

1 Thursday, 20 July 2023

2 [Open session]

3 [The accused appeared via videolink]

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

5 PRESIDING JUDGE SMITH: Madam Court Officer, you may please call
6 the case.

7 THE COURT OFFICER: Good morning, Your Honours. This is
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. And good morning, everyone.

11 Today, we will conclude the testimony of Witness 04586. I note
12 that Mr. Thaci, Mr. Veseli, Mr. Selimi, and Mr. Krasniqi are all
13 attending the hearing via videolink, having waived their right to be
14 present and provided the written consent pursuant to Rule 96(2).

15 Before I invite the witness in, there is one matter that needs
16 to be dealt with. This will be an oral order on the extension of
17 time to respond to SPO's second Rule 155 motion.

18 Yesterday, the Krasniqi Defence sought an extension of time to
19 respond to the SPO's second Rule 155 motion.

20 Any comment on this, Mr. Prosecutor or Madam Prosecutor?

21 MR. BRADFIELD: No.

22 PRESIDING JUDGE SMITH: No, okay.

23 Mr. Laws, anything to comment on it?

24 MR. LAWS: No, thank you, Your Honour.

25 PRESIDING JUDGE SMITH: Mr. Thaci's Defence.

1 MR. KEHOE: No, Your Honour. We support the application.

2 PRESIDING JUDGE SMITH: And anything from the Veseli Defence?

3 MS. O'REILLY: Nothing.

4 MR. TULLY: Just to support, Your Honour. Thank you.

5 PRESIDING JUDGE SMITH: Anything, Mr. Ellis, or Ms. Alagendra?

6 MR. ELLIS: Your Honour, I'm happy to address it further if it
7 would assist.

8 PRESIDING JUDGE SMITH: It's complete. It's on file.

9 The Panel, therefore, extends the time limit for any responses
10 to the SPO's second Rule 155 motion to 20 days from the distribution
11 of that motion.

12 This concludes the oral order.

13 Before we bring the witness in, is there anything?

14 MR. KEHOE: Yes, Your Honour. With regard to the
15 cross-examination of this witness, we've been consulting and, of
16 course, we consulted this morning with our colleagues, and I think,
17 collectively at this point, none of this Defence teams are going to
18 cross-examine this gentleman.

19 And I have to tell you, Judge, that decision came as a result of
20 us observing the witness yesterday. We were prepared to do a
21 cross-examination, if you will. But I thought -- we took the -- made
22 this decision, and I think collectively no one -- we made a decision,
23 and everybody's not going to cross.

24 PRESIDING JUDGE SMITH: We understand and have no argument about
25 that.

1 We will ask the witness to come in. We will have a couple of
2 questions for him just because he's here so that he understands that
3 we're involved in this matter. And so we'll do that at this time.

4 Anything else? Anybody? Okay.

5 Madam Usher, please bring the witness in.

6 [The witness takes the stand via videolink]

7 PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear me?

8 THE WITNESS: [via videolink] [Interpretation] Yes, I can hear
9 you.

10 PRESIDING JUDGE SMITH: Today we will continue with your
11 testimony. I remind you that you are still under an obligation to
12 tell the truth as stated by you in your solemn declaration yesterday.

13 Please remember to speak into the microphone and wait five
14 seconds before answering a question, and then speak at a slow pace.

15 If you feel a need to take breaks, please make an indication and
16 an accommodation will be made.

17 The attorneys have indicated that they have no questions for you
18 today, having read your statement, but some of the Judges have
19 questions for you. So we will do that at this time.

20 First of all, Judge Mettraux.

21 THE COURT OFFICER: [via videolink] Your Honours, if I may, just
22 for the record, to confirm that at the remote location present are
23 W04586, WPSO staff member, and myself, Court Officer.

24 PRESIDING JUDGE SMITH: Thank you, Court Officer.

25 JUDGE METTRAUX: Thank you, Judge Smith.

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1 WITNESS: W04586 [Resumed]

2 [Witness answered through interpreter]

3 [Witness appeared via videolink]

4 Questioned by the Trial Panel:

5 JUDGE METTRAUX: And good morning, Witness. I have carefully
6 read your statement, and I have what I hope is a simple question.
7 After the events that you described the taking away of your brother
8 and the events surrounding it, did you try to report to anyone what
9 had happened to your relatives?

10 A. Yes.

11 JUDGE METTRAUX: And could you tell us to whom you sought to
12 report these events?

13 A. [REDACTED] Pursuant to In-Court Redaction Order F1687RED.

14 [REDACTED] Pursuant to In-Court Redaction Order F1687RED.

15 [REDACTED] Pursuant to In-Court Redaction Order F1687RED.

16 [REDACTED] Pursuant to In-Court Redaction Order F1687RED.

17 JUDGE METTRAUX: My question wasn't clear, sir, and I apologise
18 for that. Did you report it or seek to report it to any authorities?
19 Not to members of your family or relatives, but to any authority.
20 And I'm speaking at the time.

21 A. I have forgotten. This happened 23 years ago, and I suffer from
22 diabetes. 23 years later, I can't remember these. But I discussed
23 this with my brother.

24 JUDGE METTRAUX: And I understand the difficulty, sir, and I
25 won't press it further. Just asking you that, if you can remember,

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1 was there, to your recollection, any authority at the time that you
2 could have gone to? And if you can't remember, it's fine, you can't
3 remember.

4 A. Yes, I reported this to UNMIK. When I left to Albania, I was
5 asked questions about these things. I was asked, "Did anything
6 happen to you?" And I replied, "Yes, specific individuals took my
7 brother away." They then asked, "Who are those individuals?" To
8 which I replied, "[REDACTED] Pursuant to In-Court Redaction Order
F1687RED. was one of them,
9 and the other two individuals are unknown to me."

10 Then they asked me to go and take my brother, to ask for him. I
11 did not -- didn't dare go do that. I told them, "I am -- [REDACTED]
Pursuant to In-Court Redaction Order F1687RED.

12 [REDACTED] Pursuant to In-Court Redaction Order F1687RED." They then
13 said, "You need to come and pick him up." To
14 which I replied, "I will come and pick him up," because they loaded
15 their Kalashnikovs. At that point, I said, "I will come and take him
with me."

16 I went home, reported this to my brother. We discussed the
17 matter and didn't know what to do any further. There were only my
18 [REDACTED] Pursuant to Post Session Redaction Order F1709. and my
cousin to whom I could turn to. Then they went
19 there. I don't know now if they lied to me or if they really went
20 there, but they were turned down. They went there, according to
21 them, four times, and they were told repeatedly, "Go back. [REDACTED]
Pursuant to In-Court Redaction Order F1687RED.

22 should come here and pick -- to take his brother." At some point --

23 JUDGE METTRAUX: Thank you. Thank you, sir. Thank you, sir. I
24 think it answers my question. I'm grateful. And thank you again for
25 your time.

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1 A. You're welcome.

2 PRESIDING JUDGE SMITH: Judge Gaynor, anything?

3 JUDGE GAYNOR: Yes, I just have one question for you, Witness.

4 In one of your statements, you said that you feared the KLA more
5 than the Serbs because you knew what to expect from the Serb enemies,
6 but the KLA was not your enemy.

7 I just want you to expand on that a little bit. What did you
8 mean when you said that you feared the KLA? What did you mean when
9 you said that?

10 A. Yes. I will tell you now. I was afraid of the KLA. I was
11 afraid that they would kill me. For this reason, precisely. And
12 then I said, should I protect myself from the KLA or the Serbs? I
13 had nowhere to go. I didn't know what to do. I stayed in the
14 mountains with my family. I could not stay in my home.

15 And if I were to tell the whole story, this would take a long
16 time. Because they also came into my house to kill us at 2.00 in the
17 morning. It was cold. There was fog. No electricity. They told to
18 my brother -- because they initially didn't -- couldn't identify my
19 house, so they first went to my brother. And the daughter of my
20 brother heard them jumping over the wall. My brother grabbed his
21 Kalashnikov, leaning against the door, and that individual there
22 fired shots inside the house. And immediately, at that very moment,
23 my brother loaded his Kalashnikov and fired back. He hit the
24 individual in his hand, cutting off two of his fingers, and the
25 wounded person replied, "Oh, you killed me."

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1 We did not know what was going on, because I was constantly
2 guarding my house, every corner of it, in the courtyard. So that
3 individual said, "Oh you killed me." But he was not alone. He was
4 accompanied by many other individuals. Around the house were many
5 other people with him, but they -- but they used him and -- because
6 he was unknown, and they positioned him to guard the wall. So they
7 asked him to go inside, and my brother wounded him, cut off two of
8 his fingers.

9 We wanted to leave the house in the next morning. We saw the
10 two fingers on the ground in the yard. They had left, but we
11 followed the traces of blood and could determine that he went up to
12 the top of the village. Yeah.

13 When we went to the -- when leaving the village, we couldn't go
14 any further. These people were staying in another village close by.

15 JUDGE GAYNOR: Okay, thank you, sir, for your explanation. Your
16 evidence is before us in writing and we've read it very carefully,
17 and I have no further questions. Thank you, indeed.

18 PRESIDING JUDGE SMITH: Any follow-up questions?

19 MR. BRADFIELD: No, Your Honour.

20 PRESIDING JUDGE SMITH: [Microphone not activated]

21 MR. KEHOE: No, Your Honour.

22 MS. O'REILLY: No.

23 MR. TULLY: None from us, Your Honour. Thank you.

24 MS. ALAGENDRA: No, Your Honour.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 Witness, this concludes your testimony today, so you will be
2 free to leave and go back home. And we thank you very much for being
3 with us, for the statement that you made so that we understand what
4 happened --

5 THE WITNESS: [via videolink] [Interpretation] Thank you.

6 PRESIDING JUDGE SMITH: We thank you for the statement that you
7 made so that we can understand your position on what happened to your
8 brother and your sister, and we have taken note of all of that. So
9 you are excused now and thank you for coming.

10 Madam Court Officer, you may escort the witness out.

11 THE WITNESS: [via videolink] [Interpretation] Thank you very
12 much to you all.

13 [The witness withdrew via videolink]

14 [Trial Panel and Court Officer confers]

15 PRESIDING JUDGE SMITH: All right. The feed has been cut, so
16 there -- this is not a transcript.

17 So thank you all. It's been an interesting time, and we have
18 more ahead of us. Thank you for your presentations and cooperation
19 and candour in the courtroom. I believe that's all I have.

20 Anybody else have anything they want to say or do at this time?
21 All right. Thank you very much.

22 We will reconvene at the end of the Court break and start with
23 five more witnesses.

24 We're adjourned.

25 --- Whereupon the hearing adjourned at 9.18 a.m.