

1 Monday, 6 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: Mr. Court Officer, please call the case.

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

11 PRESIDING JUDGE SMITH: Thank you.

12 I note the accused are all present in court today with the  
13 exception of Mr. Krasniqi, who continues to appear by videolink.

14 Before we begin with W01978's testimony today, I'd like to  
15 address a few matters.

16 First of all, we have some oral orders. Short, short oral  
17 orders.

18 First, an oral order regarding W03865's statements, which were  
19 admitted as P01136.1 to P01136.4.

20 I recall that following *inter partes* discussions, the SPO  
21 provided several revised translations of portions of these statements  
22 as listed in the e-mail sent by the SPO on 30 April 2024 at 5.42.

23 I direct CMU to add these revised translations as subnumbers to  
24 P1136.1 to P1136.4.

25 This concludes my first oral order.

1           Second, I recall that on 29 April 2024 the statements of W03865  
2           were admitted as P01135. As discussed at transcript pages 15084 to  
3           15085, SPOE00200418 was missing from the Albanian translation of  
4           P1135. It has now been disclosed in Disclosure Package 1220 and  
5           added to P01135-AT.

6           This means that P1138, the number which had initially been  
7           assigned to the associated exhibit which is now included in P01135,  
8           can now be vacated. I therefore direct CMU to vacate P01138.

9           This concludes my second oral order.

10          Third, for the record that the Krasniqi Defence submitted the  
11          following clarification to transcript of 1 May 2024 at pages 15342 to  
12          15343.

13          As stated by counsel for Mr. Krasniqi, the correct ERN of the  
14          document used with W04371 at transcript page 15309 was 060178-060189  
15          RED2. Counsel for Mr. Krasniqi used the reference on page 060182,  
16          which is outside of the page range admitted in P01143. That is  
17          clarified.

18          Having said that, we kindly remind parties and participants to  
19          add to their presentation queues the documents they intend to bring  
20          up during their examination in all versions.

21          Lastly, I note that the requested translations of P01150 MFI and  
22          P01151 MFI were disclosed in Disclosure Package 1221.

23          Any objection to the admission of these exhibits and their  
24          translations as disclosed?

25          No objection being heard, P01150 MFI and P01151 MFI are

1 admitted.

2 Mr. Court Officer, please lift the MFI status of these exhibits  
3 and assign an exhibit number.

4 THE COURT OFFICER: Thank you, Your Honours. The evidentiary  
5 status of the read exhibit numbers will be changed to admitted, and  
6 the revised translations will be added to already assigned exhibit  
7 numbers. Thank you, Your Honours.

8 PRESIDING JUDGE SMITH: Finally, I just have some general  
9 comments to make.

10 About two weeks ago, we began the second year of testimony in  
11 this case. We actually began our discussions on this case in  
12 mid-December of 2022, days after the case was handed over to the  
13 Trial Panel by the Pre-Trial Judge.

14 On the occasion of that first Status Conference on 16 December  
15 2022, we pledged that dealing with this case in a fair and  
16 expeditious manner was of primary concern to the Panel. On that day  
17 we asked the assistance of the Prosecution, the Defence teams and the  
18 Victims' Counsel to help us to accomplish that goal. Over the next  
19 year, we reiterated our requests, sought submissions from all  
20 involved, adopted various measures and procedures that were proposed  
21 by others or devised by the Panel, held conferences, and, when  
22 necessary, ordered certain procedures all with a view to ensure that  
23 the trial was conducted not just fairly but also expeditiously and  
24 efficiently.

25 In these efforts, there was a real spirit of cooperation by all

1 which the Panel appreciates and for which we would like to express  
2 our gratitude. While we will continue to strive for efficiency, we  
3 are grateful for the contribution that all have made to this  
4 collective endeavour thus far.

5 At the very beginning, the Prosecution estimated that it would  
6 call 320 witnesses. They have since reduced that number and will  
7 report this month on what we hope to be another reduction of the  
8 number of proposed witnesses.

9 The remaining witnesses will continue to come to us in various  
10 formats - some live, some in writing. Up to this point, we have  
11 heard 60 witnesses in court, which includes Rule 154 witnesses. In  
12 addition, we admitted the statements of 13 witnesses pursuant to  
13 Rule 153. Finally, we have admitted under Rule 155 the statements of  
14 32 witnesses who, since their statements were given, died or are  
15 presently unavailable for some reason.

16 With the efforts of all concerned, the number of  
17 Prosecution-called witnesses who testified in these various and valid  
18 formats is on this day 105.

19 For the record, since the Trial Panel has been seized of the  
20 case, 427 filings or submissions seeking a decision were filed by the  
21 parties and participants and 367 decisions of the Panel, written or  
22 oral, were rendered dealing with those requests, motions, and  
23 submissions.

24 The work generated by these litigations had to be undertaken by  
25 all in addition to the work performed in the courtroom. This

1 constitutes an extraordinary amount of work by all involved, not just  
2 Judges and counsel, but also by their staff to whom we also express  
3 our gratitude.

4 We still have a lot of work to do and we will continue to  
5 prompt, push, and inquire to ensure that this trial continues to move  
6 along fairly, efficiently, and expeditiously. I am hopeful that we  
7 will continue the good cooperation of all. We can all still do  
8 better, and when I say "all," I include the Panel as well.

9 However, today I think we can safely recognise the completion of  
10 100-plus witnesses in a year without seeming to rest upon our  
11 laurels. As I previously said, this is a complicated case. To all  
12 involved - lawyers, legal officers, staff members, Court Management  
13 Unit, the Registry, interpreters, and translators - thank you for the  
14 effort and your cooperation.

15 And now we'll carry on.

16 Today we will hear the evidence of Prosecution Witness W01978.

17 Madam Court Officer, please bring us into private session for  
18 the privacy of the witness and others. Or Mr. Court Officer, I'm  
19 sorry.

20 [Private session]

21 [Private session text removed]

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4 [Open session]

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

6 Thank you.

7 [The witness entered court]

8 PRESIDING JUDGE SMITH: Good morning, Witness.

9 THE WITNESS: [Interpretation] Good morning to all of you present  
10 in the courtroom.

11 PRESIDING JUDGE SMITH: The Court Usher will now provide you  
12 with the text of the solemn declaration. I'll read it to you, and I  
13 ask you to follow my reading and then to repeat what I say.

14 THE WITNESS: [Interpretation] Go ahead.

15 PRESIDING JUDGE SMITH: Do you have the declaration? Can you  
16 read that?

17 THE WITNESS: [Interpretation] Yes. Solemn declaration:  
18 Rule 141, General Provisions: Conscious of the significance of my  
19 testimony and my legal responsibility, I solemnly declare that I will  
20 tell the truth, the whole truth, and nothing but the truth, and that  
21 I shall not withhold anything which has come to my knowledge.

22 WITNESS: W01978

23 [The witness answered through interpreter]

24 PRESIDING JUDGE SMITH: Thank you, Witness. You may be seated.

25 Witness, today we will start your testimony, which is expected

1 to last approximately three hours. As you may know, the Prosecution  
2 will ask you questions first and then the counsel for the Defence --  
3 or then counsel for the victims. And once they are finished, the  
4 counsel for the Defence will have questions. Members of the Panel  
5 may also have questions for you.

6 The Prosecution estimate for your direct examination is  
7 45 minutes. Victims' Counsel will take approximately 15 minutes for  
8 questions. The Defence estimates that they will need approximately  
9 two hours altogether. As regards each estimate, we hope that counsel  
10 will be judicious in the use of their time. The Panel may also allow  
11 redirect examination by the Prosecution if conditions are met.

12 Witness, please try to answer the questions clearly with short  
13 sentences. If you don't understand a question, feel free to ask the  
14 attorneys to repeat the question. Or if you don't understand, tell  
15 them that and they will try to clarify. Also, please try to indicate  
16 the basis of your knowledge of facts and circumstances that you will  
17 be asked about.

18 In the event you are asked by the SPO to attest to some  
19 corrections made regarding your statement, you are reminded to  
20 confirm on the record that the written statement, as corrected by the  
21 list of corrections, accurately reflects your declaration.

22 Please also speak into the microphone, wait five seconds before  
23 answering a question, and speak at a slow pace for the interpreters  
24 to catch up.

25 During the next days while you are giving evidence in this

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Examination by Ms. Iodice

1 court, you are not allowed to discuss with anyone the content of your  
2 testimony outside of the courtroom. If any person asks you questions  
3 outside the Court about your testimony, please let us know.

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

7 If you feel the need to take breaks, please make an indication  
8 and we will accommodate that need.

9 Do you have any questions?

10 THE WITNESS: [Interpretation] No, I don't.

11 PRESIDING JUDGE SMITH: Thank you. We will proceed. We begin  
12 with the Prosecution who are seated over here to your left. Please  
13 give them your attention.

14 Madam Prosecutor, you may proceed.

15 MS. IODICE: Thank you, Your Honour.

16 Examination by Ms. Iodice:

17 Q. Good morning, Witness. My name is Vega Iodice, and today I will  
18 be asking you questions on behalf of the SPO. As explained during  
19 our last meeting, rather than asking you questions about every issue  
20 you may have information about, it may be possible to admit some of  
21 your prior statements containing such information into evidence.

22 There are a number of procedural steps to follow. And before  
23 turning to this, I will first establish your identity.

24 MS. IODICE: Your Honour, could we please move into private  
25 session.

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Examination by Ms. Iodice

1           PRESIDING JUDGE SMITH: Private session, please, for the  
2 protection of the witness.

3                                 [Private session]

4                                 [Private session text removed]

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6 [Open session]

7 THE COURT OFFICER: Your Honours, we are back in open session.

8 Thank you.

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

10 MS. IODICE: Thank you.

11 Q. Witness, you have given statements in the past, including to the  
12 SPO, and you were allowed to review those statements in preparation  
13 of your testimony. Today we will seek to tender your statements into  
14 evidence.

15 MS. IODICE: Could the Court Officer please bring up ERN  
16 SPOE00184749 to 00184842 RED2, not for public broadcast. And go to  
17 page 1 in English and page 44 in Albanian.

18 Q. Witness, looking at the document on your screen, do you  
19 recognise this as your statement before the Special Prosecution  
20 Office of the Republic of Kosovo?

21 A. Yes.

22 MS. IODICE: Could we now move to page 93, which is  
23 SPOE00184841. If we can scroll down.

24 Q. Witness, do you recognise your signature on this document?

25 A. Yes, I do. Yes, I do.

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1 Q. Thank you.

2 MS. IODICE: Could the Court Officer now bring up, please,  
3 SITF00014548 to 00014554 RED and its Albanian translation.

4 Q. Witness, do you recognise this as your statement before the  
5 Special Prosecution Office of the Republic of Kosovo?

6 A. Yes.

7 MS. IODICE: Could we go to page 7 of the English version.

8 Q. Witness, do you see your signature on -- do you recognise your  
9 signature on this page?

10 A. I recognise it very well.

11 Q. Thank you.

12 MS. IODICE: Could the Court Officer now bring up ERN  
13 060650-TR-ET Part 1 RED3 and the Albanian transcript.

14 Q. Witness, do you remember being interviewed by the SPO in 2019?

15 A. Yes, I do.

16 Q. Thank you. And do you remember that last week you read this  
17 statement in your language?

18 A. Yes.

19 Q. Do you recall that you had the opportunity to make corrections  
20 and clarifications to your statements?

21 A. Yes, I do.

22 Q. Do you recall that those corrections were written down in a note  
23 and read back to you?

24 A. Yes.

25 Q. Do you confirm that what was read back to you in that note

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1 reflects your changes fully and accurately?

2 A. Yes.

3 Q. Thank you. Now, if we include all the corrections and  
4 clarifications you made last week, is the information in your  
5 statements accurate and truthful to the best of your knowledge and  
6 belief?

7 A. Yes, it is true.

8 Q. If you were asked those same questions today about those same  
9 events, would your answers be the same?

10 A. Yes.

11 Q. Thank you.

12 MS. IODICE: Having fulfilled the Rule 154 criteria in  
13 accordance with decision F02245, we hereby tender ERN SPOE00184749 to  
14 00184842 RED 2; SITF00014548 to 00014554 RED and its Albanian  
15 translation; 060650-TR-ET Parts 1 through 4 RED3; and 060650-TR-AT  
16 Parts 1 through 4 RED3; and preparation note 120921 to 120929.

17 I'll now move to the associated exhibits. I would like to  
18 tender pages SITF00013636 to SITF00013650, which are from ERN range  
19 SITF00013593 and to 00013731 RED2. Next is SITF00014555 to 00014563.  
20 Then ERN 060639-060639, ERN 060640-060640, ERN 060648 to 060648, and  
21 060649 to 060649, and the English translations of these last four  
22 associated exhibits.

23 PRESIDING JUDGE SMITH: Is that the extent of your tender?

24 MS. IODICE: Yes, Your Honour.

25 PRESIDING JUDGE SMITH: All right. Any objection?

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Examination by Ms. Iodice

1 MS. TAVAKOLI: No, Your Honour.

2 MS. ROWAN: No, thank you.

3 MR. ROBERTS: Nothing from me, Your Honour.

4 MR. ELLIS: No, Your Honour.

5 PRESIDING JUDGE SMITH: All right, the documents read out and  
6 identified by the Prosecutor will all be admitted in evidence,  
7 including the preparation note and the associated exhibits, and  
8 please be assigned a exhibit number, Mr. Court Officer.

9 THE COURT OFFICER: Thank you, Your Honours. The first  
10 statement read on the record, which is SPOE00184749 to 00184842 RED2,  
11 will be assigned Exhibit P01153.

12 The second statement, which is the SITF00014548 to 00014554 RED,  
13 and its corresponding Albanian translation will be assigned  
14 Exhibit P01154.

15 The statement 060650-TR, in both English and Albanian, Part 1,  
16 will be assigned Exhibit P01155.1; Part 2 will be assigned  
17 Exhibit P01155.2; Part 3 will be assigned Exhibit P01155.3; and  
18 Part 4 will be assigned Exhibit P01155.4. And this goes for both  
19 English and Albanian versions of the same ERN.

20 The associated exhibit, the pages of SITF00013636 to  
21 SITF00013650 will be assigned Exhibit P01156.

22 The associated exhibit SITF00014555 to 00014563 will be assigned  
23 Exhibit P01157.

24 The associated exhibit 060639 to 060639, in both Albanian and  
25 English, will be assigned Exhibit P01158.

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1 The ERN 060640 to 060640 will be assigned Exhibit P01160.

2 The ERN 060648 to 060648 will be assigned Exhibit P01161.

3 And the ERN 060649 to 060649 will be assigned Exhibit P01162.

4 As for preparation notes, Preparation Note 1, which is ERN  
5 120921 to 120929, will be assigned Exhibit P01163. And the second  
6 preparation note, which is ERN 120930 to 120932, will be assigned  
7 Exhibit P01164.

8 All documents read on the record are currently classified as  
9 confidential.

10 PRESIDING JUDGE SMITH: Did I miss something or is there no 59,  
11 1159?

12 THE COURT OFFICER: I may have missed to put it on the record.  
13 So P01159 would be 060639 to 060639, but I can take a look at the  
14 record again, Your Honours.

15 PRESIDING JUDGE SMITH: I think you'll find there is no 59  
16 mentioned.

17 THE COURT OFFICER: My apologies to that.

18 PRESIDING JUDGE SMITH: Okay.

19 THE COURT OFFICER: I'll check it right away.

20 PRESIDING JUDGE SMITH: We can check that later.

21 THE COURT OFFICER: Thank you.

22 PRESIDING JUDGE SMITH: You may go ahead with your questions.

23 MS. IODICE: Your Honour, I did not tender Preparation Note 2.  
24 I understand it was assigned a number.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

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1 That was a mistake on the record.

2 THE COURT OFFICER: In that case --

3 PRESIDING JUDGE SMITH: Only Note 1.

4 THE COURT OFFICER: In that case, Preparation Note 2 won't be  
5 assigned the number P01174. It's going to be vacated. Thank you,  
6 Your Honours.

7 PRESIDING JUDGE SMITH: Thank you.

8 MS. IODICE: Thank you, Your Honour.

9 Your Honour, on 3 May the SPO submitted a proposed summary of  
10 this witness's now admitted Rule 154 statement to the Panel, Defence,  
11 and Victims. We have not received any objection. So with your  
12 leave, I will read the summary into the record in open session.

13 PRESIDING JUDGE SMITH: You may read the summary.

14 MS. IODICE: Thank you.

15 W01978 was arrested and detained by KLA soldiers at different  
16 KLA detention facilities over the course of several weeks. W01978  
17 will testify about the conditions of detention, the work detainees  
18 performed, and the interrogations and beatings W01978 suffered. The  
19 witness also identified several KLA soldiers and other detainees.

20 Your Honour, we do not have further questions at this time.

21 PRESIDING JUDGE SMITH: Thank you.

22 Cross-examination -- oh, I'm sorry. Ms. Radziejowska.

23 MS. RADZIEJOWSKA: Thank you, Your Honour.

24 Questioned by Victims' Counsel:

25 Q. Good morning, Witness.

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Questioned by Victims' Counsel

1 A. Good morning.

2 Q. I am Maria Radziejowska and, as you know, I am Victims' Counsel  
3 in this case. Your evidence is that you were --

4 MS. RADZIEJOWSKA: Your Honours, I'm sorry. I would like to go  
5 to private session.

6 PRESIDING JUDGE SMITH: Into private session, please,  
7 Mr. Court Officer.

8 [Private session]

9 [Private session text removed]

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Witness: W01978 (Private Session)

Page 15362

Questioned by Victims' Counsel

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Witness: W01978 (Private Session)

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Questioned by Victims' Counsel

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Questioned by Victims' Counsel

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Witness: W01978 (Private Session)

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Questioned by the Trial Panel

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Witness: W01978 (Private Session)

Page 15366

Questioned by the Trial Panel

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Witness: W01978 (Private Session)

Page 15367

Questioned by the Trial Panel

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Witness: W01978 (Private Session)

Page 15368

Questioned by the Trial Panel

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Witness: W01978 (Private Session)

Page 15369

Questioned by the Trial Panel

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Witness: W01978 (Private Session)

Page 15370

Questioned by the Trial Panel

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Witness: W01978 (Private Session)

Page 15371

Questioned by the Trial Panel

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Witness: W01978 (Private Session)

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Re-examination by Ms. Iodice

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Witness: W01978 (Private Session)

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Re-examination by Ms. Iodice

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8 [Open session]

9 THE COURT OFFICER: Thank you, Your Honours. We are in public  
10 session now.

11 And, yes, I would like to clarify the record.

12 So going back to P01158, this is the ERN 060639 to 060639.  
13 P01159 will be then ERN 060640 to 060640. P01160 will be the ERN  
14 060648 to 060648. And the ERN 060649 to 060649 will be assigned  
15 Exhibit P01161. Therefore, the Preparation Note 120921 to 120929  
16 will be assigned Exhibit P01162. Thank you, Your Honours.

17 PRESIDING JUDGE SMITH: Thank you.

18 Anything further?

19 MS. TAVAKOLI: No, Your Honour.

20 PRESIDING JUDGE SMITH: We're apparently finished for today. We  
21 don't have the ability to move the next witness up because he's on  
22 videolink, so we will adjourn until 9.00 tomorrow and take that up at  
23 that time. Thank you.

24 --- Whereupon the hearing adjourned at 10.11 a.m.

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