

1 Thursday, 30 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 case
9 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,
10 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi.

11 PRESIDING JUDGE SMITH: Good morning, everyone. Today we will
12 start hearing the evidence of Prosecution Witness W01336.

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

16 Before we start, the Panel would like to address a preliminary
17 matter. In order to allow for efficient planning for next week's
18 hearing, is the SPO in a position to provide the list of the
19 witnesses for next week in order now or after the next break?

20 I know there's a 4.00 p.m. deadline today, but we would like to
21 get started on preparation. Can you do that by the next break or do
22 you know now?

23 MR. MICHALCZUK: Of course, we will. By the next break.

24 PRESIDING JUDGE SMITH: Okay. Thank you very much.

25 We're going to start hearing the evidence of Prosecution

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1 Witness W01336.

2 Madam Court Usher, please bring the witness in.

3 [The witness entered court]

4 PRESIDING JUDGE SMITH: Good morning, Witness. The Court Usher
5 will now provide you with the text of the solemn declaration which
6 you are asked to take pursuant to our Rule 141. Please read the
7 document aloud.

8 THE WITNESS: [Interpretation] Conscious of the significance of
9 my testimony and my legal responsibility, I solemnly declare that I
10 will speak the truth, the whole truth, and nothing but the truth, and
11 that I will not withhold any of my knowledge.

12 WITNESS: W01336

13 [The witness answered through interpreter]

14 PRESIDING JUDGE SMITH: Please be seated. Thank you.

15 THE WITNESS: [Interpretation] Thank you.

16 PRESIDING JUDGE SMITH: Witness, today we will start your
17 testimony, which is expected to last approximately four hours. As
18 you may know, the Prosecution will ask you questions first and then
19 counsel for the victims. Once they are finished, the Defence has the
20 right to ask questions of you, and members of the Panel might also
21 ask questions of you.

22 The Prosecution estimate for your examination is one hour.
23 Victims' Counsel will take approximately 15 minutes for questions.
24 The Defence estimates that it will need 2.5 hours. As regards each
25 estimate, we hope that counsel will be judicious in their use of

1 their time. The Panel may also allow redirect examination by the
2 Prosecution if conditions for it are met.

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

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

12 Please also speak into the microphone and also wait five seconds
13 before answering a question and then speak at a slow pace so the
14 interpreters can catch up.

15 During the next days while you're giving evidence in court, you
16 are not allowed to discuss with anyone the content of your testimony
17 outside of the courtroom. If any person asks you questions outside
18 of the Court about your testimony, please let us know.

19 Please stop talking if I ask you to do so, and also stop talking
20 if you see me raise my hand. These indications mean that I need to
21 give you an instruction.

22 If you feel the need to take a break, let us know and we will
23 try to accommodate you.

24 Do you understand all the instructions?

25 THE WITNESS: [Interpretation] Yes.

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1 PRESIDING JUDGE SMITH: Thank you. We proceed now. We begin
2 with the Prosecution. They are seated to your left. Please give
3 them your attention.

4 Mr. Prosecutor, you have the floor.

5 MR. MICHALCZUK: Thank you, Your Honour.

6 Examination by Mr. Michalczuk:

7 Q. Good morning, Witness. We've met before, but let me introduce
8 myself again. My name is Cezary Michalczuk, and I'll be asking you
9 questions on behalf of the SPO.

10 MR. MICHALCZUK: Your Honour, could we move into private
11 session.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 Court Officer, please move us into private session.

14 [Private session]

15 [Private session text removed]

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Examination by Mr. Michalczuk

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4 [Open session]

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

7 MR. MICHALCZUK:

8 Q. Witness, have you been previously interviewed by the SPO?

9 A. Yes.

10 MR. MICHALCZUK: Could the Court Officer please pull up two
11 documents and show them to the witness, one next to the other:
12 074244-TR-ET Part 1 RED and the same document without ET Revised RED.
13 This is the Serbian vision.

14 Q. Witness, can you see the documents in front of you?

15 A. Yes.

16 Q. Looking at the documents on your screen, do you recognise this
17 as your SPO interview?

18 A. Yes.

19 MR. MICHALCZUK: Could the Court Officer please pull up the next
20 document, 032049 to 032051 RED, and next to it its Serbian version,
21 the same number, with ST RED at the end.

22 Your Honours, excuse me, there is a problem with my computer. I
23 cannot see the documents that are being pulled up. There is some
24 problem here.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

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1 MR. MICHALCZUK: [Microphone not activated].

2 PRESIDING JUDGE SMITH: Thank you.

3 MR. MICHALCZUK:

4 Q. Mr. Witness, can you see this statement on the screen in front
5 of you?

6 A. Yes.

7 Q. Did you provide this statement to the SITF?

8 A. Yes.

9 MR. MICHALCZUK: Could the Court Officer please pull up the next
10 document, which is 028925 to 028934-ET Revised RED, and its Serbian
11 version, the same ERN number just this ends with RED only.

12 Q. Witness, can you see these documents on your screen?

13 A. Yes.

14 Q. This is the statement given before the District Court of
15 Belgrade. And my question is did you give that statement?

16 A. Yes.

17 MR. MICHALCZUK: Could the Court Officer now please pull up the
18 next document, which is 028983 to 028985-ET RED, and its Serbian
19 version which bears the same number but without the ET. It ends with
20 RED.

21 Q. This is a statement, Witness, to the Serbian MUP.

22 MR. MICHALCZUK: Could we please scroll down a little bit, this
23 document, to the bottom of the page.

24 Q. Witness, there is a signature underneath this page. Is that
25 your signature?

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1 A. Yes.

2 Q. Did you give this statement to the Serbian MUP?

3 A. Yes.

4 MR. MICHALCZUK: And, finally, could the Court Officer please
5 pull up the next document, which is 031000 to 031003-ET Revised RED,
6 and also the Serbian version, which bears the same ERN number but
7 with RED at the end.

8 Q. Witness, can you see these documents in front of you?

9 A. Yes.

10 Q. That document on the left-hand side, is that your handwriting?

11 A. Yes.

12 MR. MICHALCZUK: Madam Court Officer, please scroll this Serbian
13 document down all the way to the last page. Just the Serbian
14 version. Page 4.

15 Q. Is that your signature, Witness, at the end of this document, at
16 the bottom of the page?

17 A. Yes.

18 Q. Did you give this statement?

19 A. Yes.

20 Q. Mr. Witness, as part of your preparation for the testimony
21 today, did you have the opportunity to review the contents of all
22 these statements?

23 A. Yes.

24 Q. During your preparation session that took place last weekend on
25 25 May 2024, did you have the opportunity to make corrections and

1 clarifications to these statements?

2 A. Yes.

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

5 A. Yes.

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

8 A. Yes.

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

12 A. Yes.

13 MR. MICHALCZUK: Your Honours, having fulfilled the Rule 154
14 criteria, and in accordance with your decision F02339, para 20 and
15 28(A) of 24 May 2024, the SPO hereby tenders all these documents in
16 English, Albanian, and Serbian.

17 PRESIDING JUDGE SMITH: Any objection?

18 Ms. Tavakoli.

19 MS. TAVAKOLI: Sorry, no, Your Honour.

20 MS. ROWAN: No, thank you.

21 MR. TULLY: No, Your Honour.

22 MR. BAIESU: No objection.

23 PRESIDING JUDGE SMITH: Thank you.

24 MR. MICHALCZUK: This includes also, Your Honour, the associate
25 exhibit identified at paragraph 19 of that decision that I mentioned

1 before. And I also tender the Preparation Note 1 that bears the
2 following ERN numbers: 121166 to 121170. And this note is dated 25
3 May 2024.

4 PRESIDING JUDGE SMITH: All right.

5 MR. MICHALCZUK: Your Honours, we prepared this summary of --

6 PRESIDING JUDGE SMITH: Let me admit these first.

7 MR. MICHALCZUK: Of course, Your Honour.

8 PRESIDING JUDGE SMITH: 074244-TR-ET RED Part 1, plus the
9 Serbian, is admitted.

10 THE COURT OFFICER: Your Honours, that statement will be
11 assigned P01230.1. We also have a second part of that statement.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 THE COURT OFFICER: Part 2 with the same ERN, all three
14 languages, will be assigned Exhibit P01230.2.

15 The next statement with the ERN 032049 to 032 --

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 THE INTERPRETER: Microphone, please.

18 PRESIDING JUDGE SMITH: 032049 to 032051 RED, plus Serbian, is
19 admitted.

20 THE COURT OFFICER: Your Honour, that statement in English and
21 its Serbian and Albanian translation will be assigned Exhibit P01231.

22 PRESIDING JUDGE SMITH: 028925 to 028934-ET Revised RED, plus
23 the Serbian and Albanian, is admitted.

24 THE COURT OFFICER: That statement will receive Exhibit P01232.

25 PRESIDING JUDGE SMITH: 028983 to 028985-ET RED, plus Serbian

1 and Albanian, is admitted.

2 THE COURT OFFICER: Your Honour, that statement will receive
3 Exhibit P01233.

4 PRESIDING JUDGE SMITH: 031000 to 031003-ET RED, plus the
5 Serbian and Albanian, is admitted.

6 THE COURT OFFICER: That statement will receive Exhibit P01234.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 Note number 1, which is 121166 to 121170, is admitted.

9 THE COURT OFFICER: Preparation Note will receive
10 Exhibit P01235.

11 PRESIDING JUDGE SMITH: And then the associated exhibits are
12 admitted.

13 THE COURT OFFICER: Associated exhibit with ERN SITF40006335 to
14 40006335 will be admitted as P01236. Classification of all items
15 admitted is confidential.

16 PRESIDING JUDGE SMITH: Go ahead, Mr. Michalczuk.

17 MR. MICHALCZUK: Yes, thank you, Your Honour. This is the
18 summary of the evidence. It could also be read in public.

19 Witness W01336 and his brother were arrested on 14 June 1999 in
20 a location close to Prishtine by a group of armed men wearing KLA
21 armbands. Both men were tied up, blindfolded, beaten, and taken to a
22 nearby house where they were mistreated. Then they were transferred
23 to another house not far from the previous location and put in the
24 basement.

25 Shortly after, a third victim was also brought there. The three

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1 men were interrogated and beaten. On 15 June 1999, after having been
2 beaten for many hours, W01336, together with the other detainees,
3 managed to escape and sought assistance from KFOR.

4 This concludes the summary, Your Honours.

5 PRESIDING JUDGE SMITH: Thank you.

6 MR. MICHALCZUK: I have some supplemental questions, and for
7 that we should move into private session.

8 PRESIDING JUDGE SMITH: Into private session, please,
9 Madam Court Officer, for the protection of the witness.

10 [Private session]

11 [Private session text removed]

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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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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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Questioned by Victims' Counsel

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Questioned by Victims' Counsel

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Questioned by Victims' Counsel

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Questioned by Victims' Counsel

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Questioned by Victims' Counsel

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Questioned by Victims' Counsel

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Questioned by Victims' Counsel

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18 [Open session]

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

20 PRESIDING JUDGE SMITH: Thank you. We're adjourned until 10.35.

21 --- Break taken at 10.23 a.m.

22 --- On resuming at 10.35 a.m.

23 PRESIDING JUDGE SMITH: Yes, Ms. Rowan.

24 MS. ROWAN: Your Honour, I'm grateful. Upon consultation, I've
25 nothing to raise at this time. Thank you.

1 MR. MICHALCZUK: Your Honours, may I?

2 PRESIDING JUDGE SMITH: Pardon?

3 MR. MICHALCZUK: May I? Just one explanation, because before
4 the break you asked the SPO to indicate the witnesses for the next
5 week. So I would like to provide you with the codes for these
6 witnesses.

7 So the first one would be W03170. I repeat W03170. The second
8 one would be W04410. And we also have two reserve witnesses who will
9 appear if there is time. The first one would be W04824, videolink.
10 And the second one, W00992, also videolink. Thank you.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. TULLY: While I'm here, Your Honour, we're waiting on the
13 preparation note, but it's likely -- for W03170 we have two hours
14 indicated. It's likely we'll come down significantly depending what
15 is said in that note. Thank you.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 Just let us know, everybody, on your estimates if they change as
18 soon as possible, and especially the SPO, let the SPO know.

19 Yes, Ms. Tavakoli. Are you ready now?

20 MS. TAVAKOLI: [Microphone not activated].

21 PRESIDING JUDGE SMITH: Okay.

22 Usher, will you please bring the witness in.

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: Back into private session, please,
25 Madam Court Officer.

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Procedural Matters

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25 [Open session]

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

2 PRESIDING JUDGE SMITH: We're adjourned.

3 --- Recess taken at 11.06 a.m.

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

5 PRESIDING JUDGE SMITH: Madam Usher, you may bring the witness
6 in.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MS. HAMETAJ: [Microphone not activated].

10 THE INTERPRETER: Microphone, please.

11 PRESIDING JUDGE SMITH: Is there some reason they aren't in the
12 room?

13 MS. HAMETAJ: I believe they thought we were starting at 11.35.

14 PRESIDING JUDGE SMITH: Here they ...

15 MS. ROWAN: My apologies for delaying the Court, Your Honour.

16 PRESIDING JUDGE SMITH: Witness, the Veseli Defence team will
17 have some questions now.

18 Ms. Rowan, you have the floor.

19 MS. ROWAN: No, thank you, Your Honour. No questions.

20 PRESIDING JUDGE SMITH: Mr. Tully.

21 MR. TULLY: Having reviewed the transcript, we also have no
22 questions, Your Honour. Thank you.

23 PRESIDING JUDGE SMITH: Thank you.

24 Mr. Baiesu.

25 MR. BAIESU: Thank you, Your Honour. I have some questions.

Witness: W01336 (Private Session)

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Cross-examination by Mr. Baiesu

1 Excuse me.

2 [Specialist Counsel confer]

3 MR. BAIESU: Your Honour, I think I -- to ask my questions, we
4 need to be in private session.

5 PRESIDING JUDGE SMITH: Thank you.

6 Please, into private session, Madam Court Officer, for
7 protection of the witness.

8 [Private session]

9 [Private session text removed]

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Witness: W01336 (Private Session)

Page 16430

Cross-examination by Mr. Baiesu

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Witness: W01336 (Private Session)

Page 16431

Cross-examination by Mr. Baiesu

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Witness: W01336 (Private Session)

Page 16432

Cross-examination by Mr. Baiesu

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Witness: W01336 (Private Session)

Page 16433

Cross-examination by Mr. Baiesu

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22 [Open session]

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

24 PRESIDING JUDGE SMITH: All right. Now we're adjourned.

25 --- Whereupon the hearing adjourned at 11.50 a.m.