



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

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: 22 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 22 May 2023, transcript reference Page 4 Line 1 (time code 09:07:36).

23	[Open session].	09:07:17
24	THE COURT OFFICER: Your Honours, we're now in public session.	09:07:18
25	MR. ROBERTS: Your Honour, just while we're waiting, if I could	09:07:32
4:1	just advise you. I just would like to take [REDACTED] briefly into private	09:07:36
2	session to explain a couple of additional codes that I would like to	09:07:41
3	use, so then we can go back to open session for the first 20 minutes	09:07:43
4	or so of the cross-examination.	09:07:48
5	PRESIDING JUDGE SMITH: All right. We'll be briefly in public	09:07:49
6	session then while the witness comes in and then we will switch.	09:07:51
7	[The witness takes the stand]	09:08:10
8	PRESIDING JUDGE SMITH: [Microphone not activated].	09:08:20
9	THE INTERPRETER: Microphone, please.	09:08:22
10	PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear me?	09:08:24
11	THE WITNESS: [Interpretation] Yes, I can. Good morning.	09:08:27

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25	answering a question to allow translation to catch up.	09:09:09
5:1	If you feel the need to take breaks, please make an indication	09:09:13
2	and an accommodation will be made.	09:09:16
3	Finally, please stop talking if I ask you to do so or if you see	09:09:19
4	me raise my hand as we did Thursday.	09:09:23
5	Mr. Roberts, you wish to have this first portion in private	09:09:29
6	session; is that correct?	09:09:34
7	MR. ROBERTS: Yes, Your Honour.	09:09:35
8	PRESIDING JUDGE SMITH:	09:09:37
9	MR. ROBERTS: It should be no more than a couple of minutes.	09:09:37
10	PRESIDING JUDGE SMITH: All right. For the protection of the	09:09:39
11	witness and [REDACTED] identity, we will go into private session.	09:09:41
12	Madam Court Officer.	09:09:43
13	[Private session].	09:09:59

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23	Q. And did you travel round your villages a lot in that period to	09:14:15
24	actually see these other villages around your village?	09:14:23
25	A. Yes.	09:14:32
8:1	Q. And when did you travel around? Because I thought you mentioned	09:14:37
2	in your examination-in-chief that you stayed largely in your village	09:14:42
3	after August and September 1998.	09:14:45
4	A. [REDACTED]	09:14:52
5	[REDACTED]	09:14:58
6	[REDACTED]	09:15:05
7	[REDACTED]	09:15:08
8	[REDACTED]	09:15:16
9	A. I don't recall.	09:15:22
10	Q. Did you see any refugees in that surrounding area who'd been	09:15:28
11	forced out?	09:15:32
12	A. Yes, there were. [REDACTED]	09:15:38
13	[REDACTED], they didn't return to their own homes.	09:15:48
14	MS. MAYER: Your Honour, could we just go into private session	09:15:55
15	for a moment.	09:15:58
16	PRESIDING JUDGE SMITH: All right. Into private session.	09:16:02
17	[Private session].	09:16:15

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10:1	and murders in the surrounding area?	09:18:16
2	MR. ROBERTS: And just for the Prosecution, this is transcript	09:18:20
3	reference 4380.	09:18:22
4	THE WITNESS: [Interpretation] [REDACTED]	09:18:33
5	[REDACTED]	09:18:41
6	[REDACTED] At that time, in	09:18:45
7	July, August, there weren't burnings around our village. I mean,	09:18:55
8	large-scale burnings of villages.	09:19:03
9	PRESIDING JUDGE SMITH: [REDACTED]	09:19:05
10	[REDACTED]	09:19:10
11	MR. ROBERTS:	09:19:26
12	Q. Now, you testified last week about joining the KLA at the end of	09:19:26
13	July 1998, and then served as a soldier in your village throughout	09:19:30
14	the summer until the end of September 1998. Do you recall that	09:19:35
15	evidence?	09:19:38
16	A. Yes.	09:19:45
17	Q. And then from the end of September, you stopped being a soldier	09:19:46
18	for about a month and then returned at the end of October, beginning	09:19:52
19	November; is that correct?	09:19:55
20	A. Yes.	09:20:03

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20	men. Do you recall that?	10:12:53
21	A. I don't know exactly. There may have been others, but I know	10:12:56
22	that I dealt with two or I saw the two. I can't be accurate about	10:13:06
23	the number.	10:13:10
24	Q. Right. And you've just confirmed earlier today that you were	10:13:10
25	not present when the murder ██████████ took place? You did not	10:13:17
33:1	personally witness it? Number 1.	10:13:21
2	A. No, I was not present during the murder.	10:13:27
3	Q. You'll agree with me, Witness, that you do not specifically	10:13:30
4	identify any individuals as being the ones who actually took number 1	10:13:39
5	or killed him; is that correct?	10:13:46
6	A. I cannot give you exact names.	10:13:52
7	Q. It's about identifying them. There's no specific person that	10:13:55
8	you have identified; is that correct?	10:13:59
9	A. Correct.	10:14:06
10	Q. So if we are to go back to this complaint, what is stated here,	10:14:07
11	that you saw the suspect without masks, that is not correct?	10:14:19
12	A. Can you please repeat the answer?	10:14:33

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35:11	and 5 as well. 4 and 5 I saw along the way. 14 and 15 came out	10:21:07
12	after the murder. Those two were I saw before. These others after	10:21:12
13	the murder.	10:21:21
14	Q. You didn't see them at the time, did you?	10:21:22
15	A. I saw 4, 5, 12, 13 before the [REDACTED]	10:21:34
16	[REDACTED]	10:21:43
17	[REDACTED]	10:21:49
18	Q. [Microphone not activated].	10:21:52
19	THE INTERPRETER: Microphone, please.	10:21:56
20	MS. ALAGENDRA:	10:21:57
21	Q. And the first time you mentioned 12 and 13 is in 2003 when you	10:21:59
22	give this statement; is that correct?	10:22:14
23	A. I saw them from the beginning. I don't know when I gave the	10:22:17
24	statement and what had they asked me about.	10:22:22
25	Q. Right. You saw them from the beginning, but you did not mention	10:22:25
36:1	them till 2003. Just to remind you, Witness, we're in open session,	10:22:28
2	so use the numbers.	10:22:34
3	A. I saw 12 and 13 when I was taking number 1 to A, to place A. I	10:22:39
4	saw them on the way in front of A. They were there, stopped.	10:22:54
5	Q. Right. [REDACTED]	10:23:05
6	MS. ALAGENDRA: It's the first paragraph in the English version.	10:24:37
7	Q. Here it says:	10:24:44
8	"Later on I heard some rumours that number 14 had heard	10:24:50
9	somewhere about the persons who killed number 1, but I have not been	10:25:00

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38:21	A. They were not in uniform. In my view, they were doing	10:33:46
22	reconnaissance of the terrain. Number 12 --	10:33:56
23	Q. Yes, I just --	10:34:01
24	A. -- following [REDACTED]	10:34:02
25	Q. Right. So your suspicion was based on the fact that he was not	10:34:06
39:1	in uniform and leaving Kosovo; yes?	10:34:09
2	MS. MAYER: Objection, mischaracterises the answer leaving out	10:34:13
3	that because they were doing reconnaissance.	10:34:24
4	PRESIDING JUDGE SMITH: Sustained.	10:34:25
5	MS. ALAGENDRA:	10:34:27
6	Q. Now here you also go on to tell the prosecutor that you know	10:34:27
7	number 12 because he the [REDACTED]	10:34:32
8	A. Yes.	10:34:44
9	Q. Did they have personal problems to your knowledge?	10:34:45
10	A. Earlier they didn't, but number 12, [REDACTED]	10:34:52
11	[REDACTED] or	10:35:01
12	somewhere. I don't know where exactly. Because he knows the case	10:35:06
13	very well.	10:35:12
14	Q. Are you suggesting that there was a personal grudge between	10:35:19
15	number 1 and number 12?	10:35:31
16	A. No, nothing personal. He might have not even known who was	10:35:38
17	being taken away, but he was part of the group that did the	10:35:45
18	kidnapping. I guess he was doing reconnaissance in the terrain, and	10:35:53
19	this is what happened. That's why he was earlier there.	10:36:00
20	Q. Okay. I'll move on. Can you confirm, Witness, that there was	10:36:09

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41:19	Q. And what the masked persons were wearing, number 6 confirms that	10:43:23
20	what they were wearing didn't have any signs.	10:43:34
21	A. They came to look for number 6, and number 6 did not see these	10:43:43
22	persons at all. He was in inside [REDACTED] in A. Number 6 did not	10:43:49
23	see these persons at all. They came to look for number 6, and they	10:44:13
24	did not let him leave from A. So he was unable to see the uniforms.	10:44:31
25	He could not have seen them. He did not see the masked people.	10:44:32
42:1	Q. But that's not what number 6 says, Witness. Can I take you to	10:44:35
2	the same page, further up. What he says is:	10:44:39
3	"When I went out of" --	10:44:43
4	MS. ALAGENDRA: It's the first page of the Albanian, I believe.	10:44:48
5	That would be 67160, I believe. It's the last answer on that page.	10:45:07
6	Q. Witness, if you could read that. Have you read it, Witness?	10:45:35
7	A. Yes.	10:46:20
8	Q. So you'll agree with me that what number 6 says is that he went	10:46:22

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60:9	---	On resuming at 12.23 p.m.	12:23:06
10	PRESIDING JUDGE SMITH:	I take it that ERN has seen an	12:23:32
11	opportunity to see the footage.	By objection by any of the Defence?	12:23:35
12	MR. MOSKOWITZ:	Yes, Your Honour. We would object to the	12:23:38
13	introduction of this 20-minute video on the grounds of relevance.		12:23:43
14	The issue that is	[REDACTED]	12:23:49
15	[REDACTED]	whether	12:23:59
16	on that day	[REDACTED] the masked men wearing KLA patches. That's	12:24:06
17	the issue. There is no dispute on the part of the Defence team that,		12:24:12
18	yes, the KLA wore patches; yes, that the KLA sometimes wore dark		12:24:21
19	coloured uniforms; and sometimes massacres. We don't dispute that.		12:24:27
20	There is no issue as to that. The only issue is what did he see on		12:24:33
21	that day.		12:24:44
22	[REDACTED].	The fact that it shows	12:24:44
23	KLA soldiers in dark uniforms and with patches bears no relevance as		12:24:50
24	to what this witness saw on the day in question ^ . If the SPO would		12:24:59
25	like to have the witness identify what the patch looked like, I think		12:25:03
61:1	that can be done with a still photo taken from the video.		12:25:06
2	PRESIDING JUDGE SMITH:	[Microphone not activated]. Anybody	12:25:11
3	else wish to weigh in on this?		12:25:13
4	The objection is overruled. You may run the video with no		12:25:22
5	sound.		12:25:27

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67:25	Questioned by the Panel:	12:43:20
68:1	JUDGE BARTHE: Good morning, Witness.	12:43:23
2	A. Good morning.	12:43:27
3	JUDGE BARTHE: A couple of questions for you. You mentioned in	12:43:28
4	your previous interviews, for example, [REDACTED]	12:43:30
5	[REDACTED], that you talked to one of the masked men	12:43:32
6	and asked why they had taken your relatives. And you also told us	12:43:40
7	last Thursday that the masked men that were following the car pointed	12:43:46
8	their arms towards you and told you, I quote, "You don't have to get	12:43:51
9	closer to the car." This is transcript page 4305, lines 5 to 9.	12:43:59
10	Do you recall saying that?	12:44:04
11	A. Yes.	12:44:09
12	JUDGE BARTHE: My question is, Witness, in what language did you	12:44:15
13	talk to the masked men on that day?	12:44:17
14	A. In Albanian.	12:44:20
15	JUDGE BARTHE: And in what language did the person or the	12:44:24
16	persons speak to you?	12:44:26

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70:9	[Open session].	12:48:00
10	THE COURT OFFICER: Your Honours, we're back in public session.	12:48:00
11	JUDGE BARTHE: Thank you.	12:48:06
12	Witness, you also told us last Thursday during cross-examination	12:48:06
13	by the Thaci Defence that you left [REDACTED]	12:48:10
14	number 3, at the location where you found the body of number 1 with	12:48:13
15	your weapon for self-protection. This is transcript page 4357, lines	12:48:17
16	5 to 8.	12:48:24
17	And that, as you said in your previous statements, the weapon	12:48:27
18	was later taken by the persons we agreed to call number 4 and 5. Is	12:48:32
19	that correct?	12:48:56
20	A. And 5, yes.	12:48:56
21	JUDGE BARTHE: My question is did [REDACTED] number 3 tell	12:48:56
22	you why number 4 and 5 took the weapon?	12:49:47
23	A. Number 3 told me that he went to talk to number 4 to see what	12:49:48
24	happened, who did what, and number 5 said that he just took the	12:49:48
25	weapon, entered the car, and continued.	12:49:48
71:1	JUDGE BARTHE: Did number 3 tell you whether he had a	12:49:48
2	conversation with the people we call number 4 and number 5 about why	12:49:48

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71:2	conversation with the people we call number 4 and number 5 about why	12:49:48
3	it was necessary to take the weapon at all?	12:49:49
4	A. No, they didn't talk about the weapon. He just went there to	12:49:49
5	see and ask what happened, why it happened. Number 5 just took the	12:49:49
6	weapon that was on the ground and then continued on his way.	12:49:58
7	Actually, number 4 and 5 then continued together.	12:50:04
8	JUDGE BARTHE: Witness, do you know whether number 3, [REDACTED]	12:50:09
9	[REDACTED], was a member of the KLA on [REDACTED]?	12:50:12
10	A. Yes.	12:50:24
11	JUDGE BARTHE: Yes, you remember, or do you know; or, yes, he	12:50:28
12	was a member?	12:50:32
13	A. He was a soldier. But that day, he was in civilian clothes.	12:50:36
14	That day he was at home. But he was a member, yes.	12:50:43
15	JUDGE BARTHE: Thank you. Last Thursday you were asked the	12:50:48
16	following by the SPO, and I refer to transcript page 4273, lines 7 to	12:50:53
17	17, question:	12:51:00
18	"Did you continue to look for information about [REDACTED],	12:51:02
19	murder after you saw these articles?"	12:51:06
20	Answer:	12:51:08
21	"Yes."	12:51:09
22	Question:	12:51:10
23	"Why did you do that?"	12:51:11
24	Answer:	12:51:13
25	"Can you please repeat that again?"	12:51:14
72:1	Question:	12:51:16
2	"Of course. Why did you continue to look for information about	12:51:17
3	[REDACTED] 'murder even after you saw this?"	12:51:20
4	Answer:	12:51:26
5	"Because nothing written was true. Everything that they wrote	12:51:27
6	was to stain [REDACTED] I met with the people that were arrested.	12:51:32
7	I talked directly to people that were arrested and none of them knew	12:51:38
8	[REDACTED]."	12:51:45
9	My question is can you tell us with whom you spoke and what you	12:51:48
10	were told.	12:51:52
11	And maybe, Madam Court Officer, for the answer, it's better to	12:51:55
12	go into private session again.	12:51:58

Judge Charles Smith III
Presiding Judge

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In: KSC-BC-2020-06

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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: 22 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 22 May 2023, transcript reference Page 82 Line 22 to Page 82 Line 23, (time code from 14:42:55 to 14:43:01), Page 83 Line 3 (time code 14:42:22), and Page 83 Line 12 (time code 14:44:00).

82:19	paper?	14:42:48
20	A. Me.	14:42:51
21	JUDGE METTRAUX: And I think you said you saw those two	14:42:52
22	individuals wearing civilian clothes in a car when you brought [REDACTED]	14:42:55
23	[REDACTED] to point A; is that correct?	14:43:01
24	A. Yes.	14:43:08
25	JUDGE METTRAUX: And you said, I believe, that you understood	14:43:08
83:1	these individuals to be members of the military police; is that	14:43:13
2	correct?	14:43:16
3	A. [REDACTED] yes. As to the other, I don't	14:43:22
4	know what he was. 12, yes. But for 13, I can't say.	14:43:30
5	JUDGE METTRAUX: And without mentioning any names, are you able	14:43:36
6	to tell us how do you know that number 12 was a member of the	14:43:38
7	military police?	14:43:41
8	A. I had seen him in uniform.	14:43:42
9	JUDGE METTRAUX: You mean the uniform of the military police?	14:43:49
10	A. Yes.	14:43:54
11	JUDGE METTRAUX: And once the commotion started in front of the	14:43:56
12	[REDACTED], do you know if these two individuals tried to intervene to	14:44:00
13	figure out what was happening or to intervene because people were	14:44:07
14	shooting, making noises? Do you know if they intervened in any way?	14:44:12
15	A. I don't know.	14:44:23
16	JUDGE METTRAUX: And from the place when you saw them when you	14:44:25

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Presiding Judge

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84:3	MS. MAYER: No, Your Honour.	14:44:58
4	PRESIDING JUDGE SMITH: All right.	14:45:02
5	Thaci Defence?	14:45:03
6	MR. MOSKOWITZ: Just a few questions, Your Honour, regarding	14:45:05
7	██████████ that I think was raised by Judge Barthe.	14:45:08
8	PRESIDING JUDGE SMITH: Yes.	14:45:13
9	MR. MOSKOWITZ: Are we in open session?	14:45:19
10	PRESIDING JUDGE SMITH: We are in public session.	14:45:22
11	MR. MOSKOWITZ: Public session.	14:45:24
12	Further cross-examination by Mr. Moskowitz:	14:45:25
13	Q. Witness, I want to refer to number 12. I think you testified,	14:45:27
14	and correct me if I'm wrong, that on that day when you were driving	14:45:34
15	number 1 to position A, you saw number 12 and number 13; is that	14:45:41
16	correct?	14:45:52
17	A. Yes.	14:45:54
18	Q. And I think you also testified that there is a ██████████	14:45:56
19	██████████ between number 12 and number 1; is that correct?	14:46:01
20	A. ██████████!	14:46:13
21	MR. MOSKOWITZ: [Microphone not activated].	14:46:20
22	THE INTERPRETER: Microphone, please.	14:46:21
23	MR. MOSKOWITZ: I think we will need to go into private session	14:46:24
24	for a bit.	14:46:30
25	PRESIDING JUDGE SMITH: Please go into private session to	14:46:31
85:1	protect the witness' identity.	14:46:33
2	[Private session]	14:46:47

Judge Charles Smith III
Presiding Judge

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KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

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112:1	What did he say to you?	15:49:00
2	A. That he had been beaten.	15:49:01
3	Q. Did person 2 give any description as to how bad the injuries	15:49:10
4	person 1 had suffered from these beatings?	15:49:21
5	A. No.	15:49:25
6	Q. How long did person 2 see person 1 when they saw each other in	15:49:34
7	detention?	15:49:45
8	A. [REDACTED]	15:49:56
9	Q. How long was the interaction that they had on that day?	15:50:08
10	A. For half an hour.	15:50:14
11	Q. Did person 2 indicate to you whether the KLA informed him why	15:50:24
12	person 1 was detained?	15:50:36
13	A. Yes.	15:50:43
14	Q. What did he say to you?	15:50:47
15	A. As a collaborator with the Serbs. As a collaborator with	15:50:49
16	Serbia.	15:51:03
17	Q. Did person 2 indicate whether the KLA told him why they were	15:51:03

Judge Charles Smith III
Presiding Judge

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