

1 Tuesday, 18 February 2025

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Thaci not present]

5 --- Upon commencing at 9.01 a.m.

6 PRESIDING JUDGE SMITH: Madam Court Officer, please 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: Mr. Veseli, Mr. Krasniqi, and Mr. Selimi  
12 are present in court.

13 Mr. Misetic, do you want to bring us up to date on Mr. Thaci's  
14 inability to be here?

15 MR. MISETIC: I have no information. I was informed by  
16 Madam Court Officer that my client was not feeling well and could not  
17 attend.

18 PRESIDING JUDGE SMITH: And do you have any objection to us  
19 proceeding in his absence?

20 MR. MISETIC: I have not consulted with my client on that point.

21 PRESIDING JUDGE SMITH: Do you have a way to consult with him  
22 quickly?

23 MR. MISETIC: I could try to make contact by telephone. But I  
24 had thought that this was done. I had asked the Court Officer  
25 whether we were proceeding, which I assumed meant that there was some

1 communication with Mr. Thaci on this point.

2 PRESIDING JUDGE SMITH: No. The only communication was what you  
3 just mentioned, that he was ill and apparently seeing a doctor.

4 MR. MISETIC: And that's what I was told --

5 PRESIDING JUDGE SMITH: Yeah.

6 MR. MISETIC: -- by the Court. Yeah.

7 PRESIDING JUDGE SMITH: Well, let's give it a try. We'll step  
8 aside. See if you can get ahold of him quickly. Find out if he  
9 waives his right to be present.

10 MR. MISETIC: Okay. I will. Thank you.

11 PRESIDING JUDGE SMITH: So we will adjourn for just a few  
12 minutes. Please call us back as soon as Mr. Misetic has some  
13 information.

14 --- Break taken at 9.04 a.m.

15 --- On resuming at 9.26 a.m.

16 PRESIDING JUDGE SMITH: Mr. Misetic.

17 MR. MISETIC: Yes, Mr. President. I have been advised that  
18 Mr. Thaci and the doctor have signed the waivers, which is fine with  
19 me. In full disclosure to the Panel, I was not able to reach  
20 Mr. Thaci during the break, but with that information I am  
21 comfortable waiving on his behalf.

22 PRESIDING JUDGE SMITH: Thank you for doing that.

23 MR. TULLY: Your Honour, if I may before we begin. If I can  
24 introduce our relatively new counsel, Mr. Chad Mair for the Selimi  
25 team. Thank you.

1           PRESIDING JUDGE SMITH: Please, into private session,  
2   Madam Court Officer.

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13 [Open session]

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

15 PRESIDING JUDGE SMITH: The Panel would also like to inform the  
16 parties and participants that we will hold a Status Conference upon  
17 completion of W04491's testimony either today, if time allows, or  
18 tomorrow to discuss the next steps in the proceedings and to deal  
19 with some issues that have arisen concerning closure of the case.

20 Finally, the Panel will issue two oral orders.

21 First, upon review of the relevant portion of the transcript,  
22 the Panel orders the reclassification as public of its oral order of  
23 5 December 2024 from transcript page 23435, line 8, to page 23437,  
24 line 6, except for the ERN at page 23435, lines 11 and 12, and at  
25 page 23437, line 4. References to such ERN shall remain confidential

1 and be redacted from the public version of the transcript.

2 This concludes the first oral order.

3 The Panel further notes that in filing F02891, on 31 January  
4 2025, the Veseli and Krasniqi Defence requested the reclassification  
5 of filing F02841 as public. The Panel notes that the SPO did not  
6 respond to the request for reclassification.

7 Upon review of the relevant filing, the Panel grants the Veseli  
8 and Krasniqi Defence request and orders the Registrar to reclassify  
9 F02841 as public.

10 This concludes the second oral order.

11 We will now start hearing the evidence of Prosecution  
12 Witness W04491.

13 Madam Court Usher, please bring the witness in.

14 [The witness entered court]

15 PRESIDING JUDGE SMITH: Witness, we are now ready to start your  
16 testimony. The Court Usher will now provide you with the text of the  
17 solemn declaration which you are asked to take pursuant to  
18 Rule 141(2) of the rules. Please look at the document and then read  
19 it aloud.

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

24 WITNESS: W04491

25 [The witness answered through interpreter]

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Procedural Matters

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1           PRESIDING JUDGE SMITH: Thank you. You can be seated.

2           Witness, today we will start your testimony, which is expected  
3 to last as much as two days. As you may know, the Prosecution will  
4 ask you first, and then the Defence has the right to ask questions of  
5 you, and members of the Panel might also ask questions of you.

6           The Prosecution estimate for your examination is an hour and  
7 30 minutes. The Defence estimates that it will need close to four  
8 hours and a half. As regards each estimate, we hope that counsel  
9 will be judicious in the use of their time. The Panel may allow  
10 redirect examination if conditions for it are met.

11          Witness, please try to answer the questions clearly, with short  
12 sentences. If you don't understand a question, feel free to ask  
13 counsel to repeat the question or tell them you don't understand and  
14 they will clarify. Also, please try to indicate the basis of your  
15 knowledge of facts and circumstances that you will be asked about.

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

20          Speak into the microphone and wait five seconds before answering  
21 a question, and then speak at a slow pace so that the interpreters  
22 can catch up.

23          During the next days while you are giving evidence in this  
24 Court, you are not allowed to discuss with anyone the content of your  
25 testimony outside of the courtroom. If any person asks you questions

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1 outside the Court about your testimony, please let us know.

2 Please stop talking if I ask you to do so and also stop talking  
3 if you see me raise my hand. These indications mean that I need to  
4 give you an instruction.

5 If you feel the need to take a break, please make an indication  
6 and an accommodation will be made.

7 For the parties and participants and the witness's benefit, I  
8 will state that we'll go now until 11.00, at which time we will have  
9 a half-hour break.

10 If you need to take a break in the meantime during testimony,  
11 just let us know by raising your hand. Understood?

12 THE WITNESS: [Interpretation] Yes.

13 PRESIDING JUDGE SMITH: We begin first with the questions from  
14 the Prosecution. They are seated to your left. Please give them  
15 your attention.

16 Mr. Pace, you have the floor.

17 MR. PACE: Thank you, Your Honour.

18 Examination by Mr. Pace:

19 Q. And good morning, Witness.

20 A. Good morning.

21 Q. We have met before, but I will introduce myself again. I am  
22 James Pace, a Prosecutor with the SPO, and I'll be asking you  
23 questions for the next one and a half hours or so.

24 Before I ask the Judges to move into private session to elicit  
25 some of your personal details, I note that, as I explained during

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1     your preparation session last week, rather than asking you questions  
2     about every relevant issue you may have information about, it may be  
3     possible to admit some of your prior statements containing such  
4     information into evidence. And in order to do so there are a number  
5     of procedural steps to follow, and I'll turn to those after we  
6     establish your identity.

7             MR. PACE: And, Your Honour, we would need to move into private  
8     session for a minute or two in view of this witness's in-court  
9     protective measures.

10            PRESIDING JUDGE SMITH: Madam Court Officer, please take us into  
11     private session

12                             [Private session]

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8 [Open session]

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

10 MR. PACE: The items I will be asking to be shown today are not  
11 for public broadcast.

12 I would first like to call up 071102-TR-ET Part 1 Revised RED  
13 side by side with its Albanian translation, which has the same ERN  
14 with -AT instead, and we'll go to the first page in both, please.

15 Q. And once again, Witness, to clarify, as these items are being  
16 called on the screen in front of you, they are not being shown  
17 outside of this courtroom.

18 Witness, do you see two documents on your screen, on the left in  
19 Albanian and on the right in English?

20 A. Yes.

21 Q. Now, as you can see, the documents refer to an interview with  
22 the SPO in 2019. Do you recall attending an interview with the SPO  
23 in 2019?

24 A. Yes.

25 MR. PACE: I note for the record that this is a two-part

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1 interview.

2 Q. Witness, do you recall being provided with an opportunity to  
3 provide clarifications in relation to this 2019 interview when you  
4 were here in November 2023?

5 A. Yes.

6 Q. And do you recall being provided with an opportunity to provide  
7 clarifications in relation to certain parts of this 2019 interview  
8 once again last week?

9 A. Yes.

10 Q. Do you recall that you made a number of clarifications to your  
11 2019 interview when you were here in 2023 and again last week?

12 A. Yes.

13 Q. Do you recall that these clarifications and corrections were  
14 included in notes which were read back to you?

15 A. Yes.

16 Q. Subject to the corrections in the notes, is the information that  
17 you provided in your 2019 SPO interview accurate and truthful to the  
18 best of your knowledge and belief?

19 A. Yes.

20 Q. Subject to the corrections set out in the notes we just  
21 discussed, does your 2019 SPO interview accurately reflect what you  
22 would say if you were examined about the events recorded in that  
23 interview?

24 A. Yes.

25 MR. PACE: Your Honour, I'd like to seek admission of the prior

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1 statement, the associated exhibits authorised for admission by the  
2 Panel, and the redacted versions of Preparation Notes 1 and 1A.  
3 Because there are a few items, I will read their ERNs for the English  
4 versions. And those are 071102-TR-ET Part 1 Revised RED and Part 2  
5 Revised RED; 081911-081911 RED2, which is one of the admitted  
6 associated exhibits, or authorised for admission, I should say;  
7 081912-081912 RED2, the second associated exhibit; 118305-118310A  
8 RED, that's Preparation Note 1; and 125871-125874 RED, that's  
9 Preparation Note 1A.

10 And just to note these along with the corresponding Albanian  
11 versions, their ERNs are also in Annex 1 to Preparation Note 1A.

12 PRESIDING JUDGE SMITH: Any objection?

13 MR. TULLY: No, Your Honour.

14 PRESIDING JUDGE SMITH: No other objection. [Microphone not  
15 activated].

16 071102-TR-ET, two parts, Revised RED, plus Albanian, is  
17 admitted.

18 THE COURT OFFICER: Thank you, Your Honour. That statement  
19 Part 1 will receive Exhibit P02037.1; and Part 2 will become  
20 P02037.2. Classification is confidential.

21 PRESIDING JUDGE SMITH: The preparation note as noted and the  
22 associated exhibits are admitted.

23 THE COURT OFFICER: Thank you, Your Honour. Preparation note  
24 with ERN 118305 to 118310A RED will receive Exhibit P02038.

25 The second preparation note with ERN 125871 to 125874 RED will



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1 receive Exhibit P02039.

2 First associated exhibit, 081912 to 081912, English/Albanian,  
3 will receive Exhibit P02040.

4 And, finally, the last associated exhibit with ERN 081911 to  
5 081911 will receive Exhibit P02041.

6 Classification of all items is confidential. Thank you.

7 PRESIDING JUDGE SMITH: Thank you.

8 MR. PACE: And, Your Honour, on 14 February the SPO submitted a  
9 brief proposed summary for this witness's now admitted Rule 154  
10 statement. We received no objection. So with your leave, I will  
11 read the short summary now in open session.

12 PRESIDING JUDGE SMITH: Yes, go ahead.

13 MR. PACE: W04491 and another person were arrested by KLA  
14 members in July 1998 and subsequently detained at two locations where  
15 they were subjected to beatings and accused of being spies.

16 W04491 also provides evidence concerning the detention and  
17 mistreatment of a third person at the second location where W04491  
18 was detained.

19 And, Your Honour, with that, we could now please move into  
20 private sessions to ensure the witness's protection for my next  
21 questions.

22 PRESIDING JUDGE SMITH: Into private session, please,  
23 Madam Court Officer.

24 [Private session]

25 [Private session text removed]

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3 [Open session]

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

5 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

6 --- Break taken at 10.37 a.m.

7 --- On resuming at 10.49 a.m.

8 PRESIDING JUDGE SMITH: I think we'll continue until 11.30 and  
9 then take a half-an-hour break, and then come back for one hour, just  
10 to try to make up for the false start this morning.

11 You may bring the witness in.

12 MR. MISETIC: Mr. President, if I could just put on the record,  
13 before we go to the next break, that the witness does not have access  
14 to any people or advisers during breaks. I assume that's the case,  
15 but I just wanted to confirm that.

16 PRESIDING JUDGE SMITH: Yes, we can. We can't confirm it, but  
17 we will.

18 MR. PACE: Your Honour, in case it assists, and, of course, you  
19 can independently confirm, but to our knowledge, the adviser  
20 mentioned in the prep note returned home on Friday, to our knowledge.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: Let's go into private session for a  
23 moment.

24 [Private session]

25 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25355

Examination by Mr. Pace

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Witness: W04491 (Private Session)

Page 25356

Examination by Mr. Pace

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Witness: W04491 (Private Session)

Page 25357

Examination by Mr. Pace

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Witness: W04491 (Private Session)

Page 25358

Examination by Mr. Pace

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Witness: W04491 (Private Session)

Page 25359

Examination by Mr. Pace

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Witness: W04491 (Private Session)

Page 25360

Cross-examination by Mr. Tully

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Witness: W04491 (Private Session)

Page 25361

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25362

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25363

Cross-examination by Mr. Tully

1 [Private session text removed]

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21 [Open session]

22 PRESIDING JUDGE SMITH: Now we're adjourned.

23 --- Recess taken at 11.29 a.m.

24 --- On resuming at 12.01 p.m.

25 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness



Witness: W04491 (Private Session)

Page 25364

Cross-examination by Mr. Tully

1 in.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: [Microphone not activated]

4 [Private session]

5 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25365

Cross-examination by Mr. Tully

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Witness: W04491 (Private Session)

Page 25366

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25367

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25368

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25369

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25370

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25371

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25372

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25373

Cross-examination by Mr. Tully

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Witness: W04491 (Private Session)

Page 25374

Cross-examination by Mr. Tully

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Witness: W04491 (Private Session)

Page 25375

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25376

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25377

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25378

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25379

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25380

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25381

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25382

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25383

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25384

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25385

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25386

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25387

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25388

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25389

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25390

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25391

Cross-examination by Mr. Tully

1 [Private session text removed]

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14 [Open session]

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

16 PRESIDING JUDGE SMITH: All right. Now we're adjourned until

17 2.30.

18 --- Luncheon recess taken at 1.03 p.m.

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

20 PRESIDING JUDGE SMITH: Please bring the witness in.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: Madam Court Officer, please take us into  
23 private session.

24 [Private session]

25 [Private session text removed]

Witness: W04491 (Private Session)

Page 25392

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25393

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25394

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25395

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25396

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25397

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25398

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25399

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25400

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25401

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25402

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25403

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25404

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25405

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25406

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25407

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25408

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25409

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25410

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25411

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25412

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25413

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25414

Cross-examination by Mr. Tully

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25415

Procedural Matters

1 [Private session text removed]

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20 [Open session]

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

22 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

23 --- Break taken at 3.25 p.m.

24 --- On resuming at 3.37 p.m.

25 PRESIDING JUDGE SMITH: First of all, to deal with the suspense,

1 we will not do the session today that we planned. We will do it  
2 tomorrow at 9.00, and hopefully everybody can be available, and then  
3 have this over with. It shouldn't take more than an hour. We're not  
4 going to belabour these issues, but we just want to bring up some  
5 matters of concern one more time.

6 So we're ready to proceed. Mr. Misetic will have a  
7 cross-examination.

8 You may bring the witness in.

9 We can try to squeeze this out today, but I have to keep  
10 conscious of the welfare of the interpreters as well, and I don't  
11 want to get pushed over the 4.30 mark. And so we'll take care of it  
12 tomorrow.

13 MR. MISETIC: Understood, Mr. President.

14 We can already move into private session for my questions.

15 PRESIDING JUDGE SMITH: Into private session, please.

16 MS. O'REILLY: Your Honour, just while the witness is being  
17 brought in, we were hoping that perhaps our clients wouldn't have to  
18 come tomorrow. The issue for us is that we need to go to the DU to  
19 speak to our client tomorrow morning. If he's here, it's going to  
20 take too long to bring him back, and then we will miss our visit with  
21 him. So if -- we can file the necessary waiver, but it would be  
22 preferable if our client at least didn't have to come tomorrow.

23 PRESIDING JUDGE SMITH: I have no problem. We have no problem  
24 with the waiver on -- if one of them or both of them or all of them  
25 don't want to attend.

Witness: W04491 (Private Session)

Page 25417

Cross-examination by Mr. Misetic

1 MS. O'REILLY: Thank you.

2 PRESIDING JUDGE SMITH: As long as they file the waiver, and  
3 I'll leave that to you to communicate with them.

4 [The witness takes the stand]

5 [Private session]

6 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25418

Cross-examination by Mr. Misetic

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25419

Cross-examination by Mr. Misetic

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25420

Cross-examination by Mr. Misetic

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Witness: W04491 (Private Session)

Page 25421

Cross-examination by Mr. Misetic

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Witness: W04491 (Private Session)

Page 25422

Cross-examination by Mr. Misetic

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25423

Cross-examination by Mr. Misetic

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25424

Cross-examination by Mr. Misetic

1 [Private session text removed]

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Witness: W04491 (Private Session)

Page 25425

Cross-examination by Mr. Misetic

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Witness: W04491 (Private Session)

Page 25426

Cross-examination by Mr. Misetic

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Witness: W04491 (Private Session)

Page 25427

Cross-examination by Mr. Misetic

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Witness: W04491 (Private Session)

Page 25428

Re-examination by Mr. Pace

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Witness: W04491 (Private Session)

Page 25429

Re-examination by Mr. Pace

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Witness: W04491 (Private Session)

Page 25430

Questioned by the Trial Panel

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Witness: W04491 (Private Session)

Page 25431

Questioned by the Trial Panel

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Witness: W04491 (Private Session)

Page 25432

Questioned by the Trial Panel

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Witness: W04491 (Private Session)

Page 25433

Procedural Matters

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23 [Open session]

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

25 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.

1 tomorrow.

2 --- Whereupon the hearing adjourned at 4.13 p.m.

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