

1 Wednesday, 12 April 2023

2 [Open session]

3 [The accused entered the courtroom]

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

5 PRESIDING JUDGE SMITH: Good morning, everyone.

6 Madam Court Officer, you can call the case.

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

10 PRESIDING JUDGE SMITH: We're ready to continue with the  
11 evidence stage of the trial.

12 Madam Court Usher, please bring the witness in.

13 While we're waiting, Mr. Misetic, you had a housekeeping issue  
14 you wanted to bring up.

15 MR. MISETIC: Yes, Mr. President. I wish to tender an exhibit.  
16 It is exhibit 095034-095135 in the English, and SPOE00209090-00209188  
17 in the Albanian.

18 PRESIDING JUDGE SMITH: Could you repeat?

19 MR. MISETIC: I apologise. The exhibit in English is  
20 095034-095135. In Albanian, it is SPOE00209090 to page 00209188.

21 PRESIDING JUDGE SMITH: All right. Any objection from the  
22 Prosecution?

23 MR. HALLING: No. This is a judgment that we're actually  
24 relying on in our adjudicated facts request. No objection.

25 PRESIDING JUDGE SMITH: Any objection from any of the other

1 defendants?

2 Mr. Roberts, nothing?

3 Ms. Alagenda?

4 095034 through 095135 is admitted in evidence, and the  
5 Court Officer will assign a Defence number to it.

6 THE COURT OFFICER: Your Honours, 095034-095135 will receive  
7 Exhibit 1D1. And just to confirm, classification is confidential, is  
8 it?

9 MR. HALLING: Your Honours, just completely in the abstract,  
10 this can be classified as public. We have no objection to that.

11 MR. MISETIC: I agree with that.

12 PRESIDING JUDGE SMITH: It will be reclassified then as public.  
13 Thank you.

14 Now, Mr. Misetic, you may commence -- oh, I'm sorry. We haven't  
15 got the witness yet.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: You can be seated.

18 Good morning, Witness. Today we're going to continue with the  
19 cross-examination conducted by the Defence, beginning with the  
20 Defence of Hashim Thaci.

21 I remind you to please try to answer the questions clearly with  
22 short sentences. If you don't understand a question, feel free to  
23 ask counsel to repeat the question or tell them that you don't  
24 understand and they will clarify. Also, please remember to try to  
25 indicate the basis of your knowledge of the facts and circumstances

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1 upon which you will be questioned.

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

4 Please also remember to speak into the microphone and to wait  
5 five seconds before answering a question and speak at a slow pace for  
6 the interpreters to catch up.

7 If you feel the need to take breaks, please let us know and we  
8 will try to accommodate them.

9 And Mr. Misetić will begin with his questioning now.

10 Are you ready?

11 THE WITNESS: [Interpretation] Yes.

12 PRESIDING JUDGE SMITH: Thank you.

13 Go ahead, Mr. Misetić.

14 MR. MISETIĆ: Thank you, Mr. President.

15 WITNESS: W04474 [Resumed]

16 [Witness answered through interpreter]

17 Cross-examination by Mr. Misetić: [Continued]

18 Q. Good morning, [REDACTED] Pursuant to In-Court Redaction Order  
F01450RED.

19 A. Good morning.

20 MR. HALLING: Sorry, just to clarify, is this going to be in  
21 open or private session?

22 MR. MISETIĆ: You are correct. I was about to ask that we move  
23 into private session.

24 PRESIDING JUDGE SMITH: All right.

25 Court Officer, will you please move us into private session.

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18 [Open session]

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

20 PRESIDING JUDGE SMITH: All right. Now we will take the break  
21 till 11.30.

22 --- Recess taken at 11.00 a.m.

23 --- On resuming at 11.30 a.m.

24 PRESIDING JUDGE SMITH: The 1D5 MFI will be admitted, not for  
25 the truth of the facts, but for the purposes of credibility as

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1 issued. Understood?

2 MR. HALLING: We would have objected to admitting it just for  
3 that limited purpose. The fact that the statement is read is clear  
4 from the record, and we think that this should have been admitted  
5 fully for the truth of its contents. And we would suggest that, at  
6 least going forward, that items not be parsed out when admitted in  
7 this way.

8 PRESIDING JUDGE SMITH: Items not parsed out what?

9 MR. HALLING: Shouldn't be parsed out and given limited purposes  
10 when the entirety of the document is relevant to the case.

11 PRESIDING JUDGE SMITH: Well, it will be parsed out occasionally  
12 when it's necessary, and it was necessary at this time.

13 You may continue. Nope, have to have a witness.

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: And we should go into private session.

16 [Private session]

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Witness: W04474 (Resumed) (Private Session)  
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2 [Open session]

3 THE COURT OFFICER: Your Honours, for the record, we're in  
4 public session.

5 PRESIDING JUDGE SMITH: Yes, Mr. Emmerson.

6 MR. EMMERSON: If it's any assistance to the Court and the SPO  
7 in witness planning, I think it is likely to be necessary for the  
8 second witness to be available in the afternoon tomorrow.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 --- Luncheon recess taken at 12.59 p.m.

11 --- On resuming at 2.30 p.m.

12 PRESIDING JUDGE SMITH: We have one matter of scheduling to  
13 discuss, and I would ask that we do that in private session.

14 If you can do that, please, for us.

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13 [Open session]

14 THE COURT OFFICER: Your Honours, we're now in public session.

15 PRESIDING JUDGE SMITH: Thank you.

16 Go ahead, Mr. Roberts.

17 MR. ROBERTS: Merely to update you that I still have about an  
18 hour and a half to an hour and 45 minutes left. I think my original  
19 prediction of four hours was probably quite accurate still, so I  
20 imagine I will take close to the first break tomorrow morning.

21 PRESIDING JUDGE SMITH: Thank you for the update.

22 Anybody else have anything they want to bring up? Yes.

23 MR. TULLY: Yes, Your Honour. Just a small housekeeping matter.

24 On the reshuffling of the witnesses, I note that Witness 4355  
25 was referred to by Mr. Halling as being in reserve for the end of

1 next week.

2 PRESIDING JUDGE SMITH: Speak up.

3 MR. TULLY: Sorry. I understand that Witness 4355 was moved to  
4 be in reserve for next week. So my question is, for the Prosecution,  
5 whether that means that he's permanently shifted to being witness  
6 number 4 in the order? That is, if we resume after the two  
7 weeks [Overlapping speakers] ...

8 PRESIDING JUDGE SMITH: I assume that was what the condition  
9 was; is that correct? He will be number 4 regardless?

10 MR. HALLING: Yes, correct, Your Honour.

11 MR. TULLY: Okay. Thank you, Your Honour.

12 PRESIDING JUDGE SMITH: Mr. Emmerson.

13 MR. EMMERSON: I was simply going to say that if the most  
14 up-to-date time estimate for Mr. Roberts is accurate, that obviously  
15 will shunt things into the afternoon in terms of the conclusion of  
16 this witness's evidence.

17 PRESIDING JUDGE SMITH: Can't hear you.

18 MR. EMMERSON: In terms of the conclusion tomorrow of this  
19 witness's evidence -- oh.

20 PRESIDING JUDGE SMITH: [Microphone not activated]

21 MR. EMMERSON: Ah, okay. I have routine problems with those  
22 things. All I was going to say was if Roberts' estimate now is  
23 spilling into mid-morning, late morning tomorrow, then obviously this  
24 witness will go into the afternoon, and that may have implications  
25 for whether it's realistic to start witness 2 before the break,



1 because obviously -- I mean, I'm simply just raising that for  
2 consideration, because witness 2 would be starting at sort of, let us  
3 say, 2.30 in the afternoon, or 3.00.

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 MR. EMMERSON: Yes, exactly. Exactly.

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 MR. HALLING: It is, Your Honour. We're ready if that is  
8 available.

9 PRESIDING JUDGE SMITH: All right. We will follow that plan and  
10 hopefully it will work out time-wise.

11 I thank you all for your attendance today.

12 We are adjourned until 9.00 a.m. tomorrow.

13 --- Whereupon the hearing adjourned at 4.02 p.m.

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