

1 Friday, 12 May 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The accused Krasniqi appeared via videolink]

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

6 PRESIDING JUDGE SMITH: Good morning, everyone.

7 Madam Court Officer, please call the case.

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

11 PRESIDING JUDGE SMITH: Thank you.

12 We have a couple of matters to take up preliminarily, and we
13 will do it in private session.

14 So, Madam Court Officer, please take us into private session.

15 [Private session]

16 [Private session text removed]

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22 [Open session]

23 THE COURT OFFICER: We're in public, Your Honours.

24 PRESIDING JUDGE SMITH: This should take about 15 minutes.

25 MR. KEHOE: Yes, Your Honour.

1 --- Break taken at 9.06 a.m.

2 --- On resuming at 9.15 a.m.

3 PRESIDING JUDGE SMITH: This will be an oral order, but we
4 should go into private session first.

5 [Private session]

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Witness: W04748 (Resumed) (Private Session)

Page 3656

Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 3657

Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 3658

Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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16 [Open session]

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

18 PRESIDING JUDGE SMITH: We will commence again at 11.30.

19 We are adjourned.

20 --- Recess taken at 10.58 a.m.

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

22 PRESIDING JUDGE SMITH: Something?

23 MR. KEHOE: [Microphone not activated]

24 PRESIDING JUDGE SMITH: You can bring us back into private
25 session, please.

Witness: W04748 (Resumed) (Private Session)

Page 3699

Cross-examination by Mr. Kehoe

1 [Private session]

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 3710

Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 3711

Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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9 [Open session]

10 THE COURT OFFICER: We're in public session, Your Honours.

11 PRESIDING JUDGE SMITH: Thank you.

12 --- Luncheon recess taken at 1.04 p.m.

13 --- On resuming at 2.32 p.m.

14 PRESIDING JUDGE SMITH: In connection with Mr. Kehoe's proposal
15 to lead evidence concerning what we will just call crimes by the
16 Serbians, just for purposes of shorthand, and the objection raised by
17 Mr. Halling.

18 In relation to your intention of asking questions about the
19 witness's impression of alleged crimes committed by Serbian forces
20 and their impact on the returning Kosovo Albanians, as I said
21 earlier, the fact that Serbian forces allegedly committed criminal
22 acts is, first of all, generally irrelevant to the charges against
23 your client or any of the other accused. If you have information to
24 lead that attributes any retribution crime by the general citizenry
25 of Kosovo, you can lead it without going into the nature of the

1 crimes allegedly committed by the Serbian forces or police which may
2 have incited such acts.

3 We are willing to allow evidence to be led concerning the
4 operational capabilities, the impact of battles, or other police
5 force action of Serbian forces as might be relevant to establishing
6 how such forces might impact the organisational structure or
7 abilities of the KLA. That will be allowed if you can establish that
8 *[REDACTED] Pursuant to In-Court Redaction Order F1518RED.* has such
knowledge.

9 If you wish to, as a general question of this witness on
10 cross-examination as to whether or not *[REDACTED] Pursuant to In-*
Court Redaction Order F1518RED. knows of acts of
11 retaliation against any parties, including Kosovan Albanians, by
12 returning Albanians or other Kosovo parties, *[REDACTED] Pursuant to*
In-Court Redaction Order F1518RED. can give a general
13 answer.

14 So the information you intend to lead with this witness is
15 generally irrelevant except in the way I outlined it and it's not
16 probative of any other matter at issue in this case.

17 MR. KEHOE: One moment of clarity, Judge. But, obviously, the
18 Prosecutor -- one of the documents I was going to look at was a
19 Prosecution document, it's 82, that they introduced into evidence,
20 and I'm about to -- going to read the parts that the Prosecution
21 didn't read concerning *[REDACTED] Pursuant to In-Court Redaction*
Order F1518RED. going back in there and what *[REDACTED] Pursuant to*
In-Court Redaction Order F1518RED., in fact,
22 observed when *[REDACTED] Pursuant to In-Court Redaction Order*
F1518RED. went in there.

23 So this is a document that's in evidence, put in by the
24 Prosecution on this particular issue.

25 PRESIDING JUDGE SMITH: That's what I just ruled on.

1 MR. KEHOE: Okay. So I can use this?

2 PRESIDING JUDGE SMITH: You can use it but only to a limited
3 matter. You can ask about what *[REDACTED] Pursuant to In-Court
Redaction Order F1518RED.* observed, but I don't want to hear
4 about who did what to who. Okay?

5 MR. KEHOE: Yes, Your Honour. I got it.

6 PRESIDING JUDGE SMITH: We're talking about battle information,
7 police actions. Those things are relevant. But when it comes down
8 to a particular crime being committed, a particular type of
9 "atrociousness" that you are alleging, those are not relevant to what's
10 going on in this case. Retribution can be shown if you have a
11 specific act of retribution and somebody who can testify against it.
12 This *[REDACTED] Pursuant to In-Court Redaction Order F1518RED.* will
not be able to.

13 MR. KEHOE: It is an interesting point, because throughout the
14 direct examination by the Prosecution, we had any number of questions
15 like: Have you heard, or do you know, or have you heard X, Y, and Z,
16 which was a protracted explanation. I am sure when I ask *[REDACTED]
Pursuant to In-Court Redaction Order F1518RED.* that
17 question that *[REDACTED] Pursuant to In-Court Redaction Order
F1518RED.* going to be able to answer, "Yes, I have heard of
18 these acts of retribution."

19 PRESIDING JUDGE SMITH: That's okay, and that's a general
20 answer.

21 MR. KEHOE: Okay. Yes. But I just didn't want to get
22 cross-wise with Your Honour when I was in the middle of the direct.

23 PRESIDING JUDGE SMITH: As long as understand the general
24 question is not going into the details. It's asking: Have you heard
25 of such things or do you know of such things.

1 MR. KEHOE: Right.

2 PRESIDING JUDGE SMITH: And, Mr. Halling, do you understand my
3 ruling?

4 MR. HALLING: Yes, Your Honour.

5 PRESIDING JUDGE SMITH: Any issue?

6 MR. HALLING: No, we understand.

7 PRESIDING JUDGE SMITH: Thank you.

8 MR. KEHOE: One other issue. I'm sorry, Judge.

9 PRESIDING JUDGE SMITH: I was just reminded we are in public
10 session. Before you go into something else, do we need to be in
11 private session?

12 MR. KEHOE: I think we do, Judge, yes.

13 PRESIDING JUDGE SMITH: Okay. So please, Madam Court Officer,
14 go into private session.

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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9 [Open session]

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

11 PRESIDING JUDGE SMITH: We are adjourned. Thank you.

12 --- Whereupon the hearing adjourned at 3.54 p.m.

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