

1 Wednesday, 25 September 2024

2 [Open session]

3 [The Accused Selimi entered the courtroom]

4 [The accused appeared via videolink]

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

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

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

11 PRESIDING JUDGE SMITH: Thank you.

12 I note that Mr. Thaci, Mr. Veseli, and Mr. Krasniqi have waived
13 their right to be present in the courtroom and are following the
14 hearing via videolink. Mr. Selimi is present in court today.

15 Before we start the evidence of Prosecution Witness 4422, who
16 will be appearing by videolink, the Panel would like to hear oral
17 submissions from the Defence and the Registry regarding the
18 Prosecution request for video-conference testimony for W04590.

19 We'll start with the Defence.

20 MR. MISETIC: [Microphone not activated].

21 PRESIDING JUDGE SMITH: Yes.

22 MS. ROWAN: Yeah, I'll deal with it.

23 [Trial Panel and Court Officer confers]

24 PRESIDING JUDGE SMITH: Go ahead.

25 MS. ROWAN: Your Honour, perhaps I can assist on behalf of the

1 Defence.

2 Yesterday afternoon at 12.02, we informed CMU of a joint Defence
3 position in relation to this application, in short, outlining that we
4 would agree to videolink for this witness, but noting that we do not
5 accept that the reasons outlined in the underlying application are
6 sufficient to meet the rules.

7 PRESIDING JUDGE SMITH: Thank you. We will proceed with the
8 videolink then with no objection.

9 Madam Court Officer, please bring us into closed session to
10 protect the identity of the witness.

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Witness: W04422 (Closed Session)

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Examination by Ms. Iodice

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Examination by Ms. Iodice

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15 [Open session]

16 THE COURT OFFICER: Your Honours, we're in open session. Thank
17 you.

18 PRESIDING JUDGE SMITH: We'll be adjourned until 10.03.

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

20 --- On resuming at 10.14 a.m.

21 PRESIDING JUDGE SMITH: Back into closed session, please.

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Witness: W04422 (Closed Session)

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Examination by Ms. Iodice

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Witness: W04422 (Closed Session)
Questioned by Victims' Counsel

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Witness: W04422 (Closed Session)
Questioned by Victims' Counsel

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Witness: W04422 (Closed Session)
Questioned by Victims' Counsel

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Witness: W04422 (Closed Session)
Questioned by Victims' Counsel

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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12 [Open session]

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

14 Thank you.

15 PRESIDING JUDGE SMITH: Thank you.

16 Time remaining, Mr. Misetic?

17 MR. MISETIC: 20 minutes, 25 minutes.

18 PRESIDING JUDGE SMITH: All right. We are adjourned until

19 11.30.

20 --- Recess taken at 11.02 a.m.

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

22 PRESIDING JUDGE SMITH: Before we started this morning, we made

23 a brief statement concerning the video-conference testimony for

24 W04590, and I will make the following oral order to clarify it.

25 The Panel will now issue an oral order with the reasons for the

1 ruling made earlier today granting the Prosecution request for
2 video-conference testimony for W04590, filing F02590.

3 I refer to today's provisional transcript page 2, lines 6 to 7.

4 The SPO submitted that granting the request for video-conference
5 testimony would be beneficial for the witness, would ensure
6 expeditious proceedings, and would not be prejudicial to the accused
7 as the Defence will be able to cross-examine the witness.

8 The Defence responded that while it does not accept that the
9 reasons outlined in the request are sufficient under the rules or
10 that videolink is necessary for the protection of the witness, it did
11 not oppose the Prosecution's request. That is in correspondence 599.

12 The Registry confirmed the feasibility to facilitate the
13 testimony of W04590 via video conference. The Trial Panel recalls
14 that while video-conference testimony should not be considered an
15 only -- should not be considered only on an exceptional basis, the
16 presence in the courtroom of a witness during testimony remains the
17 preferred option.

18 The Panel notes that the request for Witness 4590 to testify by
19 video conference arose following an unexpected gap created in the
20 sitting schedule by the unavailability of another witness. The Panel
21 also considered the witness's advanced age, his family situation, and
22 the fact that the Defence does not oppose the request for
23 video-conference testimony.

24 The Panel is satisfied that allowing Witness 4590 to testify via
25 video conference will not result in undue prejudice to the accused as

1 the Defence will remain fully able to cross-examine the witness.

2 The Panel is satisfied that the witness's personal situation
3 warrants his testimony via video-conference.

4 The Panel is also satisfied that receiving Witness 4590's
5 testimony via video conference will contribute to the expeditious
6 conduct of the proceedings.

7 These are the reasons why the Panel authorised Witness 4590's
8 testimony to take place via video conference in accordance with
9 Rule 144, and this concludes the Panel's order.

10 Please take us into closed session.

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Witness: W04422 (Closed Session)
Cross-examination by Mr. Misetic

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Cross-examination by Mr. Misetic

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Cross-examination by Ms. Rowan

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Cross-examination by Ms. Rowan

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Witness: W04422 (Closed Session)

Page 20265

Cross-examination by Ms. Rowan

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Witness: W04422 (Closed Session)

Page 20266

Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20267

Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20268

Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20269

Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20270

Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20271

Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20272

Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20273

Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20274

Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20275

Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20276

Procedural Matters

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Witness: W04422 (Closed Session)

Page 20278

Re-examination by Ms. Iodice

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2 [Open session]

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

4 Thank you.

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

6 --- Luncheon recess taken at 12.56 p.m.

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

8 PRESIDING JUDGE SMITH: Into private session, Mr. Court Officer.

9 Or, I'm sorry, into closed session, not private.

10 [Closed session]

11 [Closed session text removed]

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Witness: W04422 (Closed Session)

Page 20279

Re-examination by Ms. Iodice

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Witness: W04422 (Closed Session)

Page 20280

Re-examination by Ms. Iodice

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
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Witness: W04422 (Closed Session)
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Witness: W04422 (Closed Session)
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Witness: W04422 (Closed Session)
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Witness: W04422 (Closed Session)
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Witness: W04422 (Closed Session)
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Witness: W04422 (Closed Session)
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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
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Witness: W04422 (Closed Session)
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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Questioned by the Trial Panel

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Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)
Questioned by the Trial Panel

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Witness: W04422 (Closed Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)

Page 20316

Further Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)

Page 20317

Further Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)

Page 20318

Further Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)

Page 20319

Further Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)

Page 20320

Further Cross-examination by Mr. Misetic

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Witness: W04422 (Closed Session)

Page 20321

Further Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20322

Further Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20323

Further Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20324

Further Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20325

Further Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20326

Further Cross-examination by Mr. Baiesu

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Witness: W04422 (Closed Session)

Page 20327

Further Cross-examination by Mr. Baiesu

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1 [Closed session text removed]

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11 [Open session]

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

13 Thank you.

14 PRESIDING JUDGE SMITH: Thank you very much.

15 I'd like to thank the translators for sticking with us here
16 today so we can finish this witness. I know it was a long and tiring
17 day, and we appreciate it.

18 We're adjourned until tomorrow morning at 9.00 a.m.

19 --- Whereupon the hearing adjourned at 4.42 p.m.

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