

1 Thursday, 23 May 2024

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

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

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

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

11 PRESIDING JUDGE SMITH: Thank you.

12 I note that the accused are present in court today except for  
13 Mr. Krasniqi, who is following via videolink.

14 Before we start, I want to remind everyone that today's sitting  
15 schedule is slightly altered. We will sit until 10.30, break until  
16 10.45, resume until 12.00, and then break until 2.30, and then have  
17 the regular afternoon session.

18 Before the witness is brought in, there is an issue that the  
19 Panel wishes to discuss with the parties and participants.

20 Madam Court Officer, please bring us into private session to  
21 ensure the protection of witnesses and confidential information.

22 [Private session]

23 [Private session text removed]

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)

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Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

Page 15796

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Witness: W04710 (Resumed) (Private Session)

Page 15797

Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

Page 15799

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

Page 15800

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

Page 15801

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20 [Open session]

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

22 PRESIDING JUDGE SMITH: We're adjourned.

23 --- Break taken at 10.30 a.m.

24 --- On resuming at 10.46 a.m.

25 PRESIDING JUDGE SMITH: Time estimate, Mr. Misetic?

Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

Page 15802

1 MR. MISETIC: I definitely will be finished before the next  
2 break, and I hope much --

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. MISETIC: I said I definitely will be finished before the  
5 next break, and I hope substantially before that.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 Thank you.

8 Madam Usher, please bring the witness in.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: All right. Witness, we will continue  
11 now. Mr. Misetic has some more questions for you. Please give him  
12 your attention.

13 MR. MISETIC: Thank you, Mr. President.

14 Madam Court Officer --

15 MS. INSINGA: One moment, Your Honour. I believe we need to go  
16 into private session first.

17 MR. MISETIC: That's correct, yes.

18 PRESIDING JUDGE SMITH: Please, into private session.

19 Thank you, Madam Prosecutor.

20 THE INTERPRETER: Interpreter's note: The witness's microphone  
21 seems to be off.

22 [Private session]

23 [Private session text removed]

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)

Page 15807

Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

Page 15816

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)  
Cross-examination by Mr. Misetic (Continued)

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Witness: W04710 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W04710 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W04710 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W04710 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W04710 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W04710 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W04710 (Resumed) (Private Session)

Page 15825

Cross-examination by Mr. Ellis

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Witness: W04710 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W04710 (Resumed) (Private Session)

Page 15827

Cross-examination by Mr. Ellis

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Witness: W04710 (Resumed) (Private Session)

Page 15828

Cross-examination by Mr. Ellis

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Witness: W04710 (Resumed) (Private Session)

Page 15829

Procedural Matters

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25 [Open session]

Witness: W04710 (Resumed) (Private Session)  
Procedural Matters

Page 15830

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

2 PRESIDING JUDGE SMITH: Thank you.

3 We're adjourned until 2.30.

4 --- Luncheon recess taken at 11.53 a.m.

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

6 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness  
7 back in.

8 [The witness takes the stand]

9 PRESIDING JUDGE SMITH: Welcome back, Witness.

10 THE WITNESS: [Interpretation] Good afternoon.

11 PRESIDING JUDGE SMITH: I know it's a long day, but we will have  
12 about one more hour and a half and then you'll be finished for the  
13 day.

14 THE WITNESS: [Interpretation] It's all fine.

15 PRESIDING JUDGE SMITH: Some questions will now come from the  
16 Judges.

17 Go ahead, Judge Barthe.

18 JUDGE BARTHE: Thank you, Judge Smith.

19 Can we please go into private session, Madam Court Officer.

20 PRESIDING JUDGE SMITH: Yes, into private session

21 [Private session]

22 [Private session text removed]

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Witness: W04710 (Resumed) (Private Session)

Page 15831

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15832

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15833

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15834

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15835

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15836

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15837

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15838

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15839

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15840

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15841

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15842

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15843

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15844

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15845

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15846

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15847

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15848

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15849

Questioned by the Trial Panel

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Witness: W04710 (Resumed) (Private Session)

Page 15850

Further Cross-examination by Mr. Misetic

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Witness: W04710 (Resumed) (Private Session)

Page 15851

Further Cross-examination by Mr. Misetic

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Witness: W04710 (Resumed) (Private Session)

Page 15852

Further Cross-examination by Mr. Misetic

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Witness: W04710 (Resumed) (Private Session)

Page 15853

Further Cross-examination by Mr. Misetic

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Witness: W04710 (Resumed) (Private Session)

Page 15854

Further Cross-examination by Mr. Misetic

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Witness: W04710 (Resumed) (Private Session)

Page 15855

Procedural Matters

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1 [Private session text removed]

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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 3.40.

20 --- Break taken at 3.31 p.m.

21 --- On resuming at 3.41 p.m.

22 PRESIDING JUDGE SMITH: Madam Court Officer, you may bring the  
23 witness in -- oh, I'm sorry, Mr. Tully, you did have something you  
24 wanted to say.

25 MR. TULLY: Yes, Your Honour. You'll be disappointed to hear

1 that I don't have extensive submissions. So I've spoken with my  
2 counterpart, and there was -- to give you a quick background, there  
3 was an oversight with the late addition added to the presentation  
4 queue for this witness, and we weren't given the same notification  
5 that we received from paragraph -- items submitted pursuant to  
6 paragraph 74 of the Order on Conduct of Proceedings and updated by  
7 Your Honours' order F01336, which requires the claimed relevance of  
8 documents to accompany any late additions.

9 So the SPO has agreed that, going forward, any late additions  
10 will be accompanied by notification that the documents have been  
11 added as well as the stated relevance, not simply uploading documents  
12 to the presentation queue and hoping we find it.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. TULLY: And --

15 PRESIDING JUDGE SMITH: Thank you very much.

16 MR. TULLY: Thank you.

17 MR. MISETIC: Mr. President, let me just introduce formally that  
18 Mr. Pustay will be making his first cross-examination here. Thank  
19 you.

20 PRESIDING JUDGE SMITH: Thank you very much.

21 Mr. Pace.

22 MR. PACE: Yes, just on a similar note, that Rafael Braga da  
23 Silva, it's his first appearance in court today.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 Thank you very much for the updates.

1 And, Madam Usher, you may bring the next witness in.

2 Just a reminder so there's no misunderstanding, we are holding  
3 court tomorrow, Friday, on an exceptional basis, so didn't want  
4 anybody to forget about that.

5 MR. TULLY: Perhaps, Your Honour, maybe before he's brought in,  
6 there's a -- I did note that there was a recommendation in regards --

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MR. TULLY: Well, it's just about varied sitting times  
9 potentially for this witness. But maybe if we go to private session  
10 it's a bit easier.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 [Trial Panel confers]

13 [Private session

14 [Private session text removed]

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Witness: W04230 (Private Session)

Page 15860

Procedural Matters

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24 [Open session]

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

1           PRESIDING JUDGE SMITH: Thank you.

2           Witness, today we will start your testimony, which is expected  
3 to last approximately eight hours. As you may know, the Prosecution  
4 will first ask questions of you, and then the Defence has the right  
5 to ask questions, and then members of the Panel may have questions  
6 for you.

7           The Prosecution's estimate for your examination is three hours.  
8 The Defence estimates that it will need four and three quarters of an  
9 hour. As regards each estimate, we hope that counsel will be  
10 judicious in the use of their time. The Panel may allow redirect  
11 examination if conditions are met.

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

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

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

25          During the next days while you're giving evidence in this Court,

Witness: W04230 (Open Session)

Page 15862

Examination by Mr. Pace

1 you are not allowed to discuss with anyone the content of your  
2 testimony outside of the courtroom. If any person asks you questions  
3 outside this Court about your testimony, please let us know.

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

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

9 We begin with the Prosecution. They are seated to your left,  
10 and they will begin with their questions now. Please give them your  
11 attention.

12 Go ahead, Mr. Pace.

13 MR. PACE: Thank you, Your Honour. And just to make sure that  
14 everyone's on the same page, I believe the Panel is aware, as we said  
15 in our e-mail, we'll be conducting the direct examination entirely  
16 *viva voce*.

17 PRESIDING JUDGE SMITH: Yes.

18 MR. PACE: Thank you, Your Honour.

19 Examination by Mr. Pace:

20 Q. And good afternoon to you, Witness.

21 A. Good afternoon.

22 Q. We've met before. I'll introduce myself again anyway. I'm  
23 James Pace, a Prosecutor with the SPO, and I'll be asking you some  
24 questions for the next three hours or so. And should you need a  
25 break at any time, please let us know.

Witness: W04230 (Private Session)

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Examination by Mr. Pace

1 MR. PACE: And, Your Honour, due to the witness's in-court  
2 protective measures, we'll need to move into private session to  
3 respect those measures.

4 PRESIDING JUDGE SMITH: Please, into private session,  
5 Madam Court Officer.

6 [Private session]

7 [Private session text removed]

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Witness: W04230 (Private Session)

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Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15865

Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15866

Examination by Mr. Pace

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Witness: W04230 (Private Session)

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Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15868

Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15869

Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15870

Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15871

Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15872

Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15873

Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15874

Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15876

Examination by Mr. Pace

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Witness: W04230 (Private Session)

Page 15877

Examination by Mr. Pace

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12 [Open session]

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

14 PRESIDING JUDGE SMITH: Go ahead.

15 MR. MISETIC: Thank you, Mr. President. On 21 May, the parties  
16 and the Panel received the SPO's submissions on streamlining the rest  
17 of their case.

18 We would think it would be effective if the Panel can find time  
19 in this block at some point where we could have a half an hour or an  
20 hour to discuss -- sort of like a Status Conference to discuss the  
21 streamlining and the SPO's proposal. We've tried to do the math here  
22 on whether that puts us on track, and I am not a math major, that's  
23 why I'm a lawyer, but I think the numbers are still not going to get  
24 us to April, or not likely to, and we would like to be able to  
25 discuss it with the Panel at a time convenient for everyone.

1           PRESIDING JUDGE SMITH: [Microphone not activated].

2           MR. MISETIC:   Okay.

3           PRESIDING JUDGE SMITH: [Microphone not activated].

4           We will schedule some time for that hopefully by tomorrow.  And  
5 we will be adjourned now until tomorrow morning.

6                         --- Whereupon the hearing adjourned at 4.36 p.m.

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