



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 Guénaël Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr. Fidelma Donlon

Date: 28 September 2023

Classification: PUBLIC

[POST SESSION REDACTION ORDER]

The Trial Panel II FINDS that the following blacked out portion of the record contains confidential information and ORDERS this information shall be removed/ edited from the PUBLIC broadcast/streaming, audio visual recording in all three languages *Albanian/ English/ Serbian*, and from the corresponding official public transcript where applicable. Hearing of 11 September 2023, transcript reference Page 112 Line 13 (time code 14:32:29).

112:11	PRESIDING JUDGE SMITH: To cross-examine if you wish to.	14:32:22
12	MR. MISETIC: How do I cross-examine a witness who claims he	14:32:24
13	doesn't remember he was even in [REDACTED]	14:32:29
14	PRESIDING JUDGE SMITH: Trust me. I'm just telling you have the	14:32:32
15	option. I'm not making an argument in your favour or against. I'm	14:32:35
16	telling you have the option, which you do.	14:32:40
17	MR. MISETIC: Well, that is precisely what I'm trying to avoid	14:32:42
18	because I don't want it suggested that we're waiving	14:32:48
19	cross-examination. We're objecting to proceeding on this basis	14:32:52
20	because we can't cross-examine him unless --	14:32:56
21	PRESIDING JUDGE SMITH: Understood.	14:33:01
22	MR. MISETIC: [Overlapping speakers].	14:33:02
23	PRESIDING JUDGE SMITH: Understood.	14:33:02
24	MR. MISETIC: I'll go through the exercise -- I'll go through	14:33:04
25	the exercise --	14:33:07
113:1	PRESIDING JUDGE SMITH: No, that's your call. It's all your	14:33:08
2	call. I'm just telling you what we're going to do and what your	14:33:10
3	options are.	14:33:14
4	MR. MISETIC: Well, may I consult then?	14:33:15
5	PRESIDING JUDGE SMITH: Sure.	14:33:17
6	MR. MISETIC: Because now it is a confusing situation. Thank	14:33:18
7	you.	14:33:20
8	[Specialist Counsel confer]	14:33:22
9	[Trial Panel confers]	14:33:33
10	MR. MISETIC: Judge, based on the Panel's decision, I will	14:34:08

ORDERS any person or organization, including media organizations, which has possession of the PUBLIC recording of all or the relevant portion of the proceeding containing the confidential information to refrain from disclosing it to any other person(s) or organization(s) as of the date and time this order is published; and

NOTING that the failure to comply with this order may result in the initiation of proceedings in accordance with Article 15(2) of the Law.

Judge Charles Smith III
Presiding Judge

Registry implementation: Yes No Feed Terminated Time From _____ to _____
AV: Name _____ Signature: _____ Time From _____ to _____