

1 Thursday, 29 August 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Ms. Tavakoli, you had some corrections.
11 The transcript can be corrected through transcript verification, and
12 I would suggest you do it that way. It makes a better record.

13 MS. TAVAKOLI: Thank you, Your Honour.

14 PRESIDING JUDGE SMITH: And then the second part was?

15 MS. TAVAKOLI: The second part was in relation to the witness
16 W04764 who testified on 27 August.

17 At pages 1906 [sic] to 19071 of the transcript, the Defence
18 discussed and tendered a further page of an exhibit,
19 SITF00224836-002256211/SITF00225092-00225185 English translation, and
20 that was to be added to Exhibit 1D00131. The page that was shown to
21 the witness and tendered for admission was page SITF00225174. The
22 English version doesn't have an ERN but is marked with page number
23 334, and the issue is that the page that was recorded by CMU and
24 ultimately added to the exhibit was a different page.

25 So, therefore, we seek to correct it by substituting the

1 following page, which is SITF00225174, which is page 334, into
2 Exhibit 1D00131. Thank you.

3 PRESIDING JUDGE SMITH: Fine. Madam Court Officer is directed
4 to make that substitution. And that completes that matter.

5 MR. HALLING: Your Honour, we had a small matter of our own
6 before the witness commences.

7 PRESIDING JUDGE SMITH: Yes.

8 MR. HALLING: This is in relation to filing F02507. This is the
9 consolidated Rule 154 response to the Defence. You may recall the
10 Defence got an extension of words last week due to the number of
11 witnesses in that filing. We would request a 1.000 word extension
12 for our reply to that response. We've already alerted the Defence
13 teams of this request and they indicated no objection.

14 PRESIDING JUDGE SMITH: The 1.000-word extension is granted.

15 MS. TAVAKOLI: I've been instructed to ask for one more thing.
16 It's whether or not, if possible, the SPO could confirm the witnesses
17 for the first week of the next block as soon as possible because of
18 the short break in between these two blocks. We know that usually
19 you don't -- you aren't in a position to tell us until next Thursday,
20 but we'd be grateful if we could be told in advance. Thank you.

21 MR. HALLING: We'll see what we can do.

22 PRESIDING JUDGE SMITH: That's probably a good idea, as you
23 said, because of the short break.

24 All right. Madam Usher, you may bring the witness in, and we
25 will go into closed session as we were yesterday.

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Witness: W03780 (Resumed) (Closed Session)

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Witness: W03780 (Resumed) (Closed Session)

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Examination by Mr. Halling (Continued)

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Witness: W03780 (Resumed) (Closed Session)

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Witness: W03780 (Resumed) (Closed Session)

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Examination by Mr. Halling (Continued)

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Witness: W03780 (Resumed) (Closed Session)

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Witness: W03780 (Resumed) (Closed Session)

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18 [Open session]

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

20 PRESIDING JUDGE SMITH: Thank you.

21 We're adjourned for ten minutes.

22 --- Break taken at 10.01 a.m.

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

24 PRESIDING JUDGE SMITH: Please bring the witness in.

25 Into closed session, please.

Witness: W03780 (Resumed) (Closed Session)

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Examination by Mr. Halling (Continued)

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Witness: W03780 (Resumed) (Closed Session)

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Examination by Mr. Halling (Continued)

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Witness: W03780 (Resumed) (Closed Session)

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Examination by Mr. Halling (Continued)

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Examination by Mr. Halling (Continued)

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Examination by Mr. Halling (Continued)

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6 [Open session]

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

8 PRESIDING JUDGE SMITH: We're adjourned until 11.40.

9 --- Recess taken at 11.10 a.m.

10 --- On resuming at 11.40 a.m.

11 PRESIDING JUDGE SMITH: Please bring the witness in.

12 [Microphone not activated].

13 MR. HALLING: Yes, Your Honour. We actually wanted to make an
14 application. It may be easier outside the presence of the witness,
15 but going into closed session --

16 PRESIDING JUDGE SMITH: Yes.

17 MR. HALLING: -- would be a prerequisite.

18 PRESIDING JUDGE SMITH: Into closed session, then.

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16 [Open session]

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

18 PRESIDING JUDGE SMITH: We're adjourned.

19 --- Break taken at 12.00 p.m.

20 --- On resuming at 12.10 p.m.

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

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Witness: W03780 (Resumed) (Closed Session)

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Cross-examination by Ms. Tavakoli

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Witness: W03780 (Resumed) (Closed Session)

Page 19313

Cross-examination by Ms. Tavakoli

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Witness: W03780 (Resumed) (Closed Session)

Page 19314

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19315

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19316

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19317

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19318

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19321

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19322

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19323

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19324

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19325

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19326

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19327

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19328

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19329

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19331

Cross-examination by Mr. Roberts

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17 [Open session]

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

19 PRESIDING JUDGE SMITH: Thank you.

20 We are adjourned until 2.30.

21 --- Luncheon recess taken at 1.01 p.m.

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

23 PRESIDING JUDGE SMITH: Do you have more yet?

24 MR. ROBERTS: About 10 to 15 minutes maximum, I'd say,

25 Your Honour. Thank you.

Witness: W03780 (Resumed) (Closed Session)

Page 19332

Cross-examination by Mr. Roberts

1 PRESIDING JUDGE SMITH: Into closed session, please.

2 MS. V. ALAGENDRA: Your Honours, just as a matter of indication,
3 I don't have any questions for this witness.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 [Closed session]

6 [Closed session text removed]

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Witness: W03780 (Resumed) (Closed Session)

Page 19333

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19334

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19335

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19336

Cross-examination by Mr. Roberts

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Witness: W03780 (Resumed) (Closed Session)

Page 19337

Cross-examination by Mr. Roberts

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14 [Open session]

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

16 PRESIDING JUDGE SMITH: Go ahead.

17 MR. ROBERTS: It's -- thank you, Your Honour. Sorry. It's
18 merely a housekeeping matter, but it's quite an important
19 housekeeping matter.

20 We obviously received earlier this week and -- and thank you
21 very much to Your Honours for the Court schedule for next year. And
22 the Court schedule for next year was given up to 8 May 2025. My
23 understanding or our understanding, at least up to this point, is
24 that the target date for the completion of the Prosecution case
25 remains that set out on 15 February 2023 of 1 April 2025. That was

1 the oral order issued on that date, and to my understanding that has
2 not been amended.

3 There's obviously been discussion and litigation and filings
4 back and forth, but we certainly are still on the understanding that
5 that's the target date, and that no intention to amend that was set
6 out by the schedule that was --

7 PRESIDING JUDGE SMITH: No.

8 MR. ROBERTS: -- provided.

9 PRESIDING JUDGE SMITH: This is not considered an amendment, but
10 we figured there might be some other things happening at that point
11 --

12 MR ROBERTS: Of that I have --

13 PRESIDING JUDGE SMITH: -- beyond the Prosecution's case.

14 MR. ROBERTS: Certainly, yes.

15 PRESIDING JUDGE SMITH: But I don't want to be too rigid on
16 1 April. To me, we started on 15 April. So give me a little leeway
17 --

18 MR. ROBERTS: I believe we started opening statements on the --

19 PRESIDING JUDGE SMITH: Give us a little leeway on that.

20 MR. ROBERTS: Certainly, Your Honour, yes. Maybe --

21 PRESIDING JUDGE SMITH: So, no, you're right to bring that up
22 and I have no problem with it.

23 MR. ROBERTS: Thank you, Your Honour.

24 PRESIDING JUDGE SMITH: But we're not intending to amend any
25 prior understandings.

1 MR. ROBERTS: I just wanted to be clear. Much obliged. Thank
2 you.

3 PRESIDING JUDGE SMITH: What about the witness -- oh, I'm sorry.
4 Something else on this subject?

5 MR. HALLING: Actually, I was going to address the matter
6 Your Honour just raised.

7 So the witnesses for the first week after the -- of the next
8 block, we're going to send an e-mail to this effect today, but they
9 are W04737, W04600, and W01129, in that order.

10 PRESIDING JUDGE SMITH: Thank you.

11 And this next week, so far we only have two people on the
12 agenda. It could look to us that there could be room for possibly a
13 third. I don't know if you have some -- a standby?

14 MR. HALLING: The only two that are going in our e-mail for next
15 week are W04735 and W01511. So there is no standby currently, but
16 we'll take Your Honours' direction and see if there's any
17 possibility.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 I think you ought to have somebody backed up because those may
20 not take the whole week.

21 MR. HALLING: We'll see what's possible.

22 PRESIDING JUDGE SMITH: Okay.

23 Oh, Mr. Tully.

24 MR. TULLY: Apologies.

25 PRESIDING JUDGE SMITH: I wasn't ignoring you. I just didn't

1 see you there.

2 MR. TULLY: No problem, Your Honour. It's a common issue.

3 In regard to F02514, *[REDACTED] Pursuant to In Court Redaction
Order F2519RED.*

4 *[REDACTED] Pursuant to In Court Redaction Order F2519RED.* I'm not
certain of

5 the timeline on the decision being issued on that, but just to alert
6 you that we'll file an observation on that by the end of business
7 today. Thank you.

8 PRESIDING JUDGE SMITH: We'll try to deal with that as soon as
9 those documents are available.

10 So that is it for the week if nobody else has anything.

11 I want to thank the translators and interpreters and the
12 audio-visual people and our court reporter for all their efforts, and
13 we will see you on Monday.

14 We're adjourned until 9.00 a.m. on Monday.

15 --- Whereupon the hearing adjourned at 2.48 p.m.

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