

1 Tuesday, 14 January 2025

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: I note that all of the accused are  
11 present in court.

12 Today, we will start hearing the evidence of Prosecution  
13 Witness W04264 who will be appearing by videolink. I note for the  
14 record that Duty Counsel for 4264 is present in the VTC location.

15 Good morning, Mr. Counsel. Could you please identify yourself  
16 for the record.

17 MR. KOCI: [via videolink] Good morning, Your Honours. I am  
18 Arianit Koci, lawyer from Prishtine.

19 PRESIDING JUDGE SMITH: Thank you for being with us.

20 Before bringing the witness in, I will note that we will follow  
21 an adapted hearing schedule. First, the plan is for W04264 to  
22 testify every day until 12.30 unless otherwise indicated, and we will  
23 take our regular breaks at 10.00 and 11.00. If needed, additional  
24 breaks will be accommodated.

25 I note that WPSO has recommended adapted questioning. I am

1 referring to filing F02797 from 18 December 2024. The Panel  
2 therefore orders counsel, to the extent possible, one, to ask  
3 questions in chronological order in terms of events or dates that  
4 they relate to; and, two, to follow the pace of the witness to allow  
5 time for memory recall; and, three to put questions to the witness in  
6 an open and non-confrontational, non-pressuring manner, and to avoid  
7 repetitions and leading questions.

8 Please bring us into private session.

9 [Private session]

10 [Private session text removed]

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18 [Open session]

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

20 PRESIDING JUDGE SMITH: Madam Court Officer, please bring the  
21 witness into the remote hearing room.

22 [The witness entered court via videolink]

23 PRESIDING JUDGE SMITH: You can be seated now, Mr. -- or, I'm  
24 sorry, remain standing for the time being.

25 Witness, I am going to read out the text of the solemn

1 declaration which you are asked to take pursuant to Rule 141(2) of  
2 our Rules of Procedure. I will ask you to repeat the text aloud and  
3 to indicate your consent. I will read a portion and then I'll stop  
4 and ask you to repeat that portion, and then we will continue on  
5 through the solemn declaration.

6 Do you understand that?

7 THE WITNESS: [via videolink] [Interpretation] Yes, yes.

8 PRESIDING JUDGE SMITH: All right. Here is the solemn  
9 declaration: Conscious of the significance of my testimony. You can  
10 repeat that.

11 THE WITNESS: [via videolink] [Interpretation] Conscious of the  
12 significance of my testimony.

13 PRESIDING JUDGE SMITH: And my legal responsibility.

14 THE WITNESS: [via videolink] [Interpretation] And my legal  
15 responsibility.

16 PRESIDING JUDGE SMITH: I solemnly declare that I will tell the  
17 truth.

18 THE WITNESS: [via videolink] [Interpretation] I solemnly declare  
19 that I will tell the truth.

20 PRESIDING JUDGE SMITH: The whole truth.

21 THE WITNESS: [via videolink] [Interpretation] The whole truth.

22 PRESIDING JUDGE SMITH: And nothing but the truth.

23 THE WITNESS: [via videolink] [Interpretation] And nothing but  
24 the truth.

25 PRESIDING JUDGE SMITH: And that I shall not withhold anything

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1 which has come to my knowledge.

2 THE WITNESS: [via videolink] [Interpretation] And that I shall  
3 not withhold anything.

4 PRESIDING JUDGE SMITH: That has come to my knowledge.

5 THE WITNESS: [via videolink] [Interpretation] Which has come to  
6 my knowledge.

7 WITNESS: SOKOL DOBRUNA

8 [The witness answered through interpreter]

9 [The witness appeared via videolink]

10 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated  
11 now.

12 Witness, today we will start your testimony which is expected to  
13 last two days. The Prosecution will ask you questions first, and  
14 then the Defence has the right to ask questions of you, and members  
15 of the Panel might also ask questions of you.

16 The Prosecution estimate for your examination is one hour. The  
17 Defence estimates that it will need six hours. As regards each  
18 estimate, we hope that counsel will be judicious in the use of their  
19 time. The Panel may allow redirect examination if conditions for it  
20 are met.

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

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1 about.

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

6 Please also speak into the microphone and wait five seconds  
7 before answering a question, and then speak at a slow pace for  
8 interpreters to catch up.

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

13 Please stop talking if I ask you to do so and also stop talking  
14 if you see me raise my hand. These indications mean that I need to  
15 give you an instruction.

16 If you feel the need to take breaks, please make an indication  
17 and an accommodation will be made.

18 We are aware that counsel has been assigned to the witness, and  
19 I am referring to filing F02723, so that the witness is able to seek  
20 legal advice if he has any legitimate concerns of self-incrimination.

21 Witness, I remind you that as per the solemn declaration that  
22 you have just read, you have the obligation to tell the truth. Under  
23 our rules, you are hereby advised that you are not required to answer  
24 a question that is incriminating unless and until the Panel compels  
25 you to answer, in accordance with Rule 151(2), and determines that an

1 assurance under Rule 151(3) should be provided to you.

2 You are hereby advised that in the event such a question of  
3 self-incrimination arises, you or your assigned counsel may raise the  
4 issue to the Panel, and we will proceed to determine whether or not  
5 and under what circumstances you might be compelled to answer. In  
6 such a case, the decision as to whether you must answer a question is  
7 exclusively that of the Panel. If ordered to do so by the Panel, you  
8 must answer all questions asked of you.

9 We will begin with the questions from the Prosecution in just a  
10 moment, but let me ask Mr. Kuci if, Mr. Kuci, are you aware of any  
11 possible areas of self-incrimination that you are aware of and that  
12 should be brought to the Court's attention?

13 MR. KOZI: [via videolink] [Interpretation] Your Honours, I had a  
14 very limited opportunity to discuss in relation to the case with my  
15 client because he is simply unable to follow the operations that are  
16 slightly more complex in this case. Therefore, I have not noticed  
17 any or seen any indication that he can self-incriminate.

18 PRESIDING JUDGE SMITH: Thank you. And -- thank you, and we ask  
19 you to bring to our attention immediately if any such occasion  
20 arises, and we will deal with it at that time then.

21 MR. KOZI: [via videolink] [Interpretation] Thank you.

22 PRESIDING JUDGE SMITH: So we will begin now. The Prosecution  
23 will start now, and please give them your attention.

24 Mr. Prosecutor, you have the floor.

25 MR. CAPIN: Thank you, Mr. President. Good morning,

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1 Your Honours.

2 THE COURT OFFICER: [via videolink] Your Honours, before the  
3 Prosecutor continues, can I just confirm that present at the remote  
4 location is myself, Court Officer, Court Management Unit, together  
5 with Mr. Arianit Koci, Duty Counsel for the witness, and  
6 Witness W0426. Thank you.

7 PRESIDING JUDGE SMITH: Thank you. You should be aware that  
8 your microphone is cutting out somewhat.

9 THE COURT OFFICER: [via videolink] I'll keep an eye on the  
10 connection.

11 PRESIDING JUDGE SMITH: Thank you.

12 Go ahead, Mr. Prosecutor.

13 MR. CAPIN: Thank you, Mr. President.

14 Examination by Mr. Capin:

15 Q. Good morning, Mr. Dobruna.

16 A. Good morning.

17 Q. My name is John Capin. I represent the Prosecution. You will  
18 recall that you and I first met in Kosovo in November, approximately  
19 two months ago. Do you remember that?

20 A. Yes.

21 Q. Please tell the Court your name.

22 A. Sokol Dobruna.

23 Q. In what country do you reside?

24 A. In Kosovo.

25 Q. In what city were you born?

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1 A. In Gjakove.

2 Q. What is your date of birth?

3 A. 22 March 1940.

4 MR. CAPIN: Sorry, Your Honour. My translation cut out,  
5 Your Honour. My apologies.

6 PRESIDING JUDGE SMITH: Pardon me?

7 MR. CAPIN: I'll proceed. And if I -- I'm not hearing the  
8 translation. I may have inadvertently hit the channel button.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. CAPIN: You're not, Your Honour?

11 PRESIDING JUDGE SMITH: I'm not hearing the translation, either.

12 MR. CAPIN: Shall I proceed, Your Honour?

13 PRESIDING JUDGE SMITH: Translators, could you say something so  
14 we can see if we can hear you?

15 THE INTERPRETER: Yes, good morning. Can you hear me?

16 MR. CAPIN: Yes, thank you.

17 PRESIDING JUDGE SMITH: I'm not. I got nothing. Works better  
18 if I plug this in.

19 All right. Go ahead. Sorry.

20 MR. CAPIN: Thank you, Mr. President.

21 Q. I'm sorry. Would you repeat, please, your date of birth,  
22 Mr. Dobruna?

23 A. 22 March 1940.

24 Q. What is your profession, sir?

25 A. Lawyer.



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1 Q. Are you currently working as a lawyer?

2 A. Yes.

3 Q. Do you represent clients in court -- I'm sorry. Do you at  
4 present appear in court on behalf of clients?

5 A. Yes.

6 Q. Do you still handle trials in court on behalf of clients?

7 A. Yes.

8 Q. When is the last time you appeared in court on behalf of a  
9 client?

10 A. Yesterday.

11 Q. What was the nature of that proceeding?

12 A. A civil case.

13 Q. How long -- was it in the afternoon?

14 A. It was at 1.30 p.m.

15 Q. How long were you in court yesterday?

16 A. Very shortly.

17 Q. Approximately how long?

18 A. The hearing was adjourned because the complainant wasn't  
19 present.

20 Q. You have previously given a statement to the Prosecutor's Office  
21 in 2018.

22 MR. CAPIN: May I please ask the Court Officer to bring up  
23 054739-TR-AT Part 1 Revised and the corresponding English version.

24 Q. Can you please confirm now for the Court that this is -- that,  
25 in fact, you gave a statement to the SPO in 2018?

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Examination by Mr. Capin

1 A. I don't recall.

2 Q. Do you recall our meeting in November of 2024, approximately two  
3 months ago?

4 A. Yes.

5 Q. Do you recall having your entire 2018 statement read to you over  
6 the course of several days?

7 A. No.

8 Q. I want to take you -- do you recall meeting with me on Friday  
9 last, several days ago?

10 A. Yes.

11 Q. Do you recall that we met remotely, with you being in your  
12 office?

13 A. Yes.

14 Q. Was your attorney, Mr. Koci, present with you during that  
15 meeting?

16 A. I am not able to recall it.

17 Q. Do you recall telling me that you remembered meeting me in  
18 November 2024?

19 A. No, I don't recall it.

20 Q. Do you recall telling me that you remember having had your prior  
21 statements read to you during our meeting in November 2024?

22 A. I'm sorry, I don't understand the entirety of the question.

23 Q. Well, I'll break it down into smaller bits. When you and I met,  
24 do you remember discussing having your statement -- your prior SPO  
25 statement read to you in November, two months ago?

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Examination by Mr. Capin

1 A. I apologise. Would it be able for you to read such a statement  
2 in order for me to be able to remember it?

3 Q. I am asking you, sir -- I'll start from the beginning again. Do  
4 you remember meeting with me on Friday?

5 A. Yes.

6 Q. And do you remember that you told me that you remembered our  
7 first meeting?

8 A. I don't recall.

9 Q. Do you not recall, sir, volunteering to me that you found the  
10 review of your prior statements exhausting?

11 A. Most certainly, yes.

12 Q. Do you recall telling me that on Friday?

13 A. No.

14 MR. MISETIC: I apologise for rising, Mr. President. Could we  
15 just get a reference for that last portion in the note?

16 MR. CAPIN: Yes.

17 MR. MISETIC: The part about exhausting.

18 MR. CAPIN: It is paragraph -- my apologies, Your Honour. I'm  
19 having trouble finding the specific quote. It's in paragraph 5, and  
20 I'll rephrase the question.

21 Q. Do you remember, Mr. Dobruna, my telling you that the reason  
22 that Mr. Koci and I agreed to meet was in order to assist you to  
23 prepare for today's testimony?

24 A. Yes.

25 Q. And do you remember my reviewing with you your obligation to

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1 tell the truth?

2 A. Yes.

3 Q. And do you remember what you told me in response?

4 A. I don't recall.

5 Q. Do you remember telling --

6 A. I most probably said that it is self-evident that one must tell  
7 the truth in front of the Court.

8 Q. Do you remember me explaining to you that the purpose of the  
9 meeting was to review your prior statements?

10 A. Yes.

11 Q. And do you remember me telling you that Mr. Koci had hard copies  
12 of those statements and he could assist you in the review if  
13 necessary?

14 A. I have no answer.

15 Q. Do you remember me telling you specifically that Mr. Koci and I  
16 had agreed that the focus of the preparation session would be to  
17 refresh your memory about certain clarifications you made to your  
18 prior statements?

19 A. No.

20 Q. Do you remember specifically telling me, sir, that you  
21 remembered having your prior statements read to you and were  
22 concerned that all the corrections might not be accurate? And by  
23 that, I mean all the corrections you made.

24 A. I know there were corrections.

25 Q. Do you remember --

1 A. Quite a few. However, I do not remember what corrections  
2 specifically were made.

3 Q. Without remembering specifically the corrections made, do you  
4 remember me reading you a note summarising those corrections? And  
5 I'm referring to our meeting in November, two months ago.

6 A. No.

7 Q. I'm going to ask you a few questions about things that you told  
8 me in November which were read back to you as part of what we call  
9 Prep Note 1.

10 MR. CAPIN: And for the record, Mr. President, Prep Note 1 is  
11 ERN 123558 to 123568.

12 Q. Do you remember that a translator in Kosovo read to you, over  
13 the course of several days, all of your prior statements?

14 A. No.

15 MR. KOCI: [via videolink] [Interpretation] Your Honours, I  
16 apologise for the interruption. Can we go briefly into private  
17 session, please. Closed session.

18 PRESIDING JUDGE SMITH: Yes. Into private session, please.

19 [Private session]

20 [Private session text removed]

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Witness: Sokol Dobruna (Private Session)

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Examination by Mr. Capin

1 [Private session text removed]

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18 [Open session]

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

20 PRESIDING JUDGE SMITH: Mr. Dobruna, if you change your mind and  
21 decide that you cannot -- that you do not feel comfortable testifying  
22 in public session, please let us know or let your lawyer know.

23 Go ahead, Mr. Prosecutor.

24 MR. CAPIN: Thank you, Your Honour.

25 THE WITNESS: [via videolink] [Interpretation] I do not want to

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1 answer any question outside public session.

2 PRESIDING JUDGE SMITH: Thank you. We are respecting your  
3 wishes on that.

4 MR. CAPIN:

5 Q. Do you remember telling me, Mr. Dobruna, when we met in  
6 November, correcting a name of a US official identified in your prior  
7 statement and telling me that the correct name should be James Rubin?

8 A. I don't remember.

9 Q. Do you remember telling me specifically that you believe  
10 James Rubin was a US State Department official? Sorry, do you  
11 remember telling --

12 MR. CAPIN: I'll repeat the question, Your Honour.

13 Q. Do you remember telling me specifically that you believed  
14 Mr. Rubin was a US State Department official?

15 A. I do not see the significance of this question. It's not  
16 significant for me whether I said that or not, because that is not a  
17 fact that relates to my testimony.

18 PRESIDING JUDGE SMITH: Please do your best to just answer the  
19 question, Mr. Dobruna. It's important that we hear the answer.

20 MR. CAPIN:

21 Q. Shall I repeat the question, sir?

22 A. No.

23 Q. What is your answer?

24 A. Yes, I remember.

25 Q. And do you remember telling me, in reference to a statement in

1 your SPO interview, about walking all over Kosovo while you were  
2 stationed in Divjake, that there was one exception and that exception  
3 was a jeep ride you took with Rexhep Selimi?

4 A. No, I don't remember. Yes, yes. Just a moment. Yes.

5 Q. Do you remember me asking you questions about where you saw a  
6 dead Serbian prisoner at Klecke prison?

7 A. I have problems with my memory, for God's sake. I do not  
8 remember, but it's not important. It could be so. I'm not denying  
9 it.

10 Q. Well, specifically, do you remember clarifying your statement to  
11 tell me that the location where you saw that prisoner was in a cell  
12 inside the prison?

13 A. No.

14 Q. Do you remember correcting several words which you deemed to be  
15 incorrectly translated?

16 A. I do not know which words you are referring to.

17 Q. The word j-e-n-i, *jeni*, do you remember telling me that  
18 literally translates as "when were you first heard," and it was  
19 mistyped as k-e-n-i, which means something else?

20 A. No, no.

21 Q. Do you remember telling me that the word *busti* is mistyped and  
22 it appears as *b-y-s-t-a*, *bysta*, and it should be *busti*.

23 A. No, no.

24 Q. Do you remember discussing with me --

25 A. Tell him that I've forgotten everything. You know that I've



1 forgotten everything. Tell them.

2 MR. CAPIN: Your Honour, it may be appropriate to take an  
3 adjournment so Mr. Dobruna can consult with counsel.

4 PRESIDING JUDGE SMITH: We are going to take a ten-minute break.  
5 Madam Court Officer, you can escort the witness out of the room.

6 [The witness stands down via videolink]

7 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

8 --- Break taken at 9.41 a.m.

9 --- On resuming at 9.47 a.m.

10 PRESIDING JUDGE SMITH: Into private session, please.

11 [Private session]

12 [Private session text removed]

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Examination by Mr. Capin

1 [Private session text removed]

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15 [Open session]

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

17 PRESIDING JUDGE SMITH: You may proceed, Mr. Capin.

18 MR. CAPIN: Thank you, Your Honour.

19 Q. Mr. Dobruna, I would like to direct your attention to September  
20 1998. Were you a member of the KLA at that time?

21 A. September? From 16 September.

22 Q. When did you join the KLA approximately?

23 A. On 7 September 1998.

24 Q. And where were you initially based?

25 A. Could you please repeat it?

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1 Q. When you joined the KLA in September 1998, where were you based?

2 A. In Jabllanice.

3 Q. And what was your role at that point?

4 A. Initially, I was an ordinary soldier. And subsequently, I had  
5 the role of raising morale in war. I don't remember the title.

6 Q. Do you remember --

7 A. Person in charge of morale.

8 Q. Do you remember the name of your commander?

9 A. Ramush Haradinaj.

10 Q. While you were serving in Jabllanice, did you know somewhere --  
11 or were you aware of someone named Lahi Brahimaj?

12 A. Yes.

13 Q. What was his position?

14 A. I saw him as part of the lineup when they would lineup in the  
15 morning. That's when I got to see him for the first time.

16 Q. Did he occupy a position at the general headquarters as well at  
17 some point?

18 A. I don't remember discussing this with him or with Ramush.

19 Q. Do you remember knowing it?

20 A. I do not understand the question.

21 Q. Do you remember being aware that he was also a member of the  
22 general headquarters?

23 A. I don't remember.

24 MR. CAPIN: I'd like to -- permission to confront the witness or  
25 present the witness a prior statement, Your Honour, to refresh his

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1 memory?

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 Yes, go ahead.

4 MR. CAPIN: In light of the reading impediment, Your Honour,  
5 shall I simply provide the cite for the parties and read it to the  
6 witness?

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 I would put it on the screen as well, Mr. Capin.

9 MR. CAPIN: May we please have 054739-TR-ET Part 1, page 9,  
10 starting at line 24, with the Albanian version being at Part 1  
11 Revised, page 10, lines 6 through 19.

12 Q. Mr. Dobruna, I'm going to read you a portion of the statement  
13 you gave to the SPO in 2018. You were asked the question:

14 "May I ask you other than Ramush Haradinaj who else was in  
15 command?"

16 And your response was:

17 "In the Command there was assistant commander, like in  
18 administration. There was a member of the General Headquarters  
19 who... who acted in the operative zone, but who also contributed in  
20 the General Headquarter as a connection."

21 And you were asked that person's name, and you responded:

22 "Let me think of it once, because I have started to forget  
23 names. Lahi Brahimaj. He was the member... he was a member of the  
24 General Headquarters ..."

25 Does that refresh your recollection?

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1 A. No, I don't remember.

2 Q. Do you remember meeting in the fall of 1998 members of the  
3 general headquarters?

4 A. No, I don't remember.

5 Q. Do you remember testifying that you met with Hashim Thaci and  
6 Jakup Krasniqi?

7 A. I don't remember. With Jakup, we were friends and activists  
8 before the war, and that's why I met up with him without knowing what  
9 it was all about. I went there on the instructions of Adem Demaci,  
10 representative of human rights in Kosovo.

11 When I asked him whether he was the commander, because I thought  
12 he was the commander - Jakup, that is - he said that he was only the  
13 spokesperson. This is what we talked about.

14 Q. Are you saying you do not remember -- strike that.

15 MR. CAPIN: May we please have on the screen 054739-TR-ET  
16 Part 1, page 26, starting at line 20. And the Albanian version is at  
17 054739-TR-AT Part 1 Revised, page 26, starting at line 15. Sorry,  
18 Your Honour.

19 Q. Do you remember being asked, sir, this is on line 20 of the  
20 English:

21 "During your time while you were deployed in Dukagjini, did you  
22 have any meetings with ... the General Headquarters?"

23 And giving the following answer:

24 "Yes. I remember that it was Jakub Krasniqi, there was also  
25 this one... the Chief of the State... I can't remember, I forgot his

1 name ... I can not even remember now the name of the Chief of the  
2 State. I am not acting."

3 And then you were asked:

4 "The current Chief of the State?"

5 And you said:

6 "The actual one. That is my lacking. I am forgetting a lot."

7 And you are asked if you were referring to Hashim Thaci, to  
8 which you said:

9 "Hashim Thaci, I am sorry. Hashim Thaci and Jakub Krasniqi were  
10 there and we talked."

11 So, sir, did you, in fact, meet in the fall of 1998 with  
12 Jakup Krasniqi and Hashim Thaci?

13 A. I don't remember.

14 Q. Do you remember going to Divjake in December 1998 to assume a  
15 new position within the KLA?

16 A. Divjake? Yes.

17 Q. And did you go there because you were to become the head of  
18 judicial services?

19 A. Yes.

20 Q. And when in 1998 was that?

21 A. On 16 December 1998.

22 Q. And when you got to Divjake, how did you learn that you were  
23 going to become the head of judicial services? Who told you?

24 A. I do not recall how, but I do know that I was informed about my  
25 appointment as the chief of the judicial services there. I do not

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1 recall how. This was a long time ago.

2 Q. Do you remember that when you arrived in --

3 A. Please, you are asking me although it's established that my  
4 memory is very poor. I do not understand the approach taken by the  
5 Prosecutor. I am absolutely unable to remember everything.

6 Q. Do you --

7 A. I am not able -- in a state to remember things.

8 Q. When you arrived in Divjake in December 1998, did Jakup Krasniqi  
9 inform you of the job you were to perform?

10 MS. V. ALAGENDRA: Your Honour, I object. It's a leading  
11 question.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MS. V. ALAGENDRA: Your Honour, we were told this morning that  
14 one of the recommendations is no leading questions, and the  
15 Prosecutor is doing exactly that to elicit a name.

16 PRESIDING JUDGE SMITH: I'm overruling your objection at this  
17 point.

18 [Microphone not activated] ... you're going to have to confine  
19 yourself to non-leading questions.

20 MR. CAPIN: I understand, Your Honour.

21 Q. Mr. Dobruna, a moment ago you mentioned discussing with Jakup  
22 your new role in Divjake. Do you remember whether when you arrived  
23 in Divjake it was Jakup Krasniqi who informed you that you would  
24 become head of judicial services?

25 MS. V. ALAGENDRA: Your Honours, can I have a reference for



1 where he said he discussed his role with Jakup Krasniqi in his  
2 evidence?

3 MR. CAPIN: I'm sorry. I believe a moment ago he said on line  
4 of the provisional transcript ...

5 PRESIDING JUDGE SMITH: He did not use the name, I don't  
6 believe.

7 MR. CAPIN: I believe he said, Your Honour:

8 "When I asked him whether he was a commander, because I thought  
9 he was" -- I'm sorry.

10 In response to the question:

11 "Do you remember testifying that you met with Hashim Thaci and  
12 Jakup Krasniqi?"

13 Your Honour, the answer at lines 4 through 6 of 21 is:

14 "I don't remember. With Jakup, we were friends and activists  
15 before the war, and that's why I met up with him without knowing what  
16 it was all about. I went there on the instructions of Adem Demaci,  
17 representative of human rights in Kosovo.

18 "When I asked him whether he was the commander, because I  
19 thought he was the commander - Jakup, that is - he said that he was  
20 only the spokesperson. That is what we talked about."

21 So I do stand corrected, Your Honour.

22 Q. Were you aware, sir, of any order by the General Staff  
23 appointing you to be head of judicial services?

24 A. Most probably since that was communicated to me. Although, I do  
25 not know the procedure. I know this was a request from Adem Demaci.

1           PRESIDING JUDGE SMITH: We're going to take another break now.

2           THE WITNESS: [via videolink] [Interpretation] The instruction  
3 was his.

4           PRESIDING JUDGE SMITH: I'm sorry. I thought you had finished  
5 your answer, but it's all on record.

6           We'll take a ten-minute break now. Please, you may leave the  
7 room with the Court Officer.

8                                 [The witness stands down via videolink]

9           PRESIDING JUDGE SMITH: Go ahead.

10          MR. MISETIC: Mr. President, I just wanted to inquire. The time  
11 estimates are now going to shift, I assume, and I don't know if the  
12 Prosecutor has any idea of how long he intends to take.

13          MR. CAPIN: Your Honour, I think we need to take this on a  
14 question-by-question and topic-by-topic basis. I think the Court  
15 needs to hear what his long-term memory is like. Clearly, this is  
16 more than the one hour we predicted. I propose that we see how far  
17 we get today and then revisit the question.

18          PRESIDING JUDGE SMITH: All right. We'll take this break now  
19 and we'll come back and we'll discuss it.

20          We're adjourned for ten minutes.

21                                 --- Break taken at 10.11 a.m.

22                                 --- On resuming at 10.26 a.m.

23          PRESIDING JUDGE SMITH: I understand that somebody wants to make  
24 a report of the -- of some interparty discussion.

25          MR. MISETIC: Yes, Mr. President. We've had *inter partes*

1 discussions during the short break about potentially the SPO using  
2 155 to admit certain statements into evidence, and the Defence not  
3 objecting to that, we'd provide certain qualifications to that.  
4 However, we're discussing which statements would come in, and we need  
5 about a half an hour from the Defence side to go over it, and then  
6 hopefully we can report back positively to you by 11.00.

7 PRESIDING JUDGE SMITH: Okay. No problem as far as we're  
8 concerned.

9 Mr. Koci, you understand the discussion?

10 MR. KOCI: [via videolink] [Interpretation] Yes.

11 PRESIDING JUDGE SMITH: So you can just sit tight. We'll see  
12 what we can do in a half hour. We'll be back at that time.

13 So we're adjourned for a half hour.

14 --- Break taken at 10.28 a.m.

15 --- On resuming at 11.05 a.m.

16 PRESIDING JUDGE SMITH: What's the report back?

17 MR. CAPIN: [Microphone not activated].

18 The report, Your Honour, is that the SPO at this time would  
19 tender, pursuant to Rule 155(1), prior statements of this witness,  
20 which we understand, based on *inter partes* communications, will yield  
21 no objection. I would submit that in light of what has transpired  
22 today, the elements of 155(1) have been satisfied.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 Are you going to outline the various documents that are being --

25 MR. CAPIN: I am, Your Honour.

1           PRESIDING JUDGE SMITH: Are you submitting the entire document?

2           MR. CAPIN: We are -- the entire document, and the parties have  
3 agreed to what the universe looks like, and it's more expansive than  
4 the 154 submissions, but I am prepared to describe each of the  
5 documents.

6           PRESIDING JUDGE SMITH: Are you going to do that in writing or  
7 you want to do it orally now?

8           MR. CAPIN: I can do it at the Court's pleasure. I can do it in  
9 writing or --

10          PRESIDING JUDGE SMITH: I'm asking you what you prefer.

11          MR. CAPIN: I prefer to do it orally now, Your Honour.

12          PRESIDING JUDGE SMITH: All right.

13          Any objection?

14          MR. MISETIC: No objection, Your Honour. The Prosecutor has  
15 correctly laid out what we discussed. Obviously, the Defence  
16 reserves its position on the weight to be attributed to the  
17 statements which we'll make in final submissions. But other than  
18 that, we have no objection.

19          PRESIDING JUDGE SMITH: Go ahead.

20          MR. CAPIN: Your Honour, the SPO tenders 054739-TR-ET Redacted  
21 Parts 1 through 9, and the corresponding Albanian versions which are  
22 also revised and redacted Parts 1 through 9.

23          The second document, Your Honour, is the SITF00010487 to  
24 SITF00010508 Redacted.

25          The exhibits associated with those statements, Your Honour, are

1 the following: ERN 056333 -- I'm sorry. Within the range of 056312  
2 to 056340.

3 The next one is a single page, 056335 -- well, Your Honour, I  
4 think I should -- we're tendering the entire range, 056312 to 056340.

5 Your Honour, we're also tendering, pursuant to agreement, 054664  
6 to 054703 Redacted. The same ERN applies to the Albanian version,  
7 Your Honour. And 054704 to 054734, again with the same ERN applying  
8 to the Albanian.

9 And that's the sum of it, Your Honour.

10 PRESIDING JUDGE SMITH: So these are being tendered under  
11 155(1)?

12 MR. CAPIN: They are. Your Honour, I omitted Prep Note 1 which  
13 is also part of the agreed upon tender. And the ERN is 123558 to  
14 123568.

15 PRESIDING JUDGE SMITH: Any objection then?

16 MR. ROBERTS: We're just trying to track it, Your Honour. But  
17 we believe there was agreement to the 2013 testimony as well. I  
18 believe that's been omitted. And there also seems to be just  
19 something we're checking about the scope of an associated exhibit,  
20 where it appears that only one page was tendered originally in the  
21 154 and now it appears the full range has been tendered. So we're  
22 just verifying that, but I believe that that's something that we need  
23 to object to.

24 PRESIDING JUDGE SMITH: So it appears there is not an agreement  
25 on some of it.

1 MR. CAPIN: I think, Your Honour, if I may cut to it, it may  
2 have been a misunderstanding. I think if -- I think the parties will  
3 agree that we're tendering what's set out in footnote 53 of F02720,  
4 which I can read into the record if necessary.

5 As to the 2013 statement, I thought that I covered both ERNs but  
6 I may be mistaken.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MR. MISETIC: Just so we're clear, so the Panel is aware, what  
9 we discussed, and I think there's no disagreement here, is that the  
10 154 packet comes in under 155 and the 2013 testimony, but we just  
11 have to get the ERNs correct.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MR. MISETIC: Yeah. And Prep Note 1, yes, of the 20 --

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 MR. MISETIC: Sorry, of the Rule 154 packet.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MR. MISETIC: Yes, is also coming in.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. ROBERTS: I can read for the record, and just to be sure,  
20 the 2013 testimony, I have it as the ERN 054664 to 054703, and the  
21 second page of that testimony is 054704 until 054734. So --

22 MR. CAPIN: On that we're in agreement, Your Honour.

23 PRESIDING JUDGE SMITH: All right.

24 MR. ROBERTS: Thank you.

25 MR. MISETIC: If I could just assist the Prosecutor. The issue

1 with the full ranges that you cited is that, according to your chart  
2 that you submitted with the 154, much of that has already been  
3 admitted into evidence.

4 MR. CAPIN: I think that is correct.

5 MR. MISETIC: Yeah.

6 MR. CAPIN: So maybe I should go through the individual pages to  
7 clarify the record, Your Honour.

8 PRESIDING JUDGE SMITH: All right.

9 MR. CAPIN: Okay. So with regard to the associated exhibits, I  
10 will --

11 PRESIDING JUDGE SMITH: And speak slowly.

12 MR. CAPIN: Thank you, Your Honour. There are six of them.

13 The first is within the range 056312 to 056340, and it is only  
14 page 056333.

15 The second is within the same range and it is only page 056335,  
16 and the corresponding English translation which is 056335 to  
17 056335-ET.

18 The third document, Your Honour, is 056341 to 056341.

19 The fourth is page SITF00010511 from the range SITF00010509 to  
20 SITF00010563.

21 The fifth document, Your Honour, is from the same range. It is  
22 pages SITF00010512 to SITF00010532.

23 And the final document, Your Honour, is from the same range,  
24 SITF00010533 to SITF00010555.

25 PRESIDING JUDGE SMITH: Any issue with those?

1 MR. ROBERTS: Not now, Your Honour. Thank you very much.

2 MR. MISETIC: Yes, we have no objection.

3 MR. DIXON: Your Honour, likewise, no objection. Just to  
4 underscore the context, though, because of the very particular  
5 circumstances of this witness, that's why no objection has been made,  
6 given that this does concern acts and conduct of the accused, but, of  
7 course, there are opportunities to make submissions on that and the  
8 lack of cross-examination thereafter. Thank you, Your Honours.

9 PRESIDING JUDGE SMITH: Thank you for your clarification.

10 Mr. Ellis, anything -- or, I'm sorry, Ms. --

11 MS. V. ALAGENDRA: No objections, Your Honour, and I adopt the  
12 submissions of Mr. Dixon.

13 PRESIDING JUDGE SMITH: All right. The documents, as  
14 enumerated, are admitted under 155(1) of the Rules of Procedure. And  
15 specifically I want to just state that that does include Prep Note 1,  
16 which was previously identified.

17 Anything further at this time with this?

18 MR. CAPIN: No, Your Honour.

19 JUDGE BARTHE: Just to clarify the issue. Mr. Capin, you  
20 mentioned Rule 155(1). Could you specify on which alternative of  
21 that rule the agreement is based?

22 MR. CAPIN: If I may have a moment, Your Honour, to pull the  
23 rule.

24 JUDGE BARTHE: Maybe we should go into private session for that.

25 MR. CAPIN: I think it may be appropriate, Your Honour.



1 JUDGE BARTHE: If you think it's necessary.

2 MR. CAPIN: Unless -- yes.

3 PRESIDING JUDGE SMITH: All right. We'll go into private  
4 session then, briefly.

5 MR. CAPIN: So, Your Honour --

6 [Private session]

7 [Private session text removed]

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24 [Open session]

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

Witness: Sokol Dobruna (Open Session)  
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1           PRESIDING JUDGE SMITH: All right.

2           MR. KOCI: [via videolink] [Interpretation] Thank you.

3                                 [The witness takes the stand via videolink]

4           PRESIDING JUDGE SMITH: Witness, we are now in public session.

5           Your testimony will no longer be necessary as the parties have agreed  
6           that your prior statements were complete and can be submitted in lieu  
7           of your testimony. We say that only because you were having  
8           difficulty with remembering some of the matters. So that will be the  
9           ruling of the Court.

10           Your time here is completed. We thank you for being available  
11           for us, and we wish you well.

12           THE WITNESS: [via videolink] [Interpretation] Thank you. Please  
13           allow me to say that I do not accept such a thing from the  
14           Prosecution.

15           PRESIDING JUDGE SMITH: Thank you very much.

16           Madam Court Officer, you may --

17           THE WITNESS: [via videolink] [Interpretation] Thank you.

18           PRESIDING JUDGE SMITH: -- escort the witness out of the room.

19                                 [The witness withdrew via videolink]

20                                 [Trial Panel and Court Officer confers]

21           PRESIDING JUDGE SMITH: [Microphone not activated].

22           Before we leave, we'll have the Court Officer assign the exhibit  
23           numbers to the documents.

24           MR. CAPIN: Thank you, Your Honour.

25           THE COURT OFFICER: Thank you, Your Honour.

1           Witness statement with the ERN 054739, Parts 1 to 9, English and  
2 Albanian, will receive the following exhibit number. Part 1 will  
3 receive Exhibit P01955.1; Part 2 will be assigned P01955.2; Part 3,  
4 P01955.3; Part 4, P01955.4; Part 5 will be assigned P01955.5; Part 6,  
5 P01955.6; Part 7, P01955.7; Part 8 will be receive number P01955.8;  
6 and Part 9 will receive Exhibit P01955.9.

7           The next statement with the ERN SITF00010487 to SITF00010508 RED  
8 will receive Exhibit P01956.

9           Preparation note with ERN 123558 to 123568 will receive  
10 Exhibit P01957.

11           If I may have a clarification from the Prosecutor regarding two  
12 pages that are extracts of one document, whether they should receive  
13 separate exhibit numbers or one exhibit number? Those are the pages  
14 056333 and 056335.

15           MR. CAPIN: [Microphone not activated]. I would request to be  
16 separate, please.

17           THE COURT OFFICER: In that case, page 056333 will receive  
18 Exhibit P01958. And the page 056335 will receive Exhibit P01959.

19           The next associated exhibit is ERN 056341 to 056341. That  
20 document will receive Exhibit P01960.

21           Also if Prosecutor could please clarify with regards to three  
22 different extracts from the ERN SITF00010509 to SITF00010563 whether  
23 they should receive three separate exhibit numbers.

24           MR. CAPIN: I would request that SITF00010511 receive a separate  
25 number, and that the other two to which you allude receive the same

1 number. And I can read them into the record if you like.

2 THE COURT OFFICER: Yes, thank you.

3 MR. CAPIN: The first is SITF00010512 to SITF00010532. And the  
4 second which should be part of the same exhibit is SITF00010533 to  
5 SITF00010555.

6 THE COURT OFFICER: Thank you. So the first page, SITF00010511,  
7 will receive Exhibit P01961. And the second range with SITF00010512  
8 to SITF00010555 will receive Exhibit P01962.

9 And if I understood correctly, there were two more documents  
10 that were mentioned with the ERN 054664 to 054703, and 054704 to  
11 054734.

12 MR. CAPIN: I would propose they have the same exhibit number.

13 THE COURT OFFICER: They are two different --

14 MR. CAPIN: They are part of two days of a hearing. Maybe I  
15 misunderstood the question. You correctly cited the ERNs.

16 THE COURT OFFICER: Yes, but they are two different --

17 MR. CAPIN: Yes.

18 THE COURT OFFICER: -- documents, that's what I mean. So we  
19 would normally assign them --

20 PRESIDING JUDGE SMITH: They should have separate numbers.

21 THE COURT OFFICER: -- separate numbers, yes.

22 MR. CAPIN: Thank you, Your Honour.

23 THE COURT OFFICER: Thank you. The first one, 054664 to 054703,  
24 will receive Exhibit P01963. And the second one, 054704 to 054734,  
25 will receive Exhibit P01964.

1 And just to mention that all the documents are confidential.

2 Thank you.

3 PRESIDING JUDGE SMITH: Thank you very much.

4 Mr. Koci, thank you very much for being with us. We appreciate  
5 your assistance.

6 MR. KOCI: [via videolink] [Interpretation] Thank you.

7 PRESIDING JUDGE SMITH: Thank you again.

8 Anything further to come before the Court?

9 MR. CAPIN: No, Your Honour.

10 MR. MISETIC: Mr. President, I'm just checking to see if those  
11 admitted statements need to be confidential or not. If we could  
12 just --

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 We'll take a short break before we start with the next  
15 witness --

16 MR. MISETIC: Okay.

17 PRESIDING JUDGE SMITH: And you can take a look during that time  
18 period and let us know.

19 MR. MISETIC: Okay. And the other request, Mr. President, is my  
20 client is requesting that in light of the fact that the next witness  
21 will testify by videolink, if we can't do it now, then at the lunch  
22 break, if he could be allowed to watch the proceedings from the  
23 detention unit.

24 PRESIDING JUDGE SMITH: As long as that can be arranged.

25 MR. MISETIC: Okay.

1           PRESIDING JUDGE SMITH: I have no control over what the  
2 transfer --

3           MR. MISETIC: I'll check with the --

4           PRESIDING JUDGE SMITH: -- transport people do.

5           MR. MISETIC: -- Court Officer. Yeah, thank you.

6           MS. V. ALAGENDRA: Your Honours, I make the same request.

7           PRESIDING JUDGE SMITH: The same would go for all of you.

8           All right. We're adjourned for 15 minutes. We'll come back at  
9 a quarter to 12.00, we'll go until 1.00, and then we'll break for  
10 lunch at that time.

11                               --- Recess taken at 11.30 a.m.

12                               --- On resuming at 11.59 a.m.

13           PRESIDING JUDGE SMITH: We will now start hearing the evidence  
14 of Prosecution Witness 4500.

15           Mr. Court Officer, please bring the witness into the hearing  
16 room.

17           MR. MISETIC: Mr. President, if I may just inform the Panel that  
18 Ms. Limani will be cross-examining on behalf of the Thaci Defence.

19           PRESIDING JUDGE SMITH: Thank you.

20                               [The witness entered court via videolink]

21           PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear all  
22 right?

23           THE WITNESS: [via videolink] [Interpretation] Good morning.

24           Yes, I can.

25           PRESIDING JUDGE SMITH: Witness, the Court Usher will now



Witness: W04500 (Open Session)  
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1 provide you with the text of the solemn declaration which you are  
2 asked to take pursuant to Rule 141(2) of our Rules of Procedure.  
3 Please read the document to yourself and then speak it aloud.

4 THE COURT OFFICER: [via videolink] Your Honour, if --

5 THE WITNESS: [via videolink] [Interpretation] If you please  
6 allow me to get my spectacles and I will start reading the oath  
7 immediately.

8 Can I start?

9 PRESIDING JUDGE SMITH: Yes, we're ready for you. Go ahead.

10 THE WITNESS: [via videolink] [Interpretation] Conscious of the  
11 significance of my testimony and my legal responsibility, I solemnly  
12 declare that I will tell the truth, the whole truth, and nothing but  
13 the truth, and that I shall not withhold anything which has come to  
14 my knowledge. I swear.

15 WITNESS: W04500

16 [The witness answered through interpreter]

17 [The witness appeared via videolink]

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 Thank you, Witness. You can be seated.

20 MR. MICHALCZUK: Your Honour, just a question to our CMU  
21 colleagues. We have protective measures for this witness, and does  
22 it mean that they are in place, are being implemented, for his face  
23 distortion, voice distortion?

24 THE COURT OFFICER: Yes, yes [Overlapping speakers] ...

25 MR. MICHALCZUK: Thank you very much. Just to make sure,

1 Your Honours.

2 PRESIDING JUDGE SMITH: Are we to be in public session?

3 MR. MICHALCZUK: Right now we could remain in public session.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 Witness, today we will start your testimony which is expected to  
6 last approximately two sessions. As you may know, the Prosecution  
7 will ask you questions first and then counsel for victims. Once they  
8 are finished, the Defence has the right to ask questions of you, and  
9 members of the Panel might also ask questions of you.

10 The Prosecution estimate for your examination is 40 minutes.  
11 Victims' Counsel will take approximately 15 minutes for questions.  
12 The Defence estimates that it will need less than two hours. As  
13 regards each estimate, we hope that counsel will be judicious in the  
14 use of their time. The Panel may allow redirect examination if  
15 conditions for it are met.

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

21 In the event you are asked by the SPO to attest to some  
22 corrections made regarding your statements, you are reminded to  
23 confirm on the record that the written statements, as corrected by  
24 the list of corrections, accurately reflects your declaration.

25 Please also speak into the microphone and wait five seconds

1 before answering a question, and then speak at a slow pace for the  
2 interpreters to catch up.

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

7 Please stop talking if I ask you to do so and also stop talking  
8 if you see me raise my hand. These indications mean that I need to  
9 give you an instruction.

10 If you feel the need to take a break, please make an indication  
11 and we will accommodate you.

12 We begin first with the questions from the Prosecution. Please  
13 give them your attention.

14 Mr. Michalczuk, you may begin.

15 MR. MICHALCZUK: Thank you, Your Honour.

16 Examination by Mr. Michalczuk:

17 Q. Good morning, Witness. We have met before but let me introduce  
18 myself again. My name is Cezary Michalczuk, and I will be asking you  
19 questions today on behalf of the Prosecution.

20 A. Yes.

21 Q. Before we start, we need to establish your identity first. But  
22 for this, we would like to go into private session.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 Into private session, please.

25 [Private session]

Witness: W04500 (Private Session)

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Examination by Mr. Michalczuk

1 [Private session text removed]

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18 [Open session]

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

20 PRESIDING JUDGE SMITH: Go ahead.

21 MR. MICHALCZUK:

22 Q. Witness, as explained during the meeting that we had some time  
23 ago, rather than asking you questions about every relevant issue you  
24 may have information about, it may be possible to admit your prior  
25 statement containing such information into evidence. There are a

1 number of procedural steps to follow, and I would like to go there  
2 now.

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

4 A. [Microphone not activated].

5 Q. I cannot hear the answer.

6 A. Yes, I was interviewed by the Prosecution.

7 MR. MICHALCZUK: Madam Court Officer, can we pull up the  
8 following documents, one next to the other. The English version  
9 would be at 069880-TR-ET Part 1 RED2, page 1. And the second  
10 document to be put on the screen is its Albanian translation,  
11 069880-TR-AT Part 1 RED2, also page 1.

12 Q. Witness, can you see documents before you on the screen?

13 A. Yes.

14 Q. Looking at the documents, do you recognise them as your SPO  
15 interview?

16 A. Yes, yes.

17 Q. As part of your preparation for testimony today, did you have  
18 the opportunity to review the contents of this statement?

19 A. No.

20 Q. Do you remember having a meeting with me some time ago during  
21 which you were commenting on your statement --

22 A. Yes, yes.

23 Q. -- and you were giving your clarifications and corrections? Do  
24 you remember that?

25 A. Yes, yes.

Witness: W04500 (Open Session)

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Examination by Mr. Michalczuk

1 Q. So my question --

2 PRESIDING JUDGE SMITH: Mr. Michalczuk.

3 MR. MICHALCZUK: Yes.

4 PRESIDING JUDGE SMITH: Witness, please wait till the lawyer  
5 finishes asking his question before you answer. It's easier for the  
6 translators. That way you're not talking over each other. Do you  
7 understand that?

8 THE WITNESS: [via videolink] [Interpretation] Understood. It's  
9 clear.

10 PRESIDING JUDGE SMITH: It's very important to wait for a moment  
11 after the question and then answer so that the translators can keep  
12 up.

13 MR. MICHALCZUK: I will also try to slow down, Your Honour.

14 THE WITNESS: [via videolink] [Interpretation] I understand.

15 MR. MICHALCZUK:

16 Q. Mr. Witness, my question stands. Did you have the opportunity  
17 to review the contents of this statement?

18 A. Yes.

19 Q. During that preparation session during which you were reviewing  
20 your statement, did you have the opportunity to make corrections and  
21 clarifications to this statement?

22 A. Yes.

23 Q. Were these clarifications and changes reflected in a note that  
24 was then read back to you?

25 A. Yes.

Witness: W04500 (Open Session)

Page 23737

Examination by Mr. Michalczuk

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

3 A. Yes.

4 Q. Subject to the changes provided in that note, does your  
5 statement accurately reflect what you said and what you would say if  
6 asked again in court today?

7 A. Yes.

8 MR. MICHALCZUK: Your Honour, having fulfilled the Rule 154  
9 criteria, and in accordance with your decision F02816 of 6 January  
10 2025, paragraphs 14 and 24(b), the SPO hereby tenders, in English and  
11 Albanian, the following documents: English 069880-TR-ET Parts 1 to 4  
12 RED2, and Part 5 is RED3. And the same for the Albanian version of  
13 this statement, 069880-TR-AT Parts 1 to 4 RED2, and Part 5 RED3.

14 And also I tender an associate exhibit identified at paragraph  
15 13 of Your Honours' decision F02816 at the following ERN number  
16 069878-069879, along with Preparation Note 1. ERN number of the note  
17 is 124227-124233, and the note is dated 17 December 2024.

18 PRESIDING JUDGE SMITH: Any objection?

19 MS. LIMANI: No objection, Your Honour.

20 MS. ROWAN: Your Honour, we would just note for the record the  
21 objections filed in our separate motion in relation to the exclusion.  
22 Thank you.

23 PRESIDING JUDGE SMITH: Thank you.

24 MR. ROBERTS: Nothing from me. Thank you.

25 MR. BAIESU: No objection.

Witness: W04500 (Open Session)

Page 23738

Examination by Mr. Michalczuk

1           PRESIDING JUDGE SMITH: 069880-TR-ET Part 1 to 4 of RED2 and  
2 Part 5 of RED3, plus the Albanian translation, is admitted.

3           THE COURT OFFICER: Thank you, Your Honour. Part 1 of ERN  
4 069880 will receive Exhibit P01965.1; Part 2 will receive  
5 Exhibit P01965.2; Part 3, P01965.3; Part 4, P01965.4; and finally,  
6 Part 5, P01965.5.

7           PRESIDING JUDGE SMITH: The associated exhibit 069878 to 069879  
8 is admitted.

9           THE COURT OFFICER: The associated exhibit will receive  
10 Exhibit P01966.

11          PRESIDING JUDGE SMITH: And finally, Prep Note 1, which is  
12 124227 to 124233, is admitted.

13          THE COURT OFFICER: Prep note will receive Exhibit P01967.

14          And just to mention on the record that all the documents are  
15 marked as confidential. Thank you.

16          MR. MICHALCZUK: Indeed, confidential.

17          PRESIDING JUDGE SMITH: Do you intend to have them remain  
18 confidential?

19          MR. MICHALCZUK: I intend them to remain confidential for the  
20 protection of the identity of this witness.

21          PRESIDING JUDGE SMITH: Go ahead, then.

22          MR. MICHALCZUK: We sent to Your Honours, the parties and  
23 participants the summary of this witness's evidence, and I would like  
24 to read it out for the record. There were no objections.

25          PRESIDING JUDGE SMITH: Go ahead.



Witness: W04500 (Open Session)  
Questioned by Victims' Counsel

Page 23739

1 MR. MICHALCZUK: In 1999, Witness W04500 was arrested by armed  
2 KLA members and taken to a detention site where he was interrogated  
3 and beaten. He was detained with several other detainees and was  
4 moved with some of them to a second detention site.

5 W04500 was released after spending around one month in  
6 detention.

7 That concludes my summary. And, Your Honours, I do not have any  
8 questions for this witness. Thank you.

9 PRESIDING JUDGE SMITH: Thank you.

10 [Microphone not activated].

11 Oh, I'm sorry. Victims' Counsel.

12 MS. RADZIEJOWSKA: Its me, I believe. Thank you.

13 PRESIDING JUDGE SMITH: I even wrote it down this time and I  
14 still missed it.

15 MS. RADZIEJOWSKA: Just a minute, sorry.

16 Questioned by Victims' Counsel:

17 Q. Good afternoon, sir. My name is Maria Radziejowska. We have  
18 met before. I am representing victims in this case. I would like to  
19 ask you just a couple of questions about -- that will help the Judges  
20 understand better how your detention in 1999 has affected your  
21 psychological well-being. All right?

22 A. Yes.

23 MS. RADZIEJOWSKA: And, Your Honours, I would like to move into  
24 private session.

25 PRESIDING JUDGE SMITH: Into private session, please,

Witness: W04500 (Private Session)

Page 23740

Questioned by Victims' Counsel

1 Madam Court Officer.

2 [Private session]

3 [Private session text removed]

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Witness: W04500 (Private Session)  
Questioned by Victims' Counsel

Page 23741

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Witness: W04500 (Private Session)  
Questioned by Victims' Counsel

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Witness: W04500 (Private Session)

Page 23743

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23744

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23745

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23746

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23747

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23748

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23749

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23750

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23751

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23752

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23753

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23754

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23755

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23756

Cross-examination by Ms. Limani

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10 [Open session]

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

12 PRESIDING JUDGE SMITH: We're adjourned until 2.30.

13 --- Luncheon recess taken at 1.02 p.m.

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

15 PRESIDING JUDGE SMITH: Who is dealing with the issue of the  
16 classification?

17 MR. MISETIC: Yes, Mr. President. Just to follow up on the --  
18 where we left things off at the end of W04264's evidence. We -- on  
19 behalf of the Thaci Defence, we see no reason why his statements that  
20 have now been admitted under 155 should remain confidential and think  
21 they should be public. However, if the Prosecution believes there's  
22 something in the materials that needs to be confidential, we submit  
23 that public redacted versions of those statements should be prepared  
24 by the Prosecution and then made exhibits for the publicity of the  
25 proceedings. Thank you.

Witness: W04500 (Private Session)  
Procedural Matters

Page 23758

1 PRESIDING JUDGE SMITH: Do you wish to respond?

2 MR. MICHALCZUK: Yes. Your Honours, the SPO will revise the  
3 material and then we will come back to you in due course on this  
4 issue.

5 PRESIDING JUDGE SMITH: I don't like "due course." When would  
6 you come back?

7 MR. MICHALCZUK: Not in due course. Very, very soon. We simply  
8 need time to revise all the material in the --

9 PRESIDING JUDGE SMITH: Monday?

10 MR. MICHALCZUK: Could be, yes.

11 PRESIDING JUDGE SMITH: Okay. Monday. Thank you.  
12 Please bring the witness in, Mr. Usher.

13 [The witness takes the stand via videolink]

14 PRESIDING JUDGE SMITH: You may be seated, Witness.

15 Witness, we will continue with the questions from Defence  
16 counsel, beginning with Ms. Limani.

17 Go ahead, Ms. Limani.

18 MS. LIMANI: Thank you, Your Honour.

19 Madam Court Officer, could we please have on the screen  
20 DHT04923-DHT04923 in both languages.

21 MR. MICHALCZUK: Your Honours, we're in public. Shall we remain  
22 in public?

23 MS. LIMANI: No, let's go to private session.

24 PRESIDING JUDGE SMITH: Into private session, please.

25 [Private session]

Witness: W04500 (Private Session)

Page 23759

Cross-examination by Ms. Limani

1 [Private session text removed]

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Witness: W04500 (Private Session)

Page 23760

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23761

Cross-examination by Ms. Limani

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Witness: W04500 (Private Session)

Page 23762

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23763

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23764

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23766

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23767

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23768

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23769

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23770

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23771

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23772

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23773

Cross-examination by Ms. Rowan

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19 [Open session]

20 PRESIDING JUDGE SMITH: We're adjourned for five minutes.

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

22 --- Break taken at 3.06 p.m.

23 --- On resuming at 3.15 p.m.

24 MS. ROWAN: Your Honour, I'm very grateful for the time.

25 PRESIDING JUDGE SMITH: Just a moment. [Microphone not

1 activated].

2 MS. ROWAN: Simply stating we were grateful for the time. Thank  
3 you to the Panel. And we've managed to resolve the issue, so we're  
4 now able to access the documents that were, we apologise, late served  
5 on the queue.

6 PRESIDING JUDGE SMITH: Please bring the witness in.

7 MR. MICHALCZUK: Your Honours, we're in public session. Shall  
8 we remain in public session?

9 MS. ROWAN: Yes, please.

10 PRESIDING JUDGE SMITH: Yes. For the time being, anyway.

11 [The witness takes the stand via videolink]

12 PRESIDING JUDGE SMITH: All right. Witness, we are ready to  
13 continue.

14 Ms. Rowan, go ahead.

15 MS. ROWAN:

16 Q. Witness, apologies for that short delay. We were having some  
17 technical difficulties on our side.

18 MS. ROWAN: Could I ask Madam Court Officer please to bring us  
19 up DKV1618.

20 Q. Now, unfortunately, Witness, as this is being brought up, I'll  
21 just explain to you that this is only available in English, but I'll  
22 read it to you. And you'll see that we have here a statement of a  
23 witness, so a witness statement, taken from [REDACTED] Pursuant to In-  
Court Redaction Order No. F2832RED. and we  
24 have his [REDACTED] Pursuant to In-Court Redaction Order No.  
F2832RED.

25 [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED. And  
you can see the date upon which

1 this statement was taken. And it's a short statement that he has  
2 given, but I will read it to you. It reads:

3 "My name is [REDACTED] Pursuant to In-Court Redaction Order No.  
4 F2832RED.

5 [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED.

6 [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED.

7 [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED.

8 MR. MICHALCZUK: Could we move into private session for the sake  
9 of -- for the sake of protecting the identity of the witness, because  
10 the document mentions another person that could be linked easily to  
11 the witness. Thank you.

12 MS. ROWAN: Your Honour, if I could be heard in relation to this  
13 out of earshot of the witness, please.

14 PRESIDING JUDGE SMITH: No, we're just going to go into private  
15 session.

16 MS. ROWAN: Your Honour, the objection is to going into private  
17 session. There is nothing identifiable in this statement that links  
18 back to this witness. And if that is the case, private session is  
19 not justified.

20 PRESIDING JUDGE SMITH: We're going into private session.

21 [Private session]

22 [Private session text removed]

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Witness: W04500 (Private Session)

Page 23777

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23778

Cross-examination by Ms. Rowan

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11 [Open session]

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

13 PRESIDING JUDGE SMITH: Go ahead, please.

14 MS. ROWAN:

15 Q. All right, Witness. I'd like to just now turn to the day of  
16 that kidnap, please. You recall events of that day?

17 A. Yes.

18 Q. Now, it's right that you told the Prosecutors that this occurred  
19 in [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED.; is  
that right?

20 A. Yes.

21 Q. Do you remember approximately what time?

22 A. It was [REDACTED] Pursuant to In-Court Redaction Order No.  
F2832RED. I cannot

23 give you an approximate hour because I'm not sure.

24 Q. And it's right that you say this incident occurred on [REDACTED]  
Pursuant to In-Court Redaction Order No. F2832RED.

25 [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED.; is  
that correct?

Witness: W04500 (Open Session)

Page 23780

Cross-examination by Ms. Rowan

1 A. Yes, correct.

2 Q. And in [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED., it would

3 be quite busy with other cars; is that right? It's [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED.

4 [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED.

5 A. On that incident, there was no car at the time when I was

6 [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED. And the location where they could do the [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED. the

7 easiest way was selected by them.

8 Q. So you were the only car travelling [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED.

9 [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED. Is that how we understand your evidence?

10 A. To what I remember, there was only our car. I'm not saying I'm  
11 sure that that was the only car on the road, because I wasn't  
12 observing the traffic, but the road seemed empty. And there was no  
13 electricity because after the war there was reduction of electricity  
14 in Kosovo. I remember that there was no electricity.

15 Q. And it's right that you were with another person in that vehicle  
16 who was driving the car. I don't intend to name him so that we can  
17 stay in public session.

18 A. Yes, correct.

19 Q. So as you're being driven [REDACTED] Pursuant to In-Court Redaction Order No. F2832RED. do I

20 understand this to be what happened next, that a man dressed in a  
21 denim jacket stood out in front of your vehicle and made a gesture  
22 for you to stop the car? Is that what happened next?

23 A. Correct.

24 Q. And you say that you were able to see this man had a gun in his  
25 hand; is that right?

1 A. Of course, we could see that he had a gun in his hand. Half of  
2 the weapon was in the pocket of the denim jacket, and the other half  
3 was -- could be seen outside his jacket. I did see the weapon.

4 MR. MICHALCZUK: Your Honour, could I ask to move into private  
5 session? I can explain why.

6 PRESIDING JUDGE SMITH: Back to private session, please.

7 [Private session]

8 [Private session text removed]

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Witness: W04500 (Private Session)

Page 23782

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23784

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23785

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23786

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23787

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23788

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23789

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23790

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23791

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23792

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23793

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23794

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23795

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23797

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23798

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23799

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23800

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23801

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23802

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23803

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23805

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23806

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)

Page 23807

Cross-examination by Ms. Rowan

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Witness: W04500 (Private Session)  
Further Questioned by Victims' Counsel

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Witness: W04500 (Private Session)

Page 23809

Procedural Matters

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Witness: W04500 (Private Session)

Page 23810

Procedural Matters

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Witness: W04500 (Private Session)

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Procedural Matters

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8 [Open session]

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

10 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.

11 tomorrow.

12 --- Whereupon the hearing adjourned at 4.28 p.m.

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