

1 Monday, 26 February 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 file  
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, with the exception of Mr. Krasniqi, who has waived his  
13 right to be present and is participating via videolink, the accused  
14 are all present in court today.

15 We will now start hearing the evidence of Prosecution  
16 Witness W02749.

17 Madam Usher, please bring the witness in.

18 [The witness entered court]

19 PRESIDING JUDGE SMITH: Good morning, Witness. The Court Usher  
20 will now provide you with a text of a solemn declaration that we ask  
21 you to take pursuant to Rule 141(2) of our rules. Please read the  
22 document and then read it aloud.

23 THE WITNESS: [Interpretation] Conscious of the significance of  
24 my testimony and my legal responsibility, I solemnly declare that I  
25 will tell the truth, the whole truth, and nothing but the truth, and

1 that I shall not withhold anything which has come to my knowledge.

2 WITNESS: W02749

3 [The witness answered through interpreter]

4 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated.

5 THE WITNESS: [Interpretation] Thank you.

6 PRESIDING JUDGE SMITH: Witness, today we will start your  
7 testimony, which is expected to last approximately one day.

8 As you may know, the Prosecution will ask you questions first.  
9 Victims' Counsel will not be asking you questions. Therefore, once  
10 the Prosecution is finished, the Defence has the right to ask  
11 questions, and members of the Panel might also have some questions  
12 for you.

13 The Prosecution estimate for your examination is 1.5 hours. The  
14 Defence estimates that it will need four hours. As regards each  
15 estimate, we hope that the counsel will be judicious in their use of  
16 their time.

17 The Panel may allow redirect examination by the Prosecution if  
18 conditions for it are met.

19 Witness, please try to answer the questions clearly with short  
20 sentences. If you don't understand a question, feel free to ask  
21 counsel to repeat the question or tell them you don't understand and  
22 they will attempt to clarify.

23 Also, please try to indicate the basis of your knowledge of  
24 facts and circumstances that you will be asked about. In the event  
25 you are asked by the SPO to attest to some corrections regarding your

1 statements, you are reminded to confirm on the record that the  
2 written statement, as corrected by the list of corrections,  
3 accurately reflects your declaration.

4 Please also speak into the microphone and wait five seconds  
5 before answering a question and speak at a slow pace for the  
6 interpreters to catch up.

7 During the next days while you are giving evidence in this  
8 Court, you are not allowed to discuss with anyone the contents of  
9 your testimony outside of the courtroom. If any person asks you  
10 questions outside this court about your testimony, please let us  
11 know.

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

15 If you feel the need to take breaks, please let us know and an  
16 accommodation will be made. There will be a break at 10.00 for  
17 approximately 10 minutes.

18 At this time, your examination will begin with that of the  
19 Prosecution. They are seated to your left. Please give them your  
20 attention.

21 Madam Prosecutor, you have the floor.

22 MS. CLANTON: Good morning, Mr. President, Your Honours.

23 For the record, this morning we have an appearance by a new  
24 staff member, Ms. Vega Iodice.

25 PRESIDING JUDGE SMITH: Thank you. You may proceed.

Witness: W02749 (Private Session)

Page 12930

Examination by Ms. Clanton

1 Examination by Ms. Clanton:

2 Q. Good morning, Mr. Witness. I'm Sarah Clanton. We've met  
3 before. I am counsel for the Prosecution, and I will be asking you  
4 questions today.

5 MS. CLANTON: Can we move into private session, please.

6 PRESIDING JUDGE SMITH: Madam Court Officer, please take us into  
7 private session.

8 [Private session]

9 [Private session text removed]

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12931

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21 [Open session]

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

23 MS. CLANTON: Can the Court Officer please call up SITF00255061  
24 to SITF00255068. The English translation has the same ERN and is -ET  
25 Revised. This is not for broadcast.

1 Q. Witness, do you recognise this as a statement that you gave?

2 A. Yes.

3 MS. CLANTON: And if the Court Officer could please turn to the  
4 last page of the document in your language, the original language,  
5 and scroll to the bottom.

6 Q. Mr. Witness, do you recognise the signature on this page?

7 A. Yes.

8 Q. Is it your signature?

9 A. Yes.

10 MS. CLANTON: Can the Court Officer please bring up ERN 030943  
11 to 030946 RED2. The translation being the same ERN -ST RED. Also  
12 not for broadcast.

13 Q. Mr. Witness, please don't describe this document. My question  
14 is do you recognise this document as relating to a meeting that you  
15 were present for?

16 A. Yes.

17 MS. CLANTON: Can the Court Officer please call up 070990-TR-ET  
18 Part 2, page 1.

19 Q. Witness, the document we have brought up relates to a meeting  
20 with the Prosecutor's Office in 2019. Do you recall that you were  
21 interviewed by the Prosecutor's Office in 2019?

22 A. Yes.

23 MS. CLANTON: Can the Court Officer please bring up ERN  
24 072709-TR-ET Part 1, page 1.

25 Q. Witness, the document we have brought up relates to a further

1 meeting you had with the Prosecutor's Office in 2020. Do you recall  
2 that you were interviewed by the Prosecutor's Office in 2020, shortly  
3 after the 2019 interview?

4 A. Yes.

5 Q. Witness, do you remember that last week you read these four  
6 statements in your language?

7 A. Yes.

8 Q. And do you recall that you identified some corrections and  
9 clarifications to these statements?

10 A. Yes.

11 Q. Do you recall that these corrections and clarifications were  
12 typed up and read back to you in your language?

13 A. Yes.

14 Q. Witness, if we include all of the corrections and clarifications  
15 you made last week, is the information in the four statements  
16 accurate and truthful to the best of your knowledge and belief?

17 A. Absolutely, yes.

18 Q. And with the corrections and clarifications that you made last  
19 week, do the four statements accurately reflect what you would say  
20 today if you were asked the same questions about the same events?

21 A. Yes.

22 MS. CLANTON: Your Honours, we seek admission of the prior  
23 statements and associated exhibits of this witness. These are all in  
24 the presentation queue. The ERNs are contained in the Rule 154  
25 decision at F02044. There was one change from the Rule 154 decision,

1 which is that a revised Serbian transcript has been provided. The  
2 ERN of that revised transcript is 070990-TR-ST Part 3 Revised.

3 We would also seek admission of the associated exhibits and  
4 Preparation Note 1. Do you need me to read all of the ERNs?

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MR. MISETIC: Your Honour, subject to the objections already  
7 made in the Rule 154 application, we have no additional objections.

8 PRESIDING JUDGE SMITH: [Microphone not activated] ... from the  
9 Veseli Defence?

10 MR. TULLY: Likewise, Your Honour.

11 MS. ALAGENDRA: Nothing, Your Honour.

12 PRESIDING JUDGE SMITH: Nothing from Selimi. Nothing from  
13 Krasniqi.

14 SITF0025561 to SITF00255068 plus the English translation; ERN  
15 030943 to 030946 RED 2 plus the translation; 070990-TR-ET Part 2,  
16 page 1; and 072709-TR-ET Part 1, page 1, are all admitted.

17 070990-TR-ST Part 3 Revised, is that tendered as well?

18 MS. CLANTON: Yes.

19 PRESIDING JUDGE SMITH: Is admitted. Plus the associated  
20 exhibits. And Part 1 of the preparation notes.

21 MS. CLANTON: For the record, the preparation note ERN is 119196  
22 to 119204. And I may have misheard, but I want to make clear that  
23 all parts of his SPO interviews have been tendered. So for the 2019,  
24 that's Part 2 and 3; and for the 2020, that's Part 1 and 2.

25 PRESIDING JUDGE SMITH: Madam Court Officer, you may give us



1 numbers for these.

2 THE COURT OFFICER: Your Honours, for the first statement,  
3 SITF00255061 to SITF00255068, all English, Albanian, and Serbian  
4 versions will receive Exhibit P1021.

5 The second statement, 030943 to 030946 RED2, together with the  
6 Albanian and Serbian versions, will be Exhibit P1022.

7 Third statement, 070990-TR-ET Part 2 and the Albanian and  
8 Serbian transcripts will be Exhibit P1023.1. 070990-TR-ET Part 3,  
9 which is the second part, will be P1023.2.

10 And then the fourth statement, 072709-TR-ET Part 1 RED2,  
11 together with the Albanian and Serbian, will be Exhibit P1024.1. And  
12 the second part of it, 072709-TR-ST Part 2 RED, together with the  
13 Albanian and English transcripts, will be Exhibit 1024.2.

14 And the associated exhibits, Your Honours, as listed in footnote  
15 73 of F2044. The first one is ERN 072697 to 072708 will be  
16 Exhibit P1025. And the second associated exhibit, the pages as  
17 admitted through the footnote, so from ERN 070982 to 070988, pages  
18 070982 to 070983 and 070987 to 070988, will be assigned  
19 Exhibit P1026.

20 And, lastly, Your Honours, the preparation note under 119196 to  
21 119204 will be Exhibit P1027.

22 Thank you, Your Honours.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 You may continue, Madam Prosecutor.

25 MS. CLANTON: At this time we have a short public summary.

1           PRESIDING JUDGE SMITH: You may read the summary.

2           MS. CLANTON: W02749 was a resident of Prizren. In June 1999,  
3 he was abducted and beaten by KLA members. He was taken to a  
4 building used by the KLA where he was interrogated and further  
5 beaten.

6           During his detention, he observed other detained persons. He  
7 was released by a KLA soldier.

8           That concludes the summary.

9           Q. Witness, I have a limited number of additional questions for  
10 you. Please remember that the Judges have admitted your statements  
11 in evidence, so it is not necessary to give long explanations or  
12 background information.

13          MS. CLANTON: Can the Court Officer please bring up, not for  
14 broadcast, the associated exhibit that was just admitted as P01026  
15 and turn to page 070986.

16          THE COURT OFFICER: Your Honours, for the record, this page has  
17 not been admitted as part of P1026.

18          MS. CLANTON:

19          Q. Witness, we're still in public session. I want to ask you if  
20 you recognise this as a sketch you made during a previous interview?

21          A. Yes.

22          Q. Do you recognise your signature on this document?

23          A. Yes.

24          MS. CLANTON: Mr. President, as the Court Officer pointed out,  
25 due to a typographical error in the Prosecution's Rule 154 annex,

1 this page was not admitted in the Rule 154 decision. The Defence  
2 have indicated in their joint Rule 154 response at F02088 that they  
3 have no objection to this document. It is discussed in the interview  
4 at P01023.1, pages 32 to 36. It's an exhibit that forms an  
5 inseparable and indispensable part of the interview and helps make  
6 the interview comprehensible.

7 Given the nature of the document and the lack of opposition to  
8 its admission in the Rule 154 response, I would like to request that  
9 it be admitted at this time.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 MR. MISETIC: No objection.

12 MR. TULLY: None, Your Honour.

13 MS. ALAGENDRA: None.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 No objection being heard, 070986, page, will be admitted.

16 THE COURT OFFICER: Your Honours, if that's all right, I will  
17 add this page to the assigned P1026.

18 PRESIDING JUDGE SMITH: Yes.

19 MS. CLANTON: Thank you. Can we go to private session, please.

20 PRESIDING JUDGE SMITH: Back to private session for the  
21 protection of the witness, Madam Court Officer.

22 [Private session]

23 [Private session text removed]

24

25

Witness: W02749 (Private Session)

Page 12938

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12939

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12940

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12941

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12942

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W02749 (Private Session)

Page 12943

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12944

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12945

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12946

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12947

Examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12948

Procedural Matters

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12949

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12950

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W02749 (Private Session)

Page 12951

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12952

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12953

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18 [Open session]

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

20 PRESIDING JUDGE SMITH: All right. Now we'll be on break for  
21 ten minutes.

22 --- Break taken at 10.02 a.m.

23 --- On resuming at 10.12 a.m.

24 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness  
25 in.

Witness: W02749 (Private Session)

Page 12954

Cross-examination by Mr. Misetic

1 Do you intend to stay in private session?

2 MR. MISETIC: To move into private session, yes.

3 PRESIDING JUDGE SMITH: Pardon me?

4 MR. MISETIC: To move into private session, yes.

5 PRESIDING JUDGE SMITH: Yeah.

6 Madam Court Officer, you can take us to private session.

7 [Private session]

8 [Private session text removed]

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12955

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12956

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12957

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 [Open session]

Witness: W02749 (Open Session)  
Cross-examination by Mr. Misetic

Page 12958

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

2 MR. MISETIC:

3 Q. Witness, you've described the situation in Prizren as having  
4 been chaotic; is that correct?

5 A. Which period do you have in mind exactly?

6 Q. Okay. So before I follow up, I just want to caution you we're  
7 now in public session, so don't say anything that could reveal your  
8 identity.

9 In mid-June 1999, you've described the situation in Prizren as  
10 chaotic; is that correct?

11 A. It was chaotic from the moment when the KFOR entered the town  
12 and the military forces of Serbia left Kosovo. And then while the  
13 KFOR took their positions, there was euphoria and celebrations in the  
14 streets. The people went out of their homes. They were firing  
15 celebratory shots. The KLA soldiers drove around in cars shooting  
16 also. So there was general celebration on the one hand; while on the  
17 other, people who were of other ethnicities were closed up in their  
18 homes and did not know what would happen to them. So it was really  
19 chaos.

20 Q. So it was a mixture of just everybody - civilians, soldiers,  
21 et cetera - in this chaotic scene?

22 A. There were soldiers in the streets. Civilians were in the  
23 streets as well. Some celebrated the entry of KFOR and the arrival  
24 of the KLA, while the Serbs were inside their homes. They were  
25 afraid of what might happen to them, whether there would be any



Witness: W02749 (Private Session)

Page 12959

Cross-examination by Mr. Misetic

1 retaliation or not, and so on.

2 MR. MISETIC: Mr. President, if we could go into private  
3 session, please.

4 PRESIDING JUDGE SMITH: All right. Back into private session,  
5 please.

6 [Private session]

7 [Private session text removed]

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12960

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12961

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12962

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12963

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12964

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12965

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12966

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W02749 (Private Session)

Page 12967

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12968

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12969

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12970

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12971

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12972

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12973

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12974

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13 [Open session]

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

15 MR. MISETIC: Mr. President, just to give you an update on time.

16 I should be finished in about 15 minutes after the break.

17 PRESIDING JUDGE SMITH: Thank you for the update.

18 MR. EMMERSON: We won't have any questions, I don't think.

19 PRESIDING JUDGE SMITH: No cross?

20 MR. TULLY: I expect 10 to 15 minutes, Your Honour. Thank you.

21 MS. ALAGENDRA: It's unlikely we will have any questions,

22 Your Honour.

23 PRESIDING JUDGE SMITH: Thank you all.

24 --- Recess taken at 11.01 a.m.

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

1           PRESIDING JUDGE SMITH: We've been advised that Witness 4878 is  
2 going to be unable to testify today through no fault of anybody's,  
3 and so we would ask the Prosecution to please immediately meet -- I  
4 mean, we need you in the courtroom, but somebody from the  
5 Prosecution's Office to immediately meet with that witness and find  
6 out what the plan is going to be for his testimony.

7           MS. O'REILLY: Your Honour --

8           PRESIDING JUDGE SMITH: And to report back by the 1.00 break, by  
9 the time we break at 1.00, so we can have a briefing on that.

10          MS. O'REILLY: I'm sorry, Your Honour. I'm just clarifying that  
11 it's 3878 not 4878.

12          PRESIDING JUDGE SMITH: You're right.

13          MS. O'REILLY: Okay.

14          PRESIDING JUDGE SMITH: It is --

15          MS. O'REILLY: Thank you.

16          PRESIDING JUDGE SMITH: -- 3878.

17                 So by 1.00, before we break, we will have some idea of what the  
18 plan is for that particular witness, and, unfortunately, I don't  
19 believe there is any backup yet today. So we have some discussion to  
20 have about our discussion of last week on planning, so perhaps we can  
21 use that to our advantage today to just discuss a few beginning plans  
22 that we've talked about and to seek your response to them.

23                 So we'll do that after the lunch break today, and then we'll --  
24 it won't take that long, and then we'll be finished for the day.

25                 So, Madam Court Usher, you may bring the witness in.

Witness: W02749 (Private Session)

Page 12977

Cross-examination by Mr. Misetic

1 MR. MISETIC: Mr. President, may we move into private session?

2 PRESIDING JUDGE SMITH: Yes, private session, please,

3 Madam Court Officer.

4 [The witness takes the stand]

5 [Private session]

6 [Private session text removed]

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12978

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12979

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12980

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12981

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12982

Cross-examination by Mr. Misetic

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W02749 (Private Session)

Page 12983

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12984

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12985

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12986

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12987

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12988

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12989

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12990

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W02749 (Private Session)

Page 12991

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12992

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12993

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12994

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12995

Cross-examination by Mr. Tully

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12996

Re-examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12997

Re-examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 12998

Re-examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W02749 (Private Session)

Page 12999

Re-examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 13000

Re-examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 13001

Re-examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W02749 (Private Session)

Page 13002

Re-examination by Ms. Clanton

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19 [Open session]

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

21 PRESIDING JUDGE SMITH: Thank you. We're adjourned.

22 --- Luncheon recess taken at 12.33 p.m.

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

24 [The accused appeared via videolink]

25 PRESIDING JUDGE SMITH: First of all, the Witness 3878 will be

1 postponed until word is received as to his availability.

2 The next witness in line will testify via videolink on Wednesday  
3 morning. We must finish him on Wednesday, so everyone plan your  
4 timing with that in mind.

5 We were able to talk with the Registry and CMU about the  
6 courtroom maintenance, and we know it's important, but to try to move  
7 it around a little bit so we don't lose so many Thursdays, which, if  
8 you look at our schedule, there are a good number of them out. And  
9 they've been able to add some for us and I want to go over those with  
10 you at this time. If you want to jot them down or if you have a copy  
11 of the schedule, you can bring it up and see it.

12 But basically, February, March, and April, there are no changes.  
13 But in May, we can add two days and possibly three days. We can add  
14 for sure the 24th and 30th May, and possibly the 10th, but we don't  
15 know about the 10th yet so we'll have to confirm that.

16 No changes in June. But in July, we propose adding an extra  
17 week where there's a two-week gap right before the summer break. So,  
18 in effect, we would be meeting four weeks in a row, but that would be  
19 a very good four days that we can pick up from the 15th to 18th May,  
20 proposal.

21 The next break, both October and November we can pick up one  
22 day: October 31st and November 28th.

23 So with that, we can add eight days back into our schedule for  
24 the year that we didn't have and that might facilitate a good number  
25 of witnesses.

1 I might note for the record that Mr. Krasniqi, Mr. Thaci, and  
2 Mr. Selimi are all present in court, and Mr. Veseli waived his right  
3 to attend. And that's all on the record.

4 MR. MISETIC: Mr. President --

5 PRESIDING JUDGE SMITH: So, anyway --

6 MR. MISETIC: Mr. President --

7 PRESIDING JUDGE SMITH: -- some thoughts about this schedule  
8 addition?

9 MR. MISETIC: I just needed to correct the record. Mr. Thaci  
10 and Mr. Selimi are not in court.

11 PRESIDING JUDGE SMITH: No, I didn't mean in court.

12 MR. MISETIC: Yeah.

13 PRESIDING JUDGE SMITH: I mean on videolink. I'm sorry.

14 Any negative thoughts about these additions?

15 MR. HALLING: None at all. We greatly appreciate it,  
16 Your Honour.

17 MR. EMMERSON: May we come back to you on the 15th to 18th May.  
18 That's the only issue that -- sorry, July, was it?

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MR. EMMERSON: Just before the break, yes. We just need to  
21 clarify the position in relation to -- in principle, otherwise no.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. EMMERSON: Absolutely.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 It's hard to find these days and add them in, and I appreciate



1 very much the Registry's and the CMU's flexibility on this. The  
2 court maintenance is a big job and it goes on all the time, as you  
3 can see. And we want to keep the system working as good as possible.

4 So that's that. We also would appreciate from SPO the list of  
5 next witnesses to be filed maybe by the end of this week.

6 MR. HALLING: Yes. So the update that we have for the block  
7 commencing on 18 March at the moment. I think we've communicated  
8 some of this already, but W04811, W02475, W04147, W04739.

9 W01140 is the reserve witness that has been moved up to this  
10 Wednesday, and so we intend to replace that slot with one or more  
11 witnesses to be announced when we can. We're hoping that W03878  
12 could be one of them.

13 PRESIDING JUDGE SMITH: Thank you.

14 Go ahead.

15 JUDGE METTRAUX: Mr. Halling, just to be sure, the order in  
16 which you gave it would be the order in which you would call the  
17 witnesses?

18 MR. HALLING: With the possibility -- we initially had W01140 as  
19 being the third in line, and, again, that's the slot where it may  
20 change, but I think the first two and the last two we feel like we  
21 can confirm.

22 JUDGE METTRAUX: Thank you.

23 PRESIDING JUDGE SMITH: Now, the next thing I want to  
24 consider -- or, actually, what I want you all to consider is in the  
25 nature of a proposed oral order, which I'll go through entirely and

1 then we can have some discussion about it.

2 On 21 February 2024, a Status Conference was called to discuss  
3 ways to expedite the proceedings and to ensure a greater level of  
4 publicity in the proceedings. In that context, the Panel received  
5 helpful suggestions from the parties. From these, the Panel has  
6 extracted a number of suggestions that it will now seek to implement  
7 with a view to ensure that this case proceeds without undue delay and  
8 in the most effective manner possible.

9 First, the Panel will circulate a revised calendar, which we  
10 will do once we've heard back from everybody. I guess that's just  
11 Mr. Veseli's Defence team at this point. No one else had any  
12 comments. And as I've stated, we were able to add eight additional  
13 days of sitting in the period ending with next December.

14 This Panel is grateful to the assistance provided by the  
15 Registry in securing these additional days.

16 Second, the Panel will amend the sitting time until at least  
17 summer to the effect that the afternoon sessions will now take place  
18 from 1.30 until 4.30, which is only 30 minutes a day for those days,  
19 but it does add up. We can end up getting two hours every week by  
20 adding -- just by adding those 30 minutes.

21 Yes. What did I say, 1.30? Yeah. From 2.30 to 4.30. I'm  
22 sorry. So we'd have a block of two hours late in the afternoon.

23 Third, the Panel has reviewed cross-examine estimates for the  
24 remaining SPO witnesses included in the current block of SPO  
25 witnesses. Within that group, the Panel has identified seven

1 witnesses in respect of whom cross-examination estimates appear, at  
2 least, excessive. Having conducted its own -- I'm sorry, and I  
3 should say there's also some excessive amounts on Prosecution time,  
4 dealing mainly with 154 witnesses.

5 Upon examination, it came to -- upon our examination, it  
6 appeared that by shortening some of the -- what we thought looked  
7 like excessive cross-examination, we could save 30 hours just with  
8 those seven witnesses.

9 We ask you to reconsider your estimates, giving a hard look at  
10 this so that it can afford the Defence the opportunity to reduce  
11 those cross-examine estimates on its own at first. If the Defence  
12 fails to provide cross-examination estimates consistent with those  
13 made by the Panel, or thereabouts, the Panel reserves the possibility  
14 for itself to cut those estimates further.

15 The witnesses to whom these concerns pertain are, and I'm going  
16 to list their numbers: W04741, W02475, W04811, W01453, W02144, and  
17 W04147, and, finally, W04651.

18 The Defence is hereby ordered to provide revised and  
19 consolidated cross-examination estimates no later than March 18,  
20 2024.

21 Fourth. When dealing with the pending application for judicial  
22 notice of adjudicated facts, the Panel will seek clear guidance from  
23 the SPO as to the effect which such a motion, if granted, would have  
24 on the number of witnesses that it could renounce to call as part of  
25 its case.

1 Fifth. As suggested by the parties, the SPO and the Defence  
2 shall engage in *inter partes* discussions with a view to identify  
3 further areas of agreement or of non-dispute in relation to  
4 allegations forming part of the crime base of this case. The parties  
5 are to report to the Panel on the advancement of these discussions no  
6 later than March 25th, 2024.

7 Sixth. The Panel invites the SPO to consider filing all or  
8 parts of its remaining Rule 153 applications at the earliest  
9 opportunity.

10 And finally, seventh, the Panel invites the SPO to consider  
11 filing additional bar table motions in respect of materials that  
12 could adequately be rendered or tendered in that way.

13 So those are some thoughts that we had and some feelings that we  
14 felt could actually have an impact on the motion and the advancement  
15 of this case, so we are more than happy to hear your comments.

16 We'll start with the Prosecution. And I know there's a lot of  
17 stuff there, but go ahead and make your best effort.

18 MR. HALLING: Yes. We're broadly agreeable with the proposed  
19 oral order, and we think that the extra scheduling time and the  
20 cross-examination estimates proposal are particularly helpful.

21 The only point -- it's not even an issue, just forewarning for  
22 the Panel. Some of our Rule 153 decisions are conditional. It  
23 depends on how witnesses testify later in the year. So as long as  
24 the earliest opportunity is understood that we can't front load all  
25 of that into a single motion in the coming months because

1 developments may necessitate further ones, we have no issue with the  
2 proposed order.

3 PRESIDING JUDGE SMITH: We just expect you to do what you can at  
4 this time. So get as many of them as possible so we can deal with  
5 them and move on.

6 MR. HALLING: Understood.

7 PRESIDING JUDGE SMITH: Understanding that there are those that  
8 are conditional, I understand that. No problem.

9 Mr. Misetic.

10 MR. MISETIC: Yes, thank you, Your Honour. In principle, we  
11 don't have any objection to the Trial Panel's proposal. In  
12 particular addressing the issue of cross-examination estimates, we  
13 appreciate that you leave it to us first to revise our estimates  
14 before imposing any order. We obviously know our case best and what  
15 we intend to do with certain witnesses.

16 We would also ask you to consider reductions in the amount of  
17 direct that's taking place on 154 witnesses.

18 PRESIDING JUDGE SMITH: We mentioned that already.

19 MR. MISETIC: Yeah, I didn't know that your order covered those  
20 reductions as well. So we think there's some time saving that could  
21 take place there.

22 And then we think that measures in terms of orders should be  
23 applied to both sides. So as I mentioned in our submissions last  
24 week, the Defence position is that the real issue here is the number  
25 of outstanding witnesses to be called by the SPO. You've given them

1 until May 21st to come up with ideas for how they were going to  
2 reduce that, and we believe that it should not be one-sided, that the  
3 Defence is somehow being -- I'm just saying down the line, I know  
4 nothing about this order in particular targets the Defence, but that  
5 there not be a perception that any delays in this trial are the  
6 result of anything that the Defence is doing, and that measures  
7 should be -- we should wait for imposition of measures until May 21st  
8 or whenever the Prosecution is going to tell us what the plan is to  
9 deal with the elephant in the room, which is the number of  
10 outstanding SPO witnesses and then maybe an omnibus approach by the  
11 Panel in terms of imposing measures on both sides to get this case  
12 moving and completed by April 2025.

13 And those are my submissions. So thank you, Mr. President.

14 PRESIDING JUDGE SMITH: Thank you, Mr. Misetic.

15 Mr. Emmerson.

16 MR. EMMERSON: We have made a request that, in future, the  
17 recording of hours as far as Defence cross-examination is concerned,  
18 or Defence questioning is concerned, should disaggregate questioning  
19 in cross-examination and questioning that follows necessarily upon  
20 judicial questioning so that we all have a sense of how much is  
21 planned cross-examination and how much arises extemporaneous as a result  
22 of judicial questioning so that we can get a proper sense of the  
23 relationship between cross-examination estimates and time taken.

24 But with that -- that request has been formally made.

25 With that caveat or additional comment, I don't have anything

1 substantive to say that goes beyond what Mr. Misetic has said.

2 PRESIDING JUDGE SMITH: Yes. And before we get to you,  
3 Mr. Tully. Just bear in mind when we looked at these  
4 cross-examination estimates, we clearly stated - I thought, maybe I  
5 wasn't clear - that we have some proposed reductions for the  
6 Prosecution, especially on 154 cases. And your point is well taken,  
7 Mr. Misetic.

8 And, secondly, we were looking at it not as individual teams  
9 being reduced but an overall reduction that you can work out among  
10 yourselves as to how to allocate that among different teams, and I'm  
11 sure you can do that.

12 MR. EMMERSON: Yes, I'm sure we can.

13 PRESIDING JUDGE SMITH: Yeah.

14 Go ahead, Mr. Tully.

15 MR. TULLY: It will be short, Your Honour. We have no objection  
16 in principle to the order, and we support the submissions of our  
17 colleagues. Thank you.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. ELLIS: I think it's a very similar position, Your Honour.  
20 No objection in principle to -- particularly to looking again at the  
21 time estimates. There are some amongst the witnesses who Your Honour  
22 listed who are undoubtedly going to be significant witnesses, but  
23 we'll look again --

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MR. ELLIS: -- at the times.

1           PRESIDING JUDGE SMITH: We picked those on purpose because they  
2 were the ones that had the biggest impact, and we felt like we could  
3 actually gain something there.

4           MR. ELLIS: Well, we'll look again at the estimates,  
5 Your Honour, and revert, but it may be amongst them that there are  
6 some who need longer and some who don't.

7           PRESIDING JUDGE SMITH: We don't want to appear heavy-handed,  
8 and we do want your honest opinion, and I know you've made efforts  
9 recently to do some combining of cross-examination and of limiting,  
10 and I appreciate that. We all appreciate that.

11           We will consider this proposal then an order, especially setting  
12 the deadlines for making a response.

13           If there's any other questions, I'll be glad to take them.  
14 Otherwise, I guess we're finished for today.

15           Nothing from anyone? All right. Thank you very much. Thank  
16 you for your cooperation.

17                               --- Whereupon the hearing adjourned at 2.47 p.m.

18

19

20

21

22

23

24

25