

1 Wednesday, 17 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: 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: Thank you.

12 We continue on with the cross-examination of 4748 by the Selimi
13 team, and we will go into private session at this time.

14 [Private session]

15 [Private session text removed]

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Cross-examination by Mr. Tully (Continued)

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Witness: W04748 (Resumed) (Private Session)

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Cross-examination by Mr. Tully (Continued)

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21 [Open session]

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

23 PRESIDING JUDGE SMITH: We are going to take our break. It will
24 be a 40-minute break rather than 30 minutes because of the technical
25 issues for getting prepared for the next witness, so we will see you

Witness: W04748 (Resumed) (Private Session)

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Re-examination by Mr. Halling

1 back here at 11.40, and we'll begin at that time.

2 --- Recess taken at 11.01 a.m.

3 --- On resuming at 11.41 a.m.

4 PRESIDING JUDGE SMITH: Please, into private session for the
5 protection of the witness.

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Re-examination by Mr. Halling

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Re-examination by Mr. Halling

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Re-examination by Mr. Halling

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Re-examination by Mr. Halling

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Re-examination by Mr. Halling

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Questioned by the Trial Panel

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Questioned by the Trial Panel

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Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4177

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

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Witness: W04748 (Resumed) (Private Session)

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Witness: W04748 (Resumed) (Private Session)

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Witness: W04748 (Resumed) (Private Session)

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Witness: W04748 (Resumed) (Private Session)

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Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

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Witness: W04748 (Resumed) (Private Session)

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Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

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Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4186

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4187

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4188

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

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Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

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Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

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Witness: W04748 (Resumed) (Private Session)

Page 4192

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4193

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4194

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4195

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4196

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4197

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4198

Questioned by the Trial Panel

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Witness: W04748 (Resumed) (Private Session)

Page 4199

Further Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 4200

Further Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 4201

Further Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 4202

Further Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 4203

Further Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 4204

Further Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 4205

Further Cross-examination by Mr. Kehoe

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[Open session]

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

13

PRESIDING JUDGE SMITH: We are adjourned until 2.30.

14

--- Luncheon recess taken at 1.05 p.m.

15

--- On resuming at 2.30 p.m.

16

PRESIDING JUDGE SMITH: We can go into private session for the
17 protection of the witness.

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[Private session]

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[Private session text removed]

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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: We have now nearly finished the evidence
18 of the first four witnesses. I anticipated this witness being
19 finished by now, but we are close.

20 This Panel is concerned by the fact that almost all of the
21 evidence up till now has been heard in private or closed session. We
22 remind the parties that pursuant to Article 21(2) of the Law, the
23 accused are entitled to a fair and public hearing, subject to Article
24 23 of the Law and any protective measures ordered by this Court, and
25 that there is a public interest in these proceedings taking place, to

1 the extent possible, in a public fashion.

2 The Panel also recalls that in paragraph (1) on the Order on
3 Conduct of Proceedings it has ordered the parties and participants to
4 respect the public character of the proceedings. The Panel ruled
5 that the legal arguments and presentation of evidence by the parties
6 and participants shall be heard in closed or private session only
7 when strictly necessary in accordance Rule 120 of the rules.

8 Regrettably, however, a large portion of this trial so far has
9 been in closed or private session. The need for protection of
10 witnesses does, of course, provide justification for the protective
11 measures ordered by the Panel, which will in turn affect the
12 publicity of the proceedings. This is necessary to protect witnesses
13 and to prevent attempts at interfering with them.

14 At the same time, it is important that this trial remains
15 public, and the Panel is concerned that it is becoming less public
16 than it could be.

17 The Panel will, therefore, seek submissions from the parties
18 regarding concrete steps that could be taken by the parties and the
19 Panel to ensure a greater degree of publicity of these proceedings.

20 And this, by the way, is an oral order.

21 The parties are hereby informed that the Panel may consider
22 ordering the parties to propose public redacted versions of the
23 transcripts of private or closed session testimonies so that the
24 public can understand what is happening in this trial.

25 However, should the parties, through *inter partes* discussions,

1 come up with alternative solutions to this issue, the Panel will take
2 your proposals very seriously into consideration to achieve greater
3 publicity. The parties are, therefore, ordered to engage in
4 *inter partes* on this matter and to submit in writing to the Panel, by
5 Wednesday, 31 May, possible solutions on how to ensure greater
6 publicity of these proceedings.

7 In the meantime for the next witnesses, the parties are
8 instructed to duly take into account the principle of publicity when
9 requesting that parts of the witness's testimony be heard in private
10 or closed session.

11 And I'm adding this to what I said: We will not object to going
12 in and out of closed session. We understand that's just part of the
13 process in a case of this kind.

14 We trust that counsel will exercise their good judgment in
15 organising their questioning in a manner that promotes publicity.
16 And by that I mean, we could easily bring in the witness - and, in
17 fact, I hope we do that in a few minutes when we get to the next
18 witness - and get the identification materials out of the way at the
19 outset, and then move into public session and do what we can until
20 something comes up that is private and necessary to protect.

21 We also trust that counsel will be particularly careful not to
22 disclose confidential information during public hearings and will
23 formulate their questions in such a way as to avoid such occurrences.

24 This concludes the oral order.

25 MR. EMMERSON: Your Honours, since we're in public session, I

1 think it's only right, because anybody listening to that order might
2 gain the impression that the Defence has been in some way responsible
3 for the fact that the Court has sat in private entirely since the
4 beginning of the trial.

5 I'd like, if I may, to put on record that every application,
6 every deviation from open justice that has happened in this case is
7 as a result of the Prosecution request being granted by the Panel.

8 PRESIDING JUDGE SMITH: We didn't make this order in order to
9 cast blame.

10 MR. EMMERSON: No, it -- [Microphone not activated].

11 THE INTERPRETER: Microphone, please.

12 MR. EMMERSON: It may not have been made with that intention.
13 But since it's one of the few things about this trial that the public
14 has been able to see, it was worded in a way which appeared to
15 suggest that all counsel were somehow complicit in the private nature
16 of these proceedings and that is not the case.

17 PRESIDING JUDGE SMITH: There have been moments when somebody
18 violated one of the rules and mentioned a name of somebody who was
19 protected, and that didn't come necessarily just from the
20 Prosecution. There have been some breaches - innocent breaches, I'm
21 not saying they're at fault --

22 MR. EMMERSON: Your Honour, we haven't had any public
23 sessions --

24 PRESIDING JUDGE SMITH: I'm speaking. There were innocent
25 breaches and it causes a problem.

1 MR. EMMERSON: Yes.

2 PRESIDING JUDGE SMITH: And we have to be more cognisant of the
3 problem in order to avoid those kind of breaches.

4 MR. EMMERSON: Except it hasn't caused a problem because we have
5 been in private session the entire time and, therefore, it can be
6 redacted, as Your Honour suggested, from the transcript.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MR. EMMERSON: What I am concerned about, with respect, is that
9 the impression that will have been left with the public, from the
10 order that you have just given in public, is that the Defence are
11 somehow complicit or otherwise consenting to the situation that has
12 emerged in which this trial is taking place in private.

13 PRESIDING JUDGE SMITH: And that is exactly the kind of
14 statement that gets in the way of people trying to solve the problem,
15 so I would ask you to put that aside and try to deal with this in a
16 responsible adult manner.

17 Now you may bring the witness in.

18 [Trial Panel and Court Officer confers]

19 PRESIDING JUDGE SMITH: Public session, I'm sorry. I mean
20 private session.

21 [Private session]

22 [Private session text removed]

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Witness: W04748 (Resumed) (Private Session)

Page 4212

Further Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 4213

Further Cross-examination by Mr. Kehoe

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Witness: W04748 (Resumed) (Private Session)

Page 4214

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4215

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4216

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4217

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4218

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4219

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4220

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4221

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4222

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4223

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4224

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4225

Further Cross-examination by Mr. Emmerson

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Witness: W04748 (Resumed) (Private Session)

Page 4226

Further Cross-examination by Mr. Emmerson

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20 [Open session]

21 --- On resuming at 3.13 p.m.

22 PRESIDING JUDGE SMITH: Please go into open session if we are
23 not already.

24 THE COURT OFFICER: Your Honours, we are in open session.

25 PRESIDING JUDGE SMITH: All right. And in open session I can

1 state that we finished with the last witness, and we can now proceed
2 with the evidence on Prosecution Witness 3165.

3 So, Madam Usher, please bring the witness in.

4 MS. MAYER: Your Honour, if I --

5 PRESIDING JUDGE SMITH: Oh, I'm sorry. I didn't see you.

6 MS. MAYER: If I may just have a moment. The computer is not
7 logging me in very quickly, so I can log into this other computer,
8 but if I could just ask the Court's indulgence for just another
9 moment --

10 PRESIDING JUDGE SMITH: Sure, that's fine.

11 MS. MAYER: -- to make sure I have the materials up.

12 PRESIDING JUDGE SMITH: You can bring the witness in, anyway.

13 MS. MAYER: Again, if I may, as you're bringing the witness in.

14 As Your Honour said at the last session, I would ask to do the
15 personal details but also the 154 statement. One of the issues with
16 this witness, as was briefed in the protective measures motion, is
17 *[REDACTED] Pursuant to In-Court Redaction Order F1535.*

18 *[REDACTED] Pursuant to In-Court Redaction Order F1535.*

19 So if we go into the specifics of verifying that statement, that
20 will reveal the witness's identity potentially. I'm mindful of the
21 Court's direction. I have two areas of the examination plan that I
22 believe are general enough that will not reveal their identity. We
23 also, obviously, are committed to Your Honours' instructions in the
24 decision of yesterday directing us to review all of the testimony and
25 provide to the Court by June 1st an answer as to what could be made

1 public afterwards. But because the details of [REDACTED] Pursuant to
2 *In-Court Redaction Order F1535*. testimony are so
3 intertwined with where the events occurred, with the fact of who the
4 relative is, those matters, I'm concerned about doing that in open
5 session. But I do have two areas that I believe we can do in open
6 session.

6 PRESIDING JUDGE SMITH: We may have more questions for you about
7 that at the time. As we said, we can open session and close session
8 when you get to that particular part. If you need to make reference
9 to the judgment that you're talking about or the court session, you
10 can find a way to work around that or we can close session while you
11 mention that. All right?

12 MS. MAYER: Understood, Your Honour. So are we going to be in
13 private session and then we'll ask to go to public session? Is that
14 right?

15 PRESIDING JUDGE SMITH: No, we're starting in public session --
16 oh, you want to start with the personal ID. We will go into private
17 session once we get the witness in for that brief section.

18 MS. MAYER: Thank you, Your Honour.

19 PRESIDING JUDGE SMITH: All right.

20 [Trial Panel confers]

21 [The witness entered court]

22 PRESIDING JUDGE SMITH: One other thing. Please, everyone, be
23 conscious of your microphones. And that goes for me, too. We need
24 to not leave them on, because especially over here you're very close
25 to the witness's stand.

1 Good afternoon, Witness. The Court Usher will now provide you
2 with the text of the solemn declaration which you are asked to take
3 pursuant to Rule 141(2) of our Rules of Procedure and Evidence.
4 Please read it aloud.

5 THE WITNESS: [Interpretation] Conscious of the significance of
6 my testimony and my legal responsibility, I solemnly declare that I
7 will tell the truth, the whole truth, and nothing but the truth, and
8 that I shall not withhold anything which has come to my knowledge.

9 WITNESS: W03165

10 [Witness answered through interpreter]

11 PRESIDING JUDGE SMITH: Thank you, Witness. You may be seated.

12 THE WITNESS: [Interpretation] Thank you.

13 PRESIDING JUDGE SMITH: Witness, today we will start with your
14 testimony, which is expected to last approximately two days. As you
15 may know, the Prosecution will ask questions first. Once they are
16 done, the Defence has the right to ask you questions. Members of the
17 Panel might also ask questions of you.

18 The Prosecution estimate for your examination is two hours. The
19 Defence estimates that it will need seven hours. As regards each
20 estimate, we hope that counsel will be judicious in the use of their
21 time. The Panel may allow redirect examination if conditions for it
22 are met.

23 Witness, please try to answer the questions clearly with short
24 sentences. If you don't understand a question, feel free to ask
25 counsel to repeat the question or tell them you don't understand and

1 they will clarify.

2 Also, please try to indicate the basis of your knowledge of
3 facts and circumstances which you will be asked about.

4 In the event you are asked by the SPO to attest to some
5 corrections made regarding your statements, you are reminded to
6 confirm on the record that the written statement, as corrected by the
7 list of corrections, accurately reflects your declaration.

8 Please also speak into the microphone and wait five seconds
9 before answering a question, and speak at a slow pace for the
10 interpreters to catch up.

11 During the next days while you are giving evidence in this
12 Court, you are not allowed to discuss with anyone the content of your
13 testimony outside of the courtroom or anywhere else. If any person
14 asks you questions outside this Court about your testimony, please
15 let us know.

16 The Panel understands that the SPO has hard copies of your prior
17 witness statements for you to reference during your testimony
18 possibly if that is needed. If you cannot recall something and,
19 therefore, wish to consult those documents to refresh your memory,
20 please notify the Panel before doing so. I repeat that this should
21 only be done in the event that you need to make the reference because
22 you cannot recall. You should not read directly from any document.

23 If you feel the need to take breaks, please make an indication
24 and an accommodation will be made.

25 And Madam Prosecutor will begin her questions now, but we will

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1 go into private session for purposes of dealing with your personal
2 information for your own protection.

3 Madam Court Officer, please take us into private session.

4 [Private session]

5 [Private session text removed]

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Witness: W03165 (Private Session)

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Witness: W03165 (Private Session)

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Witness: W03165 (Private Session)

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Examination by Ms. Mayer

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Witness: W03165 (Private Session)

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Examination by Ms. Mayer

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Witness: W03165 (Private Session)

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Examination by Ms. Mayer

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Witness: W03165 (Private Session)

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Examination by Ms. Mayer

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Witness: W03165 (Private Session)

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Examination by Ms. Mayer

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Witness: W03165 (Private Session)

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Examination by Ms. Mayer

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Witness: W03165 (Private Session)

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Examination by Ms. Mayer

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Witness: W03165 (Private Session)

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Examination by Ms. Mayer

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Witness: W03165 (Private Session)

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Examination by Ms. Mayer

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Witness: W03165 (Private Session)

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Examination by Ms. Mayer

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Witness: W03165 (Private Session)

Page 4246

Examination by Ms. Mayer

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Witness: W03165 (Private Session)

Page 4247

Examination by Ms. Mayer

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1 [Open session]

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

3 PRESIDING JUDGE SMITH: Go ahead.

4 MS. MAYER:

5 Q. Witness, you said that you saw men with firearms. I want to
6 focus your attention on that. How close were you when you first saw
7 them?

8 A. I was about 3 to 4 metres away.

9 Q. That was when you first saw them, you said 3 to 4 metres away
10 when you first saw the men?

11 A. No, the last time I saw them. When I met them, I was about 3 to
12 4 metres away.

13 Q. I want to start with when you first saw them. How far away were
14 you when you first saw them?

15 A. I was about 150 to 200 metres away when I first saw them.

16 Q. And did you stand still or did you move towards them?

17 A. I went to another route in order for me to stop the case.

18 Q. When you say you went on another route, can you explain what you
19 mean by that?

20 A. There was this other route. There was this shortcut. It was a
21 shortcut. And I just wanted to shorten the route to see them.

22 Q. And why did you want to get -- to catch up to them or to see
23 them?

24 A. I listened to the shouts, and I knew that my relatives were
25 taken in a car by people that were wearing masks.

1 Q. I want to focus on what the people were wearing. Can you tell
2 the Judges what the people were wearing?

3 A. Yes. They were wearing black uniforms with the insignia of the
4 Kosovo Liberation Army, and they were wearing black masks over their
5 faces as well.

6 Q. When you say it was insignia of the KLA, can you describe what
7 you saw, the insignia, for the Judges?

8 A. So there is this circle where there is the KLA. That was the
9 insignia that we wore, the people that were with the KLA wore.

10 Q. And this was the insignia that you saw on the men in black who
11 took your relative?

12 A. Yes.

13 Q. You mention that "we" wore that insignia. Who do you mean when
14 you say "we"?

15 A. The soldiers that were uniformed. The Kosovo Liberation Army
16 soldiers.

17 PRESIDING JUDGE SMITH: Counsellor, we need to break for the
18 day. Do you have one more question or are we finished with that
19 particular line?

20 MS. MAYER: I have two more questions in this line that I can
21 finish very quickly, Your Honour.

22 PRESIDING JUDGE SMITH: Go ahead and ask those.

23 MS. MAYER:

24 Q. Where was this insignia located on their clothing?

25 A. The shoulder.

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1 Q. How close were you to the men when you saw that insignia?

2 A. 3, 4 metres away.

3 Q. Thank you, Witness.

4 MS. MAYER: This is a good stopping point, Your Honour.

5 PRESIDING JUDGE SMITH: Thank you.

6 Witness, we will end our session for today. You will start
7 again tomorrow morning at 9.00. Thank you for being with us. The
8 Court Usher will escort you out of the room.

9 Please stay in public session.

10 THE WITNESS: [Interpretation] Thank you.

11 [The witness stands down]

12 PRESIDING JUDGE SMITH: Mr. Emmerson, yes, sir.

13 MR. EMMERSON: May I make an oral application to the Court for
14 an order that the Prosecution review their pleading as submitted in
15 relation to adjudicated facts and indicate which adjudicated facts it
16 now continues to seek to rely upon so that we're in a position to
17 respond. Because, clearly, what occurred at the end of the last
18 witness requires now a clarification of the position of the
19 Prosecution on its entire list of adjudicated facts. The case cannot
20 continue with the Prosecution maintaining a Janus-faced or
21 forked-tongue position in relation to the truth or otherwise of the
22 witness that they're relying on.

23 So we would respectfully request an order with a time limit that
24 the Prosecution review at the very least those particular adjudicated
25 facts relating to the two individuals concerned, the two named

1 individuals concerned, the two named victims, and that they provide
2 their up-to-date position. Because at the moment, their position
3 remains on the record extant, we're awaiting a ruling from
4 Your Honours, which appears to be somewhat different from the
5 position they're asking Your Honours now to believe.

6 PRESIDING JUDGE SMITH: We will take that under advisement and
7 make a decision.

8 While we're in open session, I also will rule on the admission
9 of Exhibits 2D6 and 2D7 which were marked for identification earlier.

10 They were submitted by the Veseli Defence.

11 I first turn to Exhibit 2D6, which contains a medical record and
12 a related extract from the records of the Sabit Geci et al trial. In
13 Albanian, it is SITF00018880 and SITF00370180. In English,
14 SITF00018867, as well as SITF00370160 to SITF00370161.

15 The Panel is prepared to admit the first page, that is the
16 Albanian version SITF00018880, and in the English version with the
17 number previously noted.

18 This is to ensure that this part of the questioning is complete
19 and fully understandable. Therefore, pursuant to Article 40(6)(h) of
20 the Law and the Rule 138(1) of the rules, the first page of
21 Exhibit 2D6, both in Albanian and English, is admitted.

22 The second part of 2D6, however, is in fact a statement being
23 offered for the truth of its content. As such, it is subject to
24 Rules 153 to 155. If the Defence wishes to tender it, it will,
25 therefore, have to do so in accordance with these rules. However,

1 the relevant parts of the doctor who treated Mr. Geci was already
2 placed on the transcript and commented upon by the witness. There is
3 no benefit to adding the actual statement to the record and no
4 prejudice to the Defence.

5 The remaining page or pages of 2D6 and 2D6-ET are therefore not
6 admitted.

7 With respect to Exhibit 2D7, which is SITF00299827 to
8 SITF00299830, which are the subject of SITF00299825-00299851 RED,
9 which is the UNMIK witness statement of Shaban Krasniqi, the Panel is
10 not prepared to admit this statement.

11 As a statement and being offered for the truth of its content,
12 it is subject to Rules 153 to 155. If the Defence wishes to tender
13 it, it will therefore have to do so in accordance with these rules.

14 At this point, the Panel will not admit Exhibit 2D7.

15 This concludes our proceedings for today. We will reconvene at
16 9.00 tomorrow morning. Thank you for your attendance today, and we
17 are adjourned.

18 --- Whereupon the hearing adjourned at 4.07 p.m.

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