

1 Thursday, 27 March 2025

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 9.02 a.m.

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

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

10 PRESIDING JUDGE SMITH: Thank you.

11 I note that all the accused are appearing by videolink today  
12 with permission, having filed waivers.

13 Before we start hearing the evidence of the Prosecution  
14 Witness W04419, who is also appearing by videolink, there are two  
15 preliminary matters the Panel would like to address.

16 First, the Panel would like to inquire with the SPO regarding  
17 the classification of the transcripts of W04264's statement, which  
18 was admitted pursuant to Rule 155.

19 The Panel notes that, on Monday, 24 March 2025, it admitted the  
20 audio-visual recordings of W04264's statement and, following  
21 submissions from the SPO, ruled on the classification of such  
22 statement. Part 1 of the audio-visual recordings of the statement  
23 remains confidential, while the remaining Parts 2 through 9 have been  
24 reclassified as public.

25 The Panel further notes that all parts of the corresponding

1 transcripts are currently classified as confidential, and the matter  
2 of their classification was not clarified at the time of their  
3 admission.

4 Therefore, the Panel would like to inquire with the SPO as to  
5 the classification of such transcripts.

6 Mr. Prosecutor, do you have that information available?

7 MR. DEVANEY: Good morning, Your Honour. Unfortunately, we do  
8 not have that information right now. We will check and revert as  
9 soon as possible.

10 PRESIDING JUDGE SMITH: All right. At the break perhaps --

11 MR. DEVANEY: Yes, thank you, Your Honour.

12 PRESIDING JUDGE SMITH: -- at the morning break you can do that.  
13 Thank you very much.

14 Regarding the second preliminary issue, the Panel will rule on  
15 the admission of 1D00258 MFI and 1D00259 MFI, tendered yesterday by  
16 the Thaci Defence in relation to W03724.

17 First, the Panel considers that the documents are relevant to  
18 the charges in the indictment. They pertain to the alleged detention  
19 of individuals by KLA members and refer to the involvement of certain  
20 KLA members in that context.

21 The Panel is also of the view that the documents are *prima facie*  
22 authentic and reliable. The documents bear sufficient indicia of  
23 authenticity, indicate their source, and are formatted consistently  
24 with documents of a similar nature admitted by the Panel in the past.  
25 While they were not shown directly to the witness, their content and

1 date were put to him during a further examination by the Thaci  
2 Defence. Several elements of their content were subject to questions  
3 by the parties.

4 Finally, the Panel is also satisfied that the documents have  
5 probative value which is not is outweighed by any prejudice. In  
6 particular, the Panel considers that the documents could not be shown  
7 in court only because further clearance from their author was  
8 required; the documents and their content are closely connected to  
9 questions asked by the Defence to the relevant witness in these  
10 proceedings; and, three, their content does not go beyond the scope  
11 of matters already on the record. Therefore, the Panel considers  
12 that in light of the specific circumstances as outlined above, no  
13 prejudice would derive from admitting the documents. However, the  
14 extent to which any of the documents or their contents were put to  
15 the relevant witness might be relevant to the weight that this Panel  
16 is prepared to give to these documents.

17 For these reasons, the Panel finds that 1D00258 MFI and 1D00259  
18 MFI meet the requirements of Rule 138(1) and admits them into  
19 evidence.

20 This concludes the Panel's second order.

21 THE COURT OFFICER: Your Honours, if I can only confirm for the  
22 record that 1D00258 and 1D00259 will have a change of evidence status  
23 into admitted. Thank you so much.

24 PRESIDING JUDGE SMITH: Thank you, Mr. Court Officer.

25 Now, Mr. Court Officer, in regards to the next witness, please

1 bring us into closed session to protect the identity of the witness  
2 and others.

3 Madam Court Officer, you may bring the witness into the hearing  
4 room.

5 [Closed session]

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Witness: W04419 (Closed Session)

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Procedural Matters

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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14 [Open session]

15 THE COURT OFFICER: [via videolink] Your Honours, the witness is  
16 outside the room.

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

18 PRESIDING JUDGE SMITH: We're adjourned.

19 --- Break taken at 9.33 a.m.

20 --- On resuming at 9.42 a.m.

21 PRESIDING JUDGE SMITH: Please bring the witness in,  
22 Madam Court Officer.

23 Into closed session, please.

24 [Closed session]

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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19 [Open session]

20 PRESIDING JUDGE SMITH: We're adjourned until 10.30.

21 --- Break taken at 9.58 a.m.

22 --- On resuming at 10.37 a.m.

23 PRESIDING JUDGE SMITH: Into closed session, please.

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Witness: W04419 (Closed Session)

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Examination by Mr. Devaney

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Procedural Matters

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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*Redactions applied pursuant to F3411.*

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[Open Session] *Reclassified Pursuant to F3411.*

6 MR. MISETIC: Mr. President, I received a phone call during the  
7 break from my client who has his hand raised and would like to  
8 address the Panel.

9 PRESIDING JUDGE SMITH: [Microphone not activated] ... so I'd  
10 rather hear it from you first.

11 MR. MISETIC: I don't know the details. I can just tell you  
12 generally he contacted me to say he has a complaint concerning the  
13 Prosecutor in the case. That the Prosecutor used to be in the  
14 detention unit and may have access to information that Mr. Thaci does  
15 not believe he should access to.

16 PRESIDING JUDGE SMITH: And is that what he's going to say?

17 MR. MISETIC: I don't know. I have no knowledge of  
18 Mr. Devaney's background, so this is all news to me. But he would  
19 like to raise his complaint with the Panel.

20 [Trial Panel confers]

21 PRESIDING JUDGE SMITH: All right. We'd like you to find out  
22 further what this is about, and I would suggest it might be best put  
23 into writing and then presented to the Court.

24 MR. MISETIC: I think he's concerned about proceeding. And the  
25 only information he told me is that Mr. Devaney personally [REDACTED]

Redactions applied pursuant to F3411.

1 [REDACTED], and so he has concerns about access to information.  
Again,

2 this is what has been relayed to me, but he would be better able to  
3 explain it.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MR. DEVANEY: Your Honour, it is correct that I used to work in  
6 the Detention Management Unit years ago. I don't have any -- I do  
7 not believe that [REDACTED]

8 PRESIDING JUDGE SMITH: How many years ago?

9 MR. DEVANEY: My employment there ended at the end of 2022. And  
10 [REDACTED] was assigned. The rules would -- I have  
11 no information relevant to this witness, to this case. Even if I  
12 had, there's [REDACTED], Your Honour. So we're happy to  
13 deal with the issue further in writing, as Your Honour suggested.

14 PRESIDING JUDGE SMITH: The problem is they don't want to  
15 proceed. So I'll ask you to respond to that.

16 MR. DEVANEY: Just a moment, Your Honour.

17 [Specialist Prosecutors confer]

18 MR. DEVANEY: Your Honour, I have no further substantive  
19 representations to make. I will say that Ms. Iodice is willing to  
20 step in if that addresses the concerns of the Defence.

21 MR. MISETIC: Again, Mr. President, this all arose during the  
22 break, so I have not had a chance to consult with my client, and I  
23 would prefer that he express whatever concern he has and then it  
24 might obviate any issues going forward.

25 [Trial Panel confers]

Redactions applied pursuant to F3411.

1 PRESIDING JUDGE SMITH: Mr. Thaci, you have the floor. You can  
2 remain seated also.

3 [Microphone not activated].

4 THE INTERPRETER: We cannot hear anything.

5 PRESIDING JUDGE SMITH: Is your microphone on?

6 THE ACCUSED THACI: [via videolink] [Interpretation] Thank you  
7 very much, Judge Smith. Thank you for giving me this opportunity.

8 But before speaking very briefly, I wouldn't have wished to do  
9 so normally, but I feel obliged to speak on this occasion, I would  
10 like to go into public session. I'll be very brief.

11 PRESIDING JUDGE SMITH: No, we will stay in closed session. So  
12 just go ahead and make your statement.

13 THE ACCUSED THACI: [via videolink] [Interpretation] After you  
14 gave me this opportunity, I would like to raise my concerns to be  
15 included in the records of this process.

16 This Court is a Kosovo court. It was founded by its Assembly to  
17 work on the basis of its constitutional laws, and I believe this is  
18 going be to the case until the end of the process. However, the  
19 problems we have had during these four and a half years, during this  
20 period, and since I see this Prosecutor in front of us, I want to  
21 raise my concerns so that you as a Panel and you as a Presiding Judge  
22 know.

23 I was really taken aback today when I saw in front of us the  
24 gentleman in question. I don't know his name but that doesn't  
25 matter. When we were brought here at the detention centre, he

Redactions applied pursuant to F3411.

1 presented himself as a guard, then as an investigator at the  
2 detention centre, then as deputy chief of this centre, and sometimes  
3 also as a chief of the detention centre. And there are facts and  
4 witnesses to prove what I am saying.

5 Your Honour, the gentleman in question - today, Prosecutor;  
6 yesterday, prison guard - has conducted [REDACTED]

7 [REDACTED]

8 [REDACTED]. And we, the accused in process number 6, don't  
9 use even cigarettes. He has personally carried out, the current  
10 Prosecutor, [REDACTED]

11 [REDACTED]

12 mechanisms in this detention centre.

13 [REDACTED]

14 [REDACTED]

15 In certain occasions, Your Honour, and Your Panel, he has  
16 conducted even physical insults and threats. This Prosecutor. From  
17 the practice he has been using, [REDACTED]

18 [REDACTED]

19 for the others.

20 And this concerns me when I see this gentleman today appearing  
21 before us, a prison guard yesterday and today a Prosecutor, something  
22 that even in the case of Navalny wasn't used.

23 And, third, Your Honour, and Panel, distinguished Panel, the  
24 gentleman has [REDACTED]

25 [REDACTED] with

Redactions applied pursuant to F3411.

1 our counsel.

2 And I am really, as I said, taken aback to see this gentleman  
3 here today. Maybe he's gone through a special procedure of being  
4 promoted, but I don't feel at ease, and we don't feel respected and  
5 -- legally and humanly respected, when you see someone that was a  
6 guard until yesterday and today is a Prosecutor in the Specialist  
7 Chambers of Kosovo. Maybe he's gone through a process very -- run  
8 through the process very quickly. I don't know that. But I just  
9 wanted to say -- to express my astonishment. And thank you for  
10 giving me this opportunity.

11 PRESIDING JUDGE SMITH: Thank you, Mr. Thaci.

12 Mr. Misetiç, do you wish to ask for any relief in any way?

13 MR. MISETIC: Your Honour, I think we can proceed and I'll, at  
14 the next break, consult again with my client as to whether anything  
15 is necessary.

16 [Trial Panel confers]

17 MR. MISETIC: I apologise. I should have said this before. We  
18 would take, I think at the least, the offer of the Prosecutor to  
19 switch Prosecutors to make Mr. Thaci comfortable.

20 PRESIDING JUDGE SMITH: Well, either way, we don't have any  
21 ability to investigate any kind of allegations that are made. But in  
22 the exercise of caution, and since Ms. Iodice is here and is able to  
23 take over, we would suggest -- in fact, order that that happen.

24 MS. IODICE: Noted, Your Honour.

25 MS. S. ALAGENDRA: Your Honour, on behalf of Mr. Krasniqi, could

1 we also request any disclosure of photographs that were taken of  
2 material between counsel and our clients, if there is any.

3 PRESIDING JUDGE SMITH: Right now we're just going to proceed  
4 with this hearing. We don't have those things. We don't know who  
5 has them. We don't know if there are any. So those are all things  
6 that have to be investigated by somebody other than us.

[Closed session]

7 [Closed session text removed]

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Witness: W04419 (Closed Session)

Page 26083

Cross-examination by Mr. Dixon

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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Witness: W04419 (Closed Session)

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Cross-examination by Mr. Dixon

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