

1 Tuesday, 13 June 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: Madam Court Officer, you may call the  
7 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: Good morning, everyone.

12 This morning we will continue to hear the SPO's direct  
13 examination of Witness 4323. I note that Mr. Krasniqi will be  
14 appearing by videolink. The other accused are present in court.

15 And, Madam Court Usher, if you would bring the witness in.

16 MS. D'ASCOLI: Your Honours.

17 PRESIDING JUDGE SMITH: Yes.

18 MS. D'ASCOLI: For scheduling purposes, I think I will take the  
19 next session.

20 PRESIDING JUDGE SMITH: [Microphone not activated]

21 MS. D'ASCOLI: I think I will take the next session, for  
22 organisational purposes.

23 PRESIDING JUDGE SMITH: Thank you very much for letting us know.

24 [The witness takes the stand]

25 PRESIDING JUDGE SMITH: You may be seated.

Witness: W04323 (Resumed) (Private Session)  
Examination by Ms. D'Ascoli (Continued)

Page 4713

1 Good morning, Witness.

2 THE WITNESS: [Interpretation] Good morning.

3 PRESIDING JUDGE SMITH: I remind you that you are still under  
4 the obligation of your solemn declaration given by you yesterday.  
5 And the SPO will continue their direct examination of you at this  
6 time. Are you ready?

7 All right. Madam Prosecutor.

8 THE WITNESS: [Interpretation] Yes.

9 MS. D'ASCOLI: Thank you, Your Honours.

10 WITNESS: W04323 [Resumed]

11 [Witness answered through interpreter]

12 Examination by Ms. D'Ascoli: [Continued]

13 Q. Good morning, Witness.

14 MS. D'ASCOLI: Your Honours, I will ask to go into private  
15 session, please, as the portion that I'm going to address will bring  
16 identifying information. Thank you.

17 PRESIDING JUDGE SMITH: Court Officer, please take us to private  
18 session for the protection of the witness and others.

19 [Private session]

20 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

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Examination by Ms. D'Ascoli (Continued)

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Examination by Ms. D'Ascoli (Continued)

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Examination by Ms. D'Ascoli (Continued)

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15 [Open session]

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

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 You may proceed, Madam Prosecutor.

19 MS. D'ASCOLI: Thank you, Your Honours.

20 Q. Witness, we were talking about the national guard. When was  
21 this unit formed?

22 A. I did not have any information as to when. However, with the  
23 end of the war, I was assigned to serve in this unit. As to whether  
24 it was formed before or after the war, I never knew.

25 Q. Do you know where the national guard unit was located?

1 A. Yes, it was at location H.

2 Q. What tasks, duties did the national guard have?

3 A. In addition to the -- providing security for the headquarters of  
4 the operational zone that existed at the time, we did not have other  
5 tasks assigned to us because, at that time, negotiations had started  
6 to transform the Kosovo Liberation Army into a civilian protection  
7 force.

8 Q. Who was the commander of the national guard unit?

9 A. The Person 5.

10 Q. To whom was the national guard unit reporting?

11 A. From what I was able to understand, at the time it reported  
12 directly to the Llap operational zone, to the headquarters of the  
13 zone.

14 MS. D'ASCOLI: Your Honours, I would ask to move back into  
15 private session, please.

16 PRESIDING JUDGE SMITH: [Microphone not activated]

17 [Private session]

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Examination by Ms. D'Ascoli (Continued)

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Examination by Ms. D'Ascoli (Continued)

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Examination by Ms. D'Ascoli (Continued)

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Examination by Ms. D'Ascoli (Continued)

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Examination by Ms. D'Ascoli (Continued)

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Witness: W04323 (Resumed) (Private Session)

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Examination by Ms. D'Ascoli (Continued)

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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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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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1 [Private session text removed]

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7 [Open session]

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

9 PRESIDING JUDGE SMITH: Mr. Kehoe, you might -- I don't know if  
10 you intend to go into public session at any time during any of these?

11 MR. KEHOE: You know, it's difficult. I'm sorry, Judge. I'll  
12 do the best I can. But with the cross-examination, it overlaps so  
13 often on that --

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 MR. KEHOE: No, no, I understand. I will try my best, Judge.

16 PRESIDING JUDGE SMITH: [Microphone not activated]

17 MR. KEHOE: Okay.

18 PRESIDING JUDGE SMITH: We are adjourned until 11.30.

19 --- Recess taken at 11.02 a.m.

20 --- On resuming at 11.29 a.m.

21 PRESIDING JUDGE SMITH: Before we bring the witness in, we will  
22 rule on P104 MFI.

23 The SPO has offered for admission a document with ERN number  
24 SPOE00089060 to 89064. It contains a list of names of individuals  
25 identified as "cooperators" from the region of Podujeve.

1           The Defence has objected to its admission on the grounds that it  
2 lacks adequate foundation.

3           It was marked as Exhibit P104 MFI.

4           Having considered the parties' submissions, the Panel makes the  
5 following ruling. The proposed document is clearly relevant. In  
6 particular, in respect of the reasons that might have resulted in the  
7 detention of certain individuals listed in this document and who are  
8 alleged victims of crimes alleged in the present case.

9           The Panel is satisfied that the document is *prima facie*  
10 authentic and probative, and that it appears from the covering page  
11 that it was seized by UNMIK international police from the K-SHIK  
12 headquarters.

13           The Panel further notes that the Panel has already heard or  
14 received evidence in respect of at least four of the listed victims,  
15 which corroborates to some extent the content and reliability of this  
16 document.

17           There is no indication that the probative value of this document  
18 is outweighed by any prejudice to the defendants, which will be able  
19 to question the present witness and others in respect to the content  
20 of this document.

21           The Panel is, therefore, satisfied that the requirements of  
22 Rule 138(1) are met and, therefore, admits this document as  
23 Exhibit P104.

24           And this concludes the Panel's oral order.

25           Madam Usher, you may bring the witness into the courtroom.



Witness: W04323 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: Be seated, Witness.

3 Mr. Kehoe will continue his cross-examination of you.

4 Go ahead, Mr. Kehoe.

5 MR. KEHOE: Thank you, Your Honour.

6 Q. Witness, I just want to follow up on a couple of questions I  
7 talked to you about when we were referring to your family's house --

8 MS. D'ASCOLI: We are in open session.

9 PRESIDING JUDGE SMITH: I'm sorry. This should be in private  
10 session or --

11 MR. KEHOE: I think so, Judge. Yes.

12 PRESIDING JUDGE SMITH: All right.

13 MR. KEHOE: Thank you.

14 PRESIDING JUDGE SMITH: Please go into private session,  
15 Madam Court Officer.

16 [Private session]

17 [Private session text removed]

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Witness: W04323 (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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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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Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4772

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4773

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4774

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4775

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4776

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4777

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4778

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4779

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4780

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4781

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4782

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4783

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4784

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4785

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4786

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4787

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4788

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4789

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4790

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4791

Cross-examination by Mr. Kehoe

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1 [Private session text removed]

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4 [Open session]

5 THE COURT OFFICER: Your Honours, we're now in open session.

6 PRESIDING JUDGE SMITH: Thank you.

7 Now we are adjourned.

8 --- Luncheon recess taken at 12.56 p.m.

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

10 PRESIDING JUDGE SMITH: I remind everybody we are in public  
11 session.

12 Madam Usher, you can bring the witness in.

13 Mr. Kehoe.

14 MR. KEHOE: [Microphone not activated]

15 PRESIDING JUDGE SMITH: Will you be finished today, do you  
16 believe?

17 MR. KEHOE: I'm going to try, Judge. Do my best. I'll try to  
18 cut through the surplusage, if you will.

19 PRESIDING JUDGE SMITH: [Microphone not activated]

20 MR. KEHOE: Judge, I think we need to start in private session.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 We can move into private session to protect the witness and  
23 others.

24 MR. KEHOE: I was just going through this at lunchtime, Judge,  
25 just trying to get -- I'm sorry.

Witness: W04323 (Resumed) (Private Session)

Page 4793

Cross-examination by Mr. Kehoe

1 [Private session]

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Witness: W04323 (Resumed) (Private Session)

Page 4794

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4795

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4796

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4797

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4798

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4799

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4800

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4801

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4802

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4803

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4804

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4805

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4806

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4807

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4808

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4809

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4810

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4811

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4812

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4813

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4814

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4815

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4816

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4817

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4818

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04323 (Resumed) (Private Session)

Page 4819

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4820

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4821

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4822

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4823

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4824

Cross-examination by Mr. Kehoe

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Witness: W04323 (Resumed) (Private Session)

Page 4825

Cross-examination by Mr. Kehoe

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1 [Private session text removed]

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15 [Open session]

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

17 PRESIDING JUDGE SMITH: Thank you.

18 Now, we will adjourn until 9.00 tomorrow. Thank you all for  
19 your attendance today.

20 --- Whereupon the hearing adjourned at 4.01 p.m.

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