

1 Wednesday, 19 April 2023

2 [Open session]

3 [The accused entered the courtroom]

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

5 PRESIDING JUDGE SMITH: Good morning, everyone.

6 Madam Court Officer, please call the case.

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

10 PRESIDING JUDGE SMITH: Thank you.

11 We're ready to continue with the cross-examination of
12 Witness 02652.

13 Madam Court Usher, please bring the witness in.

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear me
16 all right?

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE SMITH: Today we're going to continue with the
19 questions from the Hashim Thaci Defence.

20 I remind you to please try to answer the questions clearly with
21 short sentences. If you don't understand a question, feel free to
22 ask counsel to repeat the question or, if you don't understand it, to
23 clarify it.

24 Also, please remember to try to indicate the basis of your
25 knowledge of the facts and circumstances upon which you will be

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1 questioned.

2 I remind you that you are still under the obligation to tell the
3 truth as stated by your solemn declaration.

4 Also, remember to speak into the microphone and to wait five
5 seconds before answering each question.

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

8 Mr. McCloskey, you may continue your cross-examination. Do we
9 need to be in private session?

10 MR. McCLOSKEY: Yes, that's a good idea.

11 PRESIDING JUDGE SMITH: Madam Court Officer, into private
12 session, please.

13 [Private session]

14 [Private session text removed]

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7 [Open session]

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

9 PRESIDING JUDGE SMITH: So after a five-minute break, we will
10 start with Mr. Emmerson's cross-examination. Thank you.

11 --- Recess taken at 10.27 a.m.

12 --- On resuming at 10.34 a.m.

13 PRESIDING JUDGE SMITH: Yes, Mr. McCloskey.

14 MR. McCLOSKEY: [REDACTED] Pursuant to In-Court Redaction Order
F1470RED.

15 [REDACTED] Pursuant to In-Court Redaction Order F1470RED.

16 [REDACTED] Pursuant to In-Court Redaction Order F1470RED.

17 [REDACTED] Pursuant to In-Court Redaction Order F1470RED.

18 PRESIDING JUDGE SMITH: Okay.

19 Madam Court Officer, into private session, please.

20 [Private session]

21 [Private session text removed]

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19 [Open session]

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

21 PRESIDING JUDGE SMITH: All right. We will reconvene at 11.30.

22 Thank you.

23 --- Recess taken at 11.05 a.m.

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

25 PRESIDING JUDGE SMITH: You may continue, Mr. Emmerson, as soon

1 as we get the witness in.

2 And we can go back into private session.

3 MR. ROBERTS: Your Honour, just briefly, I might take this
4 opportunity --

5 PRESIDING JUDGE SMITH: [Microphone not activated]

6 MR. ROBERTS: It doesn't matter.

7 [Private session]

8 [Private session text removed]

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Witness: W02652 (Resumed) (Private Session)

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Witness: W02652 (Resumed) (Private Session)

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Witness: W02652 (Resumed) (Private Session)

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Witness: W02652 (Resumed) (Private Session)

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24 [Open session]

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

1 PRESIDING JUDGE SMITH: All right. We will take a lunch break.
2 Be back at 2.30. Thank you.

3 Did you have something, Mr. Emmerson?

4 MR. EMMERSON: I'm sorry. I missed what Your Honour said.

5 PRESIDING JUDGE SMITH: I just said we were going to take a
6 break until 2.30.

7 MR. EMMERSON: Thank you.

8 --- Luncheon recess taken at 1.02 p.m.

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

10 PRESIDING JUDGE SMITH: Madam Usher, you can bring in the
11 witness.

12 MR. EMMERSON: Your Honour, whilst the witness is coming in,
13 could I please tender the video that was shown to the witness and the
14 first of the two sitreps from Colonel Crosland, please.

15 I'm sorry, may I tender the video, please, and the first of the
16 two documents from Colonel Crosland that were dealt with in
17 cross-examination.

18 PRESIDING JUDGE SMITH: So DKV0006 offered, the video. Any
19 objection?

20 MR. PACE: No.

21 PRESIDING JUDGE SMITH: Any objection by any of the Defence?
22 That will be admitted and assigned a number.

23 THE COURT OFFICER: Your Honours, DKV0006 will receive
24 Exhibit 2D2. If we can clarify confidentiality.

25 MR. EMMERSON: Thank you. It doesn't need to be confidential.

1 MR. PACE: Your Honour, I had a question about the
2 confidentiality. We agree it doesn't need to be confidential, but
3 does the -- remind me, Court Officer, is it linked in any way to the
4 witness when it's made public or not, in the metadata or in anything
5 like that with a description?

6 THE COURT OFFICER: It is tendered through the witness.

7 PRESIDING JUDGE SMITH: It's a Defence exhibit, so I would think
8 it isn't linked to him.

9 MR. PACE: No, I meant more when you access it on the public web
10 site, for example, if there's going to be this was tendered through
11 this witness or not. As long as there is none of that, there is no
12 problem with it being public.

13 PRESIDING JUDGE SMITH: All right. And what was the second one?

14 MR. EMMERSON: The document that I was just asking the witness
15 about, which is the sitrep from Colonel Crosland, a situation report
16 from Colonel Crosland about the destruction in and around Malisheve
17 and Rahovec.

18 PRESIDING JUDGE SMITH: Is that DKV0003?

19 MR. EMMERSON: Well, I called it up as IT-05-87 -- sorry, yes.
20 Yes, I do apologise. That is the correct one.

21 PRESIDING JUDGE SMITH: 0003 through 0005.

22 MR. EMMERSON: Correct.

23 PRESIDING JUDGE SMITH: All right. Any objection to that
24 document?

25 MR. PACE: No.

1 PRESIDING JUDGE SMITH: By the Defence? No.

2 DKV0003-0005 is admitted and will be assigned a number.

3 THE COURT OFFICER: Your Honours, that will be Exhibit 2D3.

4 MR. EMMERSON: Thank you.

5 PRESIDING JUDGE SMITH: Mr. McCloskey, if you will remind me
6 when Mr. Emmerson is finished, then we'll deal with your exhibits.

7 MR. McCLOSKEY: Thank you.

8 PRESIDING JUDGE SMITH: And, Court Officer, we can go into
9 private session.

10 [The witness takes the stand]

11 [Private session]

12 [Private session text removed]

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Witness: W02652 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Cross-examination by Mr. Emmerson

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Witness: W02652 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W02652 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Re-examination by Mr. Pace

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Re-examination by Mr. Pace

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Re-examination by Mr. Pace

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Witness: W02652 (Resumed) (Private Session)

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Questioned by the Trial Panel

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Witness: W02652 (Resumed) (Private Session)

Page 3244

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Witness: W02652 (Resumed) (Private Session)

Page 3245

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Witness: W02652 (Resumed) (Private Session)

Page 3246

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Witness: W02652 (Resumed) (Private Session)

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Questioned by the Trial Panel

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Witness: W02652 (Resumed) (Private Session)

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Witness: W02652 (Resumed) (Private Session)

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Further Cross-examination by Mr. McCloskey

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Witness: W02652 (Resumed) (Private Session)

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Further Cross-examination by Mr. McCloskey

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Witness: W02652 (Resumed) (Private Session)

Page 3251

Procedural Matters

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Witness: W02652 (Resumed) (Private Session)

Page 3252

Procedural Matters

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12 [Open session]

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

14 PRESIDING JUDGE SMITH: All right. Thank you.

15 We are adjourned until tomorrow at 9.00.

16 --- Whereupon the hearing adjourned at 4.31 p.m.

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