

1 Thursday, 26 September 2024

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Thaci 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: I note that all the accused, except for
12 Mr. Thaci who is appearing by videolink, are present in court today.
13 And as you can see, Judge Gaynor is appearing also in this matter by
14 videolink.

15 Before we bring the witness in, I would like to remind everyone
16 of the adjusted sitting schedule for this afternoon. We will take
17 the lunch break from 1.00 to 2.00 p.m. instead of 1.00 to 2.30 p.m.,
18 and the afternoon sitting block will start at 2.00 and finish at
19 3.00. At 3.00 p.m., we will finish for the day.

20 Today we will start hearing the evidence of Prosecution
21 Witness W04669.

22 Madam Court Usher, please bring the witness in.

23 MS. S. ALAGENDRA: Your Honour, we would just like to inform the
24 Chamber for planning purposes that the Krasniqi Defence will go first
25 in cross-examining this witness.

1 PRESIDING JUDGE SMITH: Thank you for letting us know.

2 Judge Gaynor, are you able to hear okay?

3 JUDGE GAYNOR: [via videolink] Good morning, Judge Smith. Yes, I
4 can hear you perfectly.

5 PRESIDING JUDGE SMITH: Great. Good.

6 JUDGE GAYNOR: [via videolink] Thank you very much.

7 [The witness entered court]

8 PRESIDING JUDGE SMITH: Good morning, Witness.

9 THE WITNESS: Good morning.

10 PRESIDING JUDGE SMITH: The Court Usher will now provide you
11 with the text of the solemn declaration which you are asked to take
12 pursuant to our Rule 141(2) of the Rules of Procedure. Please take a
13 look at the document and then read it aloud.

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

19 WITNESS: W04669

20 [The witness answered through interpreter]

21 PRESIDING JUDGE SMITH: Thank you. You can be seated now.

22 Witness, today we will start your testimony, which is expected
23 to last approximately one day. As you may know, the Prosecution will
24 ask you questions first, and then Counsel for Victims might ask you
25 questions as well. Once they are finished, the Defence has the right

1 to ask questions of you, and members of the Panel might also ask
2 questions of you.

3 The Prosecution estimate for your examination is one hour. The
4 Defence estimates that it will need approximately two hours. As
5 regards each estimate, we hope that the counsel will be judicious in
6 their use of their time. The Panel may allow redirect examination by
7 the Prosecution if conditions for it are met.

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

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

18 Also, please speak into the microphone and wait five seconds
19 before answering a question, and then speak at a slow pace for the
20 interpreters to catch up.

21 During the next days while you are giving evidence in this
22 Court, you are not allowed to discuss with anyone the content of your
23 testimony outside of this courtroom. If any person asks you
24 questions outside this Court about your testimony, please let us
25 know.

1 Please stop talking if I ask you to do so and also stop talking
2 if you see me raise my hand. These indications mean that I need to
3 give you an instruction. If you feel the need to take breaks, please
4 make an indication and an accommodation will be made.

5 We begin now with the Prosecution's questions. They are seated
6 to your left. Please give them your attention.

7 Mr. Prosecutor, you have the floor.

8 MR. MICHALCZUK: Thank you, Your Honours.

9 Examination by Mr. Michalczuk:

10 Q. Good morning, Witness. We have met before, but let me introduce
11 myself to you again. My name is Cezary Michalczuk. I am the
12 Prosecutor for the SPO, and I'll be asking you questions today on
13 behalf of the SPO.

14 Before we start, I'd like to establish your identity.

15 MR. MICHALCZUK: But for this, we will go into private session,
16 Your Honour.

17 PRESIDING JUDGE SMITH: Into private session, please,
18 Mr. Court Officer.

19 [Private session]

20 [Private session text removed]

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9 [Open session]

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

11 Thank you.

12 PRESIDING JUDGE SMITH: Thank you.

13 Go ahead.

14 MR. MICHALCZUK:

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

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

22 A. When do you mean when you say "previously"?

23 Q. Some time ago. I'm not talking about this year, I'm talking
24 about earlier times. Earlier than this year.

25 A. Yes.

1 MR. MICHALCZUK: Could the Court Officer please pull up the
2 following documents on the screen, one next to the other. It's not
3 for public display. So the first English document would be
4 082023-TR-ET Part 1 RED4, page 1. And its Albanian version, the same
5 ERN with AT, also page number 1.

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

7 A. Yes.

8 Q. Looking at these documents, do you recognise this as your SPO
9 interview?

10 A. Yes, I do.

11 Q. Thank you.

12 MR. MICHALCZUK: Your Honours, to continue, we would need to go
13 into private session.

14 PRESIDING JUDGE SMITH: Into private session, please.

15 [Private session]

16 [Private session text removed]

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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15 [Open session]

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

17 Thank you.

18 PRESIDING JUDGE SMITH: Thank you.

19 Go ahead.

20 MR. MICHALCZUK:

21 Q. Witness, when in private session a moment ago, I showed you your
22 prior statements. As part of your preparation for your testimony
23 today, the preparation meeting with me, did you have the opportunity
24 to review the contents of these statements?

25 A. Yes, I did, for both.

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Examination by Mr. Michalczuk

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

3 A. Yes, we had the opportunity and we did it.

4 Q. Were these changes reflected in a note that was then read back
5 to you?

6 A. Yes.

7 Q. Do you confirm that what was read back to you in that note
8 reflects your changes fully and accurately?

9 A. Yes, I do.

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

13 A. Yes.

14 MR. MICHALCZUK: Your Honours, we would need to move into
15 private session.

16 PRESIDING JUDGE SMITH: Private session, please.

17 [Private session]

18 [Private session text removed]

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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17 [Open session]

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

19 Thank you.

20 MR. MICHALCZUK: Your Honours, on 24 September 2024, the SPO
21 submitted a proposed summary of this witness's now admitted Rule 154
22 statement to the Panel, the Defence, and the Victims. We have not
23 received any objections, and I would like to read the summary.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MR. MICHALCZUK: In 1999, Witness W04669 was arrested by certain

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Examination by Mr. Michalczuk

1 KLA members and taken to a KLA compound. There, W04669 was
2 mistreated, questioned, and held in inhumane conditions. He
3 witnessed the mistreatment of a murder victim and heard that other
4 co-detainees of his were beaten.

5 That concludes the summary --

6 PRESIDING JUDGE SMITH: Thank you.

7 MR. MICHALCZUK: -- of this witness's evidence.

8 Now, I'll have a few questions to this witness, but for this we
9 will need to go back into private session.

10 PRESIDING JUDGE SMITH: All right. Private session, please,
11 Mr. Court Officer.

12 [Private session]

13 [Private session text removed]

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Examination by Mr. Michalczuk

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Examination by Mr. Michalczuk

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Examination by Mr. Michalczuk

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Examination by Mr. Michalczuk

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Examination by Mr. Michalczuk

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Witness: W04669 (Private Session)

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Cross-examination by Ms. S. Alagenda

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Witness: W04669 (Private Session)

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Cross-examination by Ms. S. Alagenda

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Witness: W04669 (Private Session)

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Cross-examination by Ms. S. Alagendra

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Witness: W04669 (Private Session)

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Cross-examination by Ms. S. Alagenda

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Witness: W04669 (Private Session)

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Cross-examination by Ms. S. Alagenda

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Witness: W04669 (Private Session)

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Cross-examination by Ms. S. Alagendra

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Cross-examination by Ms. S. Alagendra

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Cross-examination by Ms. S. Alagenda

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Cross-examination by Ms. S. Alagenda

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Cross-examination by Ms. S. Alagendra

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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Cross-examination by Ms. Menegon

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18 [Open session]

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

20 Thank you.

21 PRESIDING JUDGE SMITH: Thank you. We're adjourned until 11.30.

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

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

24 PRESIDING JUDGE SMITH: All right. Please bring the witness in,

25 Madam Usher.

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Cross-examination by Ms. O'Reilly

1 Ms. O'Reilly, about how long will you have?

2 MS. O'REILLY: I've about ten minutes, Your Honour.

3 PRESIDING JUDGE SMITH: Thank you.

4 We can go back into private session, please.

5 [Private session]

6 [Private session text removed]

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Cross-examination by Ms. O'Reilly

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Cross-examination by Ms. O'Reilly

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Witness: W04669 (Private Session)

Page 20387

Cross-examination by Ms. O'Reilly

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Witness: W04669 (Private Session)

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Cross-examination by Ms. O'Reilly

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Witness: W04669 (Private Session)

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Cross-examination by Ms. O'Reilly

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Witness: W04669 (Private Session)
Cross-examination by Ms. O'Reilly

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Witness: W04669 (Private Session)

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Cross-examination by Ms. O'Reilly

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Witness: W04669 (Private Session)

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Cross-examination by Mr. Tully

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Witness: W04669 (Private Session)

Page 20393

Cross-examination by Mr. Tully

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Witness: W04669 (Private Session)

Page 20394

Cross-examination by Mr. Tully

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1 [Private session text removed]

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4 [Open session]

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

6 Thank you.

7 PRESIDING JUDGE SMITH: All right. We're back in public
8 session. We're adjourned until Monday at 9.00 a.m. Thank you all
9 for being here. Thank you once again to the translators and the
10 audio-visual people.

11 We're adjourned.

12 --- Whereupon the hearing adjourned at 11.55 a.m.

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