUDGE SMITH: All right. Into closed session. I'm	12:32:36
19	sorry, into private session.	12:32:39
20	MR. MOSKOWITZ: I'm sorry, I --	12:32:41
21	PRESIDING JUDGE SMITH: You're leading me astray.	12:32:42
22	MR. MOSKOWITZ: I am sorry.	12:32:44
23	PRESIDING JUDGE SMITH: Private session for the protection of	12:32:46
24	the witness.	12:32:47
25	THE WITNESS: [Interpretation] Can I have a very short break [REDACTED]	12:32:51
83:1	[REDACTED], please?	12:32:55
2	PRESIDING JUDGE SMITH: Yes, you may. You have to just hold on	12:32:57
3	a moment.	12:33:01
4	Are we still in public session?	12:33:03
5	THE COURT OFFICER: [Microphone not activated].	12:33:07
6	PRESIDING JUDGE SMITH: All right. Please escort the witness	12:33:09

**Judge Charles Smith III**  
**Presiding Judge**

Registry implementation: Yes  No  Feed Terminated  Time From \_\_\_\_\_ to \_\_\_\_\_

AV: Name \_\_\_\_\_ Signature: \_\_\_\_\_ Time From \_\_\_\_\_ to \_\_\_\_\_