

1 Wednesday, 18 September 2024

2 [Open session]

3 [The Accused Krasniqi appeared via videolink]

4 [The Accused Thaci appeared via videolink]

5 [The accused entered the courtroom]

6 --- Upon commencing at 9.03 a.m.

7 PRESIDING JUDGE SMITH: Madam Court Officer, please call the
8 case.

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

12 PRESIDING JUDGE SMITH: Thank you.

13 Good morning. I note that except for Mr. Thaci and
14 Mr. Krasniqi, who are appearing by videolink, all the accused are
15 present in court today.

16 We will now continue hearing the evidence of Prosecution
17 Witness W04737.

18 Madam Court Usher, please bring the witness in.

19 [The witness takes the stand]

20 PRESIDING JUDGE SMITH: Good morning, Witness.

21 THE WITNESS: [Interpretation] Good morning, Your Honour.

22 PRESIDING JUDGE SMITH: Today, we're going to continue your
23 testimony. I remind you to please try to answer the questions
24 clearly with short sentences. If you don't understand a question,
25 feel free to ask counsel to repeat the question or tell them you

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1 don't understand and they will clarify.

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

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

7 If you feel the need to take a break, please let us know and we
8 will accommodate you.

9 We continue now with the questions from the Panel, still with
10 Judge Barthe at this time. Please give him your attention.

11 WITNESS: W04737 [Resumed]

12 [The witness answered through interpreter]

13 JUDGE BARTHE: Thank you, Judge Smith.

14 Questioned by the Trial Panel: [Continued]

15 JUDGE BARTHE: And good morning, [REDACTED] Pursuant to In-Court
Redaction Order F02583RED.

16 We're still in public session. We should go into private
17 session, please.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 JUDGE BARTHE: Thank you.

20 [Private session]

21 [Private session text removed]

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Questioned by the Trial Panel (Continued)

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Questioned by the Trial Panel (Continued)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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12 [Open session]

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

14 PRESIDING JUDGE SMITH: All right. It's 10.03. We'll do ten
15 minutes from now. Thank you.

16 --- Break taken at 10.04 a.m.

17 --- On resuming at 10.16 a.m.

18 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness
19 in.

20 We will approximately be finished by the end of this particular
21 session. It possibly could go over a little bit, but probably not.

22 MS. O'REILLY: Thank you, Your Honour. I'm grateful.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 [The witness takes the stand]

25 PRESIDING JUDGE SMITH: Into private session, please,

Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

1 Madam Court Officer.

2 [Private session]

3 [Private session text removed]

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Questioned by the Trial Panel (Continued)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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21 [Open session]

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

23 PRESIDING JUDGE SMITH: We are adjourned until 11.30.

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

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

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Questioned by the Trial Panel (Continued)

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1 PRESIDING JUDGE SMITH: Madam Court Usher, please bring the
2 witness in.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: All right. Witness, we will continue
5 now with Judge Mettraux's questions.

6 JUDGE METTRAUX: Thank you, Judge Smith.

7 And welcome back, Witness.

8 Can the Registry please bring up Exhibit P1609.

9 MR. HALLING: And, Your Honour, just for clarification on open
10 session --

11 JUDGE METTRAUX: I'm grateful.

12 And if we could go to private session, please.

13 [Private session]

14 [Private session text removed]

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Witness: W04737 (Resumed) (Private Session)

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Witness: W04737 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Questioned by the Trial Panel (Continued)

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Questioned by the Trial Panel (Continued)

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Witness: W04737 (Resumed) (Private Session)

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Further Cross-examination by Ms. Tavakoli

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Further Cross-examination by Ms. Tavakoli

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Further Cross-examination by Ms. Tavakoli

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Further Cross-examination by Ms. O'Reilly

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Further Cross-examination by Ms. O'Reilly

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3 [Open session]

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

5 PRESIDING JUDGE SMITH: We'll step aside for five minutes as
6 adjourned, but don't go too far.

7 --- Break taken at 12.24 p.m.

8 --- On resuming at 12.32 p.m.

9 PRESIDING JUDGE SMITH: Into private session, please,
10 Madam Court Officer.

11 [Private session]

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25 [Open session]

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

2 PRESIDING JUDGE SMITH: We're adjourned until 2.30.

3 --- Luncheon recess taken at 12.50 p.m.

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

5 PRESIDING JUDGE SMITH: Into private session, please. I don't
6 want the screen on this either. We're not ready to start yet.

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Procedural Matters

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Procedural Matters

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11 [Open session]

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

13 PRESIDING JUDGE SMITH: Thank you.

14 Go ahead.

15 MR. MICHALCZUK: Yes.

16 Examination by Mr. Michalczuk:

17 Q. Good afternoon, Witness. Can you hear me?

18 A. Good afternoon. I can hear you.

19 Q. Can you see me as well?

20 A. Yes, of course.

21 Q. We met before, but let me introduce myself again. My name is
22 Cezary Michalczuk, and I will be asking you questions on behalf of
23 the SPO.

24 Witness, you were granted certain protective measures, which
25 means that when you will be speaking publicly your face will be

1 distorted and your voice will not be known to the public. For
2 certain parts of your testimony, we will go to the private session,
3 which means that nobody will be able even to hear your voice or see
4 the pictures on the screens.

5 Before we start, we would need to establish your identity.

6 MR. MICHALCZUK: And for this, I would ask Your Honours to go
7 into private session.

8 PRESIDING JUDGE SMITH: Into private session, please.

9 [Private session]

10 [Private session text removed]

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20 [Open session]

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

22 PRESIDING JUDGE SMITH: Thank you.

23 MR. MICHALCZUK: Could the Court Officer please pull up a
24 document, in English, 003298-TR-ET Part 1 RED; and the same Serbian
25 version of the document without ET, the same number.

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Examination by Mr. Michalczuk

1 Q. Witness, can you see the documents in front of you?

2 A. Yes.

3 Q. This is the SITF statement. And my question is did you give
4 this statement to the SITF?

5 A. Yes.

6 MR. MICHALCZUK: Could you remove this document and pull up the
7 next one, please. Again, English and Serbian next to each other.
8 The reference number would be, of the English, 003282-003297-ET
9 Revised RED. And it is -- in both documents let's go to page 003287.

10 Q. Can you see these documents in front of you, Witness?

11 A. Yes, yes.

12 Q. This is the statement given to MUP. And my question is did you
13 give this statement?

14 A. Yes.

15 MR. MICHALCZUK: Let's move to page, in the Serbian version,
16 003295.

17 Q. Do you see your signature on this page?

18 A. Yes.

19 MR. MICHALCZUK: Could you remove these documents from the
20 screen and pull up another one, English and Serbian next to each
21 other. English would be U002-7255-U002-7271 RED, page 1. And
22 Serbian, the same with ST. Also page 1.

23 Q. Witness, can you see the statements in front of you?

24 A. Yes.

25 Q. This is the statement given to the ICTY. And my question is

1 again did you see this statement -- did you give this statement?

2 Excuse me.

3 A. Yes.

4 Q. Could you take a look at the bottom of this page in the English
5 version. Is that your signature?

6 A. Yes, of course.

7 MR. MICHALCZUK: Could we remove these documents from the
8 screen. And could the Court Officer please pull up the next set of
9 documents. Again, English and Serbian next to each other. English
10 would be 041987-041994-ET RED2. The same range for the Serbian
11 document but without ET, page 1.

12 Q. Can you see the documents in front of you, Witness?

13 A. Yes.

14 Q. This is another statement given to MUP. Did you give this
15 statement?

16 A. Yes.

17 MR. MICHALCZUK: Let's move to page 8 which is 041994 of the
18 Serbian version.

19 Q. Is that your signature there, sir?

20 A. Yes.

21 Q. Witness, during the preparation session that took place last
22 Saturday, which was on 14 September, did you have the opportunity to
23 review the contents of these statements?

24 A. Yes.

25 Q. Did you have the opportunity to make corrections and

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Examination by Mr. Michalczuk

1 clarifications to these statements?

2 A. Yes.

3 Q. Were these changes reflected in a note that was then read back
4 to you?

5 A. There were no changes. No changes. The --

6 Q. But there was --

7 A. -- statements are such as they are.

8 Q. Yes. But was there a note that was read back to you after the
9 conclusion of the session?

10 A. Yes, yes, yes. Yes, yes. Certainly.

11 Q. Do you confirm that what was read back to you in that note
12 reflects accurately your statements?

13 A. Yes.

14 Q. Subject to the changes provided in that note, do these
15 statements accurately reflect what you said and what you would say if
16 asked again in court today?

17 A. Yes.

18 MR. MICHALCZUK: Your Honours, having fulfilled the Rule 154
19 criteria, and in accordance with your decision F02532, paragraph 15,
20 and 20(a) and (b) of 5 September 2024, the SPO hereby tenders these
21 statements that I have just put to the witness in three languages -
22 English, Serbian, and Albanian - along with Preparation Note 1, which
23 bears the following ERN number, 122791 to 122796. This note is of
24 14 September. This also includes the associated exhibit identified
25 at paragraph 14 of Your Honours' decision F02532.

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Examination by Mr. Michalczuk

1 PRESIDING JUDGE SMITH: Any objection?

2 MS. MENEGON: None.

3 MS. ROWAN: No, thank you.

4 MR. TULLY: No.

5 MR. BAIESU: No.

6 PRESIDING JUDGE SMITH: 003298-TR-ET RED -- is it just one part,
7 Mr. Michalczuk?

8 MR. MICHALCZUK: We are talking about all parts, Your Honours,
9 for all these statements.

10 PRESIDING JUDGE SMITH: All parts are admitted.

11 MR. MICHALCZUK: I could read them to the record if necessary,
12 Your Honours.

13 PRESIDING JUDGE SMITH: No, I'm just waiting to assign a number.

14 THE COURT OFFICER: Your Honours, statement with ERN
15 003298-TR-ET Part 1 RED together with Albanian and Serbian version
16 for it will be assigned Exhibit P1635.1.

17 PRESIDING JUDGE SMITH: 003282-003297 in English, Albanian, and
18 Serbian, RED, is admitted.

19 THE COURT OFFICER: Your Honours, before I assign that number,
20 perhaps to put the numbers on the record for the rest of the parts of
21 the first statement.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 U002-7255 to U002-7271 RED in Albanian and Serbian and English
24 is admitted. And 041987 to 041994-ET in English, Albanian, and
25 Serbian is admitted. Prep Note 122791-122 -- I'm sorry, Prep

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Examination by Mr. Michalczuk

1 Note 122791 to 122796 is admitted. And the associated exhibits are
2 admitted.

3 THE COURT OFFICER: Thank you, Your Honours. So I'll go over
4 assigning the numbers.

5 Part 2 for 003298-TR-ET, together with the Albanian and Serbian
6 version, will be Exhibit P01635.2.

7 Part 3 for the same ERN will be Exhibit P01635.3.

8 And Part 4 for the same ERN with Albanian and Serbian will be
9 Exhibit P01635.4.

10 For the second statement with ERN 003298 to 003297-ET Revised,
11 as well as Serbian and Albanian versions for it, it will be assigned
12 Exhibit P01636. And I note, Your Honours, that for the English and
13 the Serbian version, only certain pages were admitted per the
14 Rule 154 decision F2532. Those pages were 003282 to 003295. So
15 perhaps it can be clarified what the exhibit is assigned to.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MR. MICHALCZUK: [Microphone not activated].

18 I think the issue with this second document is that the
19 beginning of this is just the note of the SITF, and the statement
20 starts later, on the pages later, like, from the page, I think, 4 to
21 page 8. So it should go as pursuant to the -- Your Honours' decision
22 on Rule 154. So these are the correct numbers.

23 PRESIDING JUDGE SMITH: Go ahead.

24 THE COURT OFFICER: Okay. Those will be assigned
25 Exhibit P01636, Your Honours.

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1 And then the third statement with U002-7255 to U002-7271 RED,
2 with its Albanian and Serbian version, will be assigned
3 Exhibit P01637.

4 And the last statement, ERN 041987 to 041994-ET RED2, with the
5 Albanian and Serbian versions for it, will be assigned
6 Exhibit P01638.

7 The preparation note with ERN 122791 to 122796 will be assigned
8 Exhibit P01639.

9 And, lastly, the associated exhibit with ERN 003282 to 003297
10 and the specific pages from it, 003296 to 003297, will be assigned
11 Exhibit P01640.

12 And if we can confirm classification for all those.

13 MR. MICHALCZUK: It's confidential for now.

14 PRESIDING JUDGE SMITH: It will remain confidential.

15 Go ahead, Mr. Michalczuk.

16 MR. MICHALCZUK: Your Honour, I would like to read out publicly
17 the summary of this witness with your permission. No objections were
18 raised by the Defence.

19 PRESIDING JUDGE SMITH: Yes, go ahead.

20 MR. MICHALCZUK: In mid-June 1999, Witness W01129 was abducted
21 near the Belacevac mine in Kosovo Polje, Fushe Kosove, by a group of
22 armed KLA members.

23 W01129 was tied, mistreated, and taken to various KLA locations
24 in the area. In all these locations, he was beaten by KLA members,
25 including by commanders who he named. He was also questioned. After

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1 two weeks spent in detention, W01129 was released and left Kosovo
2 shortly after.

3 Your Honours, I would now have a few questions for this witness.

4 PRESIDING JUDGE SMITH: Go ahead.

5 MR. MICHALCZUK: We could still remain in public session.

6 Q. Witness, we are now in the open session. Please don't mention
7 any names or locations that could compromise your protected
8 character, including names of places and individuals, unless I ask
9 you specifically.

10 MR. MICHALCZUK: Could the Court Officer please pull up
11 Preparation Note 2, 122797 to 122804, last page, page 8, number
12 122804. It should not be for public display.

13 Q. Witness, do you see this map in front of you?

14 A. Yes.

15 Q. During your preparation session, we discussed certain locations.
16 Do you remember that?

17 A. Yes.

18 Q. This map has got certain markings. Do you remember making those
19 markings yourself?

20 A. Yes.

21 Q. Now, without mentioning any names of locations, I'll ask you
22 questions to confirm or deny the following information.

23 Number 1. Is number 1 the location where you were abducted?

24 A. Yes.

25 Q. Is number 2 the location where you were taken immediately after

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Examination by Mr. Michalczuk

1 your abduction?

2 A. Yes.

3 Q. Is number 3 the second location where you were subsequently
4 transferred and detained?

5 A. Yes.

6 Q. Is number 4 the third location where you were further detained
7 and which, according to you, was the KLA headquarters?

8 A. Yes.

9 Q. Is number 5 the fourth and last location where you were
10 detained?

11 A. Yes.

12 Q. Thank you.

13 MR. MICHALCZUK: We can remove this map from the screen.

14 Q. Witness, during your time in the KLA detention, were you ever
15 informed of any criminal charges against you?

16 A. No.

17 Q. Was there any explanation given as to why your detention was
18 considered necessary?

19 A. No.

20 Q. Were you given the opportunity to challenge your detention to
21 any judge or other official?

22 A. No.

23 Q. Witness, from your various statements, for example, P1635.4, at
24 page 7, we know that after your abduction, your father tried to find
25 you and secure your release, and that he approached whomever he

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1 could, for example, KFOR, Albanians, different media, and you said
2 that he alerted everyone.

3 And my question to you would be did he also approach the
4 Orthodox church?

5 A. Yes.

6 Q. How do you know that?

7 A. When I got home, my father told me that the priest of the
8 Orthodox church came up to him and offered some help, if there was
9 any way he could help.

10 MR. MICHALCZUK: Your Honours, if I may, coming back to the map
11 that we have just shown to the witness, I would like to tender this
12 map into evidence. It's attached to Preparation Note 2, which means
13 it's not in evidence. We'd like to tender it now.

14 PRESIDING JUDGE SMITH: Any objection to the map?

15 MS. MENEGON: None.

16 MS. ROWAN: No, thank you.

17 MR. TULLY: No, Your Honour.

18 MR. BAIESU: No.

19 PRESIDING JUDGE SMITH: So 122797-122804 at page 8 is admitted.

20 THE COURT OFFICER: Your Honours, that page at 122804 will be
21 assigned Exhibit P01641. And if we can confirm classification.

22 MR. MICHALCZUK: It's confidential.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. MICHALCZUK:

25 Q. Witness, in the answer to my next question, please don't mention

1 any names. My question is as follows: Apart from your father, was
2 there anyone else from your family who was engaged in the campaign of
3 locating and releasing you? From your family.

4 A. Yes.

5 Q. If this is the case --

6 A. Yes, my brother.

7 Q. Yes, thank you very much. Witness, was your abduction a common
8 knowledge in the area?

9 A. Yes.

10 Q. Could you elaborate on that? What makes you think so, that it
11 was a common knowledge?

12 A. Well, the word soon came out that I had been kidnapped,
13 abducted. And the Serbs spontaneously began to gather outside the
14 KFOR building - KFOR had just arrived on that day - in protest.

15 Q. So was that protest, if I understand correctly, organised
16 because of your abduction or in the reaction to that? Could you
17 clarify it, please?

18 A. Yes. Yes.

19 Q. I understand that also your father campaigned very vigorously
20 for your -- for finding you and for releasing you. Was that also
21 part of the common knowledge in the area? Did that also contribute
22 to that common knowledge of the area?

23 A. Yes, of course.

24 Q. Witness, in your various statements - for example, in statement
25 P1635.2, at page 8 - you mentioned the name [REDACTED] Pursuant to In-
Court Redaction Order F02583RED. who

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Examination by Mr. Michalczuk

1 introduced himself to you as the commander of [REDACTED] Pursuant to
In-Court Redaction Order F02583RED.. Do you

2 remember that? Do you remember saying that?

3 A. Yes. Yes.

4 MR. MICHALCZUK: Could we go into private session, Your Honour.

5 PRESIDING JUDGE SMITH: Into private session, please,

6 Madam Court Officer.

7 [Private session]

8 [Private session text removed]

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Examination by Mr. Michalczuk

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Examination by Mr. Michalczuk

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4 [Open session]

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

6 PRESIDING JUDGE SMITH: Go ahead.

7 MR. MICHALCZUK: This article should not be displayed to the
8 public, but let's still keep it on the screen, and let's move to page
9 number 3 of this article. We could keep it here as it is.

10 Q. So this article says the following. This is the continuation of
11 the article that we discussed in the private session.

12 "The mine manager said the Serb army withdrawal took him by
13 surprise; he expected them to wait for NATO. But shortly after
14 7 a.m. Saturday, they began pulling out of the three deserted
15 villages bordering the mine.

16 "Just a day earlier, military and police officials in Pristina
17 had assured him there would be no security vacuum at the mine, a
18 critical link in the electric power supply system that the KLA had
19 seized for several weeks" -- sorry, "that the KLA had seized for
20 several weeks last year. Ten workers kidnapped in the June 22, 1998
21 attack have not been seen since."

22 Very quickly. This part, these were the electric power supply
23 system, is this article referring to the electric company of Serbia
24 *[REDACTED] Pursuant to In-Court Redaction Order F02583RED.*

25 A. Yes.

1 Q. The article speaks about the KLA kidnapping ten workers of the
2 company in June 1998. Do you know where that kidnapping occurred?

3 A. In the area of Grabovac village.

4 Q. Is Grabovac and Belacevac far away from each other?

5 A. No, no, no. They are joined so to speak. They are one whole.
6 You see, there's just a different board that says from here it's
7 Grabovac and from there it's Belacevac.

8 Q. Where did you work at that time?

9 A. At the time, I worked in [REDACTED] Pursuant to In-Court Redaction
Order F02583RED..

10 Q. Did you witness this incident yourself?

11 A. No.

12 Q. How did you find out about this incident?

13 A. I learned about it immediately from [REDACTED] Pursuant to In-Court
Redaction Order F02583RED., because, as I
14 told you, the electric power company of Serbia was one big company,
15 and the word spread out immediately that in the area of Grabovac,
16 Belacevac, thereabouts, they had stopped a bus and abducted ten
17 workers of Serbian ethnicity who were being pulled off the bus.

18 Q. So this is what you learned from [REDACTED] Pursuant to In-Court
Redaction Order F02583RED. at the mine

19 shortly after the incident occurred; is that correct?

20 A. Yes, yes.

21 Q. Witness, do you know any names of those who were abducted?

22 A. Well, the names of a few of them, yes.

23 Q. Could you give them to the Court, those who you remember.

24 A. There was Mirko Trifunovic. Adjancic, several of them, they
25 were relatives, Dusan, Zoran, Petar. There were also Marijan Buha,

1 and I really cannot remember everyone. But certainly I did know all
2 these men.

3 Q. For example, what was Mirko Trifunovic's profession? What was
4 his assignment at the mine?

5 A. Mirko Trifunovic was a driver in the open pit mine.
6 Dusan Adjancic was a mechanic. And so on. They were all workers.
7 Except for Marijan Buha. He was in management, so he was a head of a
8 service station for appliances. Marijan Buha, I mean.

9 MR. MICHALCZUK: Your Honours, I am tendering this document into
10 evidence.

11 PRESIDING JUDGE SMITH: Objection?

12 MS. ROWAN: Yes. Your Honours, we would object to the admission
13 of this document. In the first instance, we would query what this
14 adds in addition to the witness's evidence considering it has
15 essentially been used as a launch pad as opposed to a document which
16 he has dealt with the contents of in any great detail.

17 But more pertinently, it's clear that this document is being
18 adduced for the truth of its contents. Your Honour, the key passage
19 in this that concerns this witness [REDACTED] Pursuant to In-Court
Redaction Order F02583RED. the
20 re-telling of which this witness has said is incorrect. So the SPO
21 cannot tender the evidence of this witness live and say, "That is the
22 truth, this witness's evidence is the truth, that it was only him,"
23 and then adduce a document which gives a different account and say,
24 "We adduce that for truth." They must pick one account of this
25 incident. Both cannot be true. Therefore, they must rely on the

1 document or rely on the witness. We understand them to be relying on
2 their witness as a witness of truth. Therefore, this cannot be a
3 document of truth.

4 PRESIDING JUDGE SMITH: Thank you.

5 What is your reason for entering this given the fact that your
6 witness has testified completely about it?

7 MR. MICHALCZUK: This document does not speak only about his own
8 experience, but it speaks about a certain context which is relevant
9 to the case, we believe. And this witness has confirm --

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 You're just asking for context, not the truth of the matter?

12 MR. MICHALCZUK: For both, actually, because, Your Honour --

13 PRESIDING JUDGE SMITH: Well, that's where the problem occurs.

14 MR. MICHALCZUK: It's for both reasons. First, for context, for
15 the reason that this article speaks authoritatively about a certain
16 situation in June 1999 one day after the abduction of our witness.
17 The article is dated 13 June, and our witness was abducted shortly
18 earlier than that.

19 Second, this piece and the testimony of this witness are
20 mutually corroborative, Your Honour. So they reinforce each other's
21 probative value and evidentiary strength. And we believe that for
22 these reasons it should be admitted for both.

23 PRESIDING JUDGE SMITH: Thank you.

24 [Trial Panel confers]

25 PRESIDING JUDGE SMITH: All right. Ms. Rowan, we agree with

Witness: W01129 (Open Session)

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Examination by Mr. Michalczuk

1 you, and the document will not be admitted. You have a full and
2 complete testimony.

3 MR. MICHALCZUK: Very well. Could we remove this from the
4 screen and put another document on, which would be
5 U008-9781-U008-9974. That would be page 8. This document is already
6 in evidence and has got the P number P00869.

7 Q. Witness, did you see this document before?

8 A. Yes, during the preparation session.

9 Q. Indeed. I showed it to you. We discussed it briefly. *[REDACTED]*
Pursuant to In-Court Redaction Order F02583RED.

10 *[REDACTED] Pursuant to In-Court Redaction Order F02583RED.*

11 *[REDACTED] Pursuant to In-Court Redaction Order F02583RED.*

12 *[REDACTED] Pursuant to In-Court Redaction Order F02583RED.*

13 *[REDACTED] Pursuant to In-Court Redaction Order F02583RED.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F02583RED.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F02583RED.*

16 *[REDACTED] Pursuant to In-Court Redaction Order F02583RED.*

17 *[REDACTED] Pursuant to In-Court Redaction Order F02583RED.*

18 *[REDACTED] Pursuant to In-Court Redaction Order F02583RED.*

19 PRESIDING JUDGE SMITH: Mr. Prosecutor, you are in public
20 session you know.

21 MR. MICHALCZUK: [Microphone not activated].

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. MICHALCZUK: Initially I believed we could remain in public
24 session, but maybe let's go into private and let's redact the names
25 of the locations.

Witness: W01129 (Private Session)

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Examination by Mr. Michalczuk

1 PRESIDING JUDGE SMITH: All right.

2 MR. MICHALCZUK: Especially where the witness worked. Thank
3 you.

4 PRESIDING JUDGE SMITH: Into private session, please.

5 [Private session]

6 [Private session text removed]

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Witness: W01129 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W01129 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W01129 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W01129 (Private Session)

Page 20024

Examination by Mr. Michalczuk

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Witness: W01129 (Private Session)

Page 20025

Examination by Mr. Michalczuk

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Witness: W01129 (Private Session)

Page 20026

Examination by Mr. Michalczuk

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Witness: W01129 (Private Session)

Page 20027

Cross-examination by Ms. Menegon

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Witness: W01129 (Private Session)

Page 20028

Cross-examination by Ms. Menegon

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Witness: W01129 (Private Session)

Page 20029

Cross-examination by Ms. Menegon

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Witness: W01129 (Private Session)

Page 20030

Cross-examination by Ms. Menegon

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Witness: W01129 (Private Session)

Page 20031

Cross-examination by Ms. Menegon

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Witness: W01129 (Private Session)

Page 20032

Cross-examination by Ms. Menegon

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Witness: W01129 (Private Session)

Page 20033

Cross-examination by Mr. Baiesu

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Witness: W01129 (Private Session)

Page 20034

Cross-examination by Mr. Baiesu

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17 [Open session]

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

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

20 tomorrow.

21 --- Whereupon the hearing adjourned at 4.24 p.m.

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