

1 Thursday, 21 November 2024

2 [Open session]

3 [The accused appeared via videolink]

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

5 PRESIDING JUDGE SMITH: Madam Court Officer, please call the
6 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: Good morning. Sorry about the delay. I
11 couldn't make my earphones work.

12 I note that the accused are all attending via videolink today
13 with permission and having filed waivers.

14 Before we start, the Panel notes the joint application of the
15 Defence for the reclassification of its filing F02718 as public.
16 Before ruling on the request for reclassification, the Panel would
17 like to ask the parties and participants if there are any objections
18 in relation to this request.

19 Mr. Prosecutor.

20 MR. MICHALCZUK: Your Honours, I would need to consult this
21 issue with my superiors, and I'll come back to you during the first
22 break.

23 PRESIDING JUDGE SMITH: All right. Fine.

24 Anybody else? Any objection?

25 Any objection from the Defence?

1 All right. We will wait till the break, then.

2 Madam Court Usher, please bring the witness in.

3 [The witness entered court via videolink]

4 THE COURT OFFICER: [via videolink] Good morning, Your Honours.

5 For the record, present in the remote VTC room are Witness W04393 and
6 myself, the Court Officer.

7 PRESIDING JUDGE SMITH: Thank you, Court Officer.

8 Good morning, Witness.

9 THE WITNESS: [via videolink] [Interpretation] Good morning.

10 PRESIDING JUDGE SMITH: The CMU staff member at your location
11 will now provide you with the text of the solemn declaration which we
12 ask you to take pursuant to our Rules of Procedure. Please look at
13 the document and then read it aloud.

14 THE WITNESS: [via videolink] [Interpretation] Solemn declaration
15 pursuant to Rule 141: Conscious of the significance of my testimony
16 and my legal responsibility, I solemnly declare that I will tell the
17 truth, the whole truth, and nothing but the truth, and that I shall
18 not withhold anything which has come to my knowledge.

19 WITNESS: W04393

20 [The witness answered through interpreter]

21 [The witness appeared via videolink]

22 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated
23 now.

24 THE WITNESS: [via videolink] [Interpretation] You're welcome.

25 Thank you.

1 PRESIDING JUDGE SMITH: Witness, today we will start your
2 testimony which is expected to last less than one day.

3 As you may know, the Prosecution will ask you questions first.
4 Thereafter, the Defence has the right to ask questions of you, and
5 members of the Panel might also ask questions of you.

6 The Prosecution estimate for your examination is one hour. The
7 Defence estimates that it will need approximately one hour and
8 40 minutes. As regards each estimate, we hope that counsel will be
9 judicious in the use of their time. The Panel may allow redirect
10 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 that you don't understand
14 and they will clarify. Also, please try to indicate the basis of
15 your knowledge of facts and circumstances that you will be asked
16 about.

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

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

24 While you are giving evidence in this Court, you are not allowed
25 to discuss with anyone the content of your testimony outside of the

Examination by Mr. Michalczuk

1 courtroom. If any person asks you questions outside this Court about
2 your testimony, please let us know.

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

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

8 We begin, first, with the questions from the Special
9 Prosecutor's Office. Please give them your attention.

10 Mr. Prosecutor, you have the floor.

11 MR. MICHALCZUK: Thank you, Your Honour.

12 Examination by Mr. Michalczuk:

13 Q. Good morning, Witness. We have met before, but let me introduce
14 myself again. My name is Cezary Michalczuk, and I'll be asking you
15 questions on behalf of the SPO.

16 Before we start, we need to establish your identity.

17 MR. MICHALCZUK: And for this we would need to go into private
18 session.

19 PRESIDING JUDGE SMITH: Into private session, please,
20 Madam Court Officer.

21 [Private session]

22 [Private session text removed]

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11 [Open session]

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

13 MR. MICHALCZUK:

14 Q. Witness, as I explained during the meeting that we had before,
15 rather than asking you questions about every relevant issue you might
16 have information about, it may be possible to admit your prior
17 statement containing such information into evidence. There are a
18 number of procedural steps to follow in order to do so, and I will
19 now turn to these steps.

20 Witness, have you been previously interviewed by the SPO?

21 A. Yes.

22 MR. MICHALCZUK: Could Madam Court Officer pull up the following
23 document, English and Albanian next to each other, side by side,
24 061010-TR-ET Part 1 RED2, page 1. And the same in Albanian, also
25 page 1.

1 Q. [REDACTED] Pursuant to In-Court Redaction Order F02740RED., do you
see the documents in front of you on the
2 screen?

3 A. Yes, I do.

4 Q. Looking at the documents, do you recognise this as your SPO
5 interview?

6 A. Yes.

7 Q. Thank you.

8 MR. MICHALCZUK: We could take it down. Could we pull up
9 instead another set of documents, English and Albanian next to each
10 other, numbers SPOE00128346-00128385 RED2, page 1.

11 Sorry, this is going to be just one document -- okay, yes. Yes,
12 we can do it. Yes, please. Let's do it like this. And one of these
13 documents should go to page 19, and this will be Albanian version of
14 the same document.

15 Q. Witness, do you see the documents on the screen?

16 A. Yes.

17 Q. Do you recognise it as your statement?

18 A. Yes.

19 MR. MICHALCZUK: Could we go to page 40 of this document.

20 Q. Witness, on the left-hand side you've got the last page of this
21 document. Do you recognise your signature on this document?

22 A. It's my signature.

23 Q. Thank you.

24 MR. MICHALCZUK: We could remove these documents.

25 Q. As part of your preparation for your testimony today, did you

1 have the opportunity to review the contents of these statements?

2 A. Yes.

3 Q. During your preparation session, did you have the opportunity to
4 make corrections and clarifications to these statements?

5 A. Yes.

6 Q. Were these changes reflected in the note that was then read back
7 to you?

8 A. That's a fact. Yes.

9 Q. Do you confirm what was read back in that note reflects your
10 changes fully and accurately?

11 A. I hereby confirm with responsibility that yes.

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

15 A. Absolutely, yes.

16 MR. MICHALCZUK: Your Honour, having fulfilled the Rule 154
17 criteria, and in accordance with your decision F02720 of 14 November
18 2024, paragraphs 48 and 96(c), the SPO hereby tenders, in Albanian
19 and English, the following documents: 061010-TR-ET Parts 1 to 4 RED2
20 and Part 5 of the same, RED2, Revised RED2. And another one,
21 SPOE00128346-00128385 RED2, pages 1 to 18. It's an English version,
22 but also we want an Albanian version to be admitted. Together with
23 the associated exhibit identified at paragraph 47 of decision F02720
24 along with the Preparation Note 1, ERN 123430-123437, of 3 November
25 2024.

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MS. MENEGON: None.

3 MS. ROWAN: No, thank you.

4 PRESIDING JUDGE SMITH: 061010-TR-ET Parts 1 through 4 RED2 in
5 the English and Albanian is admitted.

6 THE COURT OFFICER: Thank you, Your Honour. Just for the
7 record, we have five parts of this statement.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MR. MICHALCZUK: I said the four -- the last part was Revised
10 RED2.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. MICHALCZUK: Five parts, Your Honour.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 THE COURT OFFICER: Thank you.

15 The first part, Part 1 of 061010 will receive Exhibit P01846.1.
16 Part 2 will receive Exhibit P01846.2. Part 3 will be assigned
17 P01846.3. Part 4 will be assigned P01846.4. And Part 5 will receive
18 Exhibit P01846.5. Classification is confidential.

19 PRESIDING JUDGE SMITH: Thank you. Now SPOE00128346 to 00128385
20 RED2, pages 1 to 18 only. Is that correct, Mr. Prosecutor?

21 MR. MICHALCZUK: From page 1 to 18, there is an English version.
22 In this same document later on until page 40, there is an Albanian
23 version.

24 PRESIDING JUDGE SMITH: Yes, but it's page 1 to 18 plus the
25 Albanian; is that correct?

1 MR. MICHALCZUK: Yes. Yes.

2 PRESIDING JUDGE SMITH: All right. It's admitted.

3 THE COURT OFFICER: That statement will receive Exhibit P01847.
4 Classification is confidential.

5 PRESIDING JUDGE SMITH: The associated exhibits are admitted and
6 also Note 123430 to 123437.

7 THE COURT OFFICER: Preparation Note will receive
8 Exhibit P01848. Classification is confidential.

9 The first associated exhibit will receive -- SPOE00130484 to
10 00130485, page 1 of that document is in Albanian and page 2 in
11 English, as I understand, will receive Exhibit P01849.
12 Classification is confidential.

13 The second associated exhibit with the ERN U008-2500 to
14 U008-2535 RED2, and it is only one page from that document?

15 MR. MICHALCZUK: Page 29 only.

16 THE COURT OFFICER: Page 29, which is ERN U008-2528 to
17 U008-2528, and corresponding English translation, will receive
18 Exhibit P01850. Classification is confidential.

19 And the last associated exhibit with the ERN 061009 to 061009
20 and its English translation will receive Exhibit P01851.
21 Classification is confidential. Thank you.

22 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.
23 You may proceed.

24 MR. MICHALCZUK: With your permission, Your Honours, I would
25 like to read a very brief summary of this witness's evidence.

Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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8 [Open session]

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

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

11 --- Break taken at 10.03 a.m.

12 --- On resuming at 10.15 a.m.

13 PRESIDING JUDGE SMITH: Back into private session,

14 Madam Court Officer.

15 MR. MICHALCZUK: Your Honour, before --

16 PRESIDING JUDGE SMITH: Before that --

17 MR. MICHALCZUK: Before we move into private session, I would
18 like to state the position of the Prosecution in relation to the
19 filing --

20 PRESIDING JUDGE SMITH: Just a second.

21 MR. MICHALCZUK: -- F02718. No objection on our part.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. MICHALCZUK: No objection on our part in relation to
24 reclassification of filing F02718. We were asked about it at the
25 beginning of the previous session.

Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04393 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04393 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04393 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04393 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04393 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04393 (Private Session)

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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Witness: W04393 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04393 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04393 (Private Session)

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Cross-examination by Ms. Menegon

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18 [Open session]

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

20 PRESIDING JUDGE SMITH: We're adjourned until 11.30.

21 --- Recess taken at 11.04 a.m.

22 --- On resuming at 11.31 a.m.

23 PRESIDING JUDGE SMITH: Back into private session, please.

24 [Private session]

25 [Private session text removed]

Witness: W04393 (Private Session)

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Cross-examination by Ms. Rowan

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Witness: W04393 (Private Session)

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Cross-examination by Ms. Rowan

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Witness: W04393 (Private Session)

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Questioned by the Trial Panel

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Witness: W04393 (Private Session)

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Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W04393 (Private Session)

Page 22532

Questioned by the Trial Panel

1 [Private session text removed]

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1 [Private session text removed]

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9 [Open session]

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

11 PRESIDING JUDGE SMITH: Unless there's anything else to come
12 before the Panel -- oh. [Microphone not activated].

13 MR. TULLY: Something very quick, Your Honour. Yesterday we
14 received the preparation note for next week, and we're grateful for
15 that. It's a day ahead of time. As expected, it's extensive in
16 nature. It's some very near 30 pages. We're wondering if it's
17 possible to also get the presentation queue before the weekend, with
18 the understanding that it might change before the witness arrives, of
19 course, in order to facilitate efficient preparation on our behalf.
20 Thank you.

21 MR. MICHALCZUK: I will make inquiries and I will let you know.

22 PRESIDING JUDGE SMITH: Could you communicate directly with --

23 MR. MICHALCZUK: We will communicate directly, Your Honour.

24 MR. TULLY: We're grateful. Thank you.

25 PRESIDING JUDGE SMITH: All right. So no further questions or

1 comments.

2 We are adjourned until Monday at 9.00 a.m.

3 --- Whereupon the hearing adjourned at 11.43 a.m.

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