

1 Wednesday, 16 August 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

5 --- Upon commencing at 9.01 a.m.

6 PRESIDING JUDGE SMITH: Madam Court Officer, you may call the
7 case.

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

11 PRESIDING JUDGE SMITH: Thank you.

12 Good morning, everyone. I note Mr. Krasniqi is following the
13 hearing on videolink. The accused are all present in court today.

14 Today, we will continue the hearing of Witness W03879. We are
15 in public session at this time.

16 Madam Court Officer, please bring the witness in.

17 MR. ROBERTS: Your Honours, just for planning purposes, I can
18 just update you that I still plan to be another hour to hour and a
19 half this morning.

20 [The witness takes the stand]

21 PRESIDING JUDGE SMITH: Thank you, Mr. Roberts.

22 Good morning, Witness. Are you well today?

23 THE WITNESS: [Interpretation] Good morning. Yes, I'm well.

24 PRESIDING JUDGE SMITH: Can you hear all right?

25 THE WITNESS: [Interpretation] Very well.

Witness: W03879 (Resumed) (Private Session)

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12 [Open session]

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

14 PRESIDING JUDGE SMITH: We are adjourned.

15 --- Recess taken at 11.02 a.m.

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

17 PRESIDING JUDGE SMITH: You may bring the witness in.

18 MR. HALLING: And, Your Honour, apologies, before the witness is
19 brought in, just a short point of scheduling.

20 In our ongoing efforts to fill the week, we were wondering if
21 there is any updated guidance as to the examination estimates for
22 this witness or Witness W00072.

23 PRESIDING JUDGE SMITH: [Microphone not activated]

24 MR. KEHOE: I mean, I'm going to have at least a couple hours to
25 go, Judge.

1 PRESIDING JUDGE SMITH: [Microphone not activated]

2 MR. KEHOE: At least. But I would say probably more, but just
3 because I don't want Your Honour tapping your foot at two hours to
4 say, "You're done." But I'm trying -- like this next area, if I may,
5 I'm not going to go through what Mr. Roberts went through.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 I would only suggest no beating of dead horses, you know. I
8 mean, I mean once you've got the --

9 MR. KEHOE: I understand, Judge.

10 PRESIDING JUDGE SMITH: Once we've got the --

11 MR. KEHOE: I think that Mr. Roberts beat that horse to death.
12 No, I'll try not to.

13 PRESIDING JUDGE SMITH: All right.

14 MR. KEHOE: No offence, Mr. Roberts.

15 PRESIDING JUDGE SMITH: We're not being very helpful to your
16 request, but it looks like today is going to be filled with this
17 witness alone.

18 Go ahead, Mr. Emmerson.

19 MR. EMMERSON: I think our revised estimate was under an hour.
20 It's shorter, shorter, shorter than that, I think.

21 PRESIDING JUDGE SMITH: One hour?

22 MR. EMMERSON: No, no, no, well under.

23 PRESIDING JUDGE SMITH: Okay.

24 MR. EMMERSON: I'm thinking about 15 minutes, 20 minutes. And
25 then for the other witness --

1 PRESIDING JUDGE SMITH: Thank you for the voice of reason.

2 MR. EMMERSON: Exactly.

3 MR. TULLY: I'm going to jump ahead in time and help you for our
4 witness tomorrow, and we're hovering at 30 minutes. That may well
5 come down based on our position in the questioning order.

6 PRESIDING JUDGE SMITH: Will you be finished today?

7 MR. KEHOE: I will be finished today.

8 PRESIDING JUDGE SMITH: All right. I think you will still need
9 your witness for Thursday, maybe in the afternoon.

10 MR. HALLING: Yes, the information is helpful. Thank you.

11 PRESIDING JUDGE SMITH: Okay.

12 MS. ALAGENDRA: Just on our revised time estimates, Your Honour.

13 PRESIDING JUDGE SMITH: [Microphone not activated]

14 MS. ALAGENDRA: No. Much, much shorter.

15 PRESIDING JUDGE SMITH: [Microphone not activated]

16 MS. ALAGENDRA: Maybe nothing.

17 PRESIDING JUDGE SMITH: [Microphone not activated]. I don't know
18 yet about redirect or questions from the Bench. We'll decide that
19 later.

20 So we'll call the witness in and get on with it.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: All right, Witness. We will continue
23 with the questions for you from the Thaci Defence.

24 We are in public session at this time.

25 MR. KEHOE: I think we should go into private session, Judge.

1 PRESIDING JUDGE SMITH: All right. At the Defence request, we
2 will go into private session for witness protection.

3 [Private session]

4 [Private session text removed]

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

Page 6610

Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

Page 6612

Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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7 [Open session]

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

9 PRESIDING JUDGE SMITH: Thank you.

10 Witness, we are ready to take a lunch break. We will adjourn
11 for now and be back in court at 2.30. The Court Usher will now
12 escort you out of the courtroom.

13 [The witness stands down]

14 PRESIDING JUDGE SMITH: We are adjourned.

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

16 --- On resuming at 2.31 p.m.

17 PRESIDING JUDGE SMITH: We'll go into private session just for a
18 few minutes.

19 [Private session]

20 [Private session text removed]

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1 [Private session text removed]

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14 [Open session]

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

16 PRESIDING JUDGE SMITH: Thank you.

17 [The witness takes the stand]

18 PRESIDING JUDGE SMITH: Good afternoon, Witness.

19 THE WITNESS: [Interpretation] Good afternoon.

20 PRESIDING JUDGE SMITH: I hope you've had a decent lunch and got
21 to rest a little bit. We are ready to continue --

22 THE WITNESS: [Interpretation] Yes, thank you.

23 PRESIDING JUDGE SMITH: -- Mr. Kehoe's questions of you. So
24 once again, listen to the question before you answer it. Just answer
25 the question. Don't add material that isn't asked.

Cross-examination by Mr. Kehoe

1 Go ahead, Mr. Kehoe.

2 MR. KEHOE: Thank you, Your Honour.

3 Q. So, Witness, let us -- before we move into Llap, I just want to
4 cover two --

5 MR. HALLING: And, Your Honour, apologies, we are still in open
6 session.

7 MR. KEHOE: Are we in open session or closed? Closed session.

8 PRESIDING JUDGE SMITH: We are in public session right now. We
9 want to be in closed session -- not closed, private session.

10 MR. KEHOE: Thank you, counsel.

11 [Private session]

12 [Private session text removed]

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Witness: W03879 (Resumed) (Private Session)

Page 6621

Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W03879 (Resumed) (Private Session)

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Questioned by the Trial Panel

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

Page 6654

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

Page 6659

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Witness: W03879 (Resumed) (Private Session)

Page 6660

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Witness: W03879 (Resumed) (Private Session)

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Questioned by the Trial Panel

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Page 6666

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25 [Open session]

1 PRESIDING JUDGE SMITH: Thank you all for doing your best to
2 expedite this so that we can get into tomorrow's witness.

3 THE COURT OFFICER: We're in public session for the record,
4 Your Honour. We're in public session.

5 PRESIDING JUDGE SMITH: Okay. We'll start at 9.00, as usual.
6 Hopefully finish tomorrow.

7 And we will get to the question that you brought up concerning
8 the presentation queue tomorrow morning. I believe the rule is that
9 if it's in SPO's queue, you don't need to put it in your queue, but
10 that doesn't go for if it's in one of the other Defence counsel's
11 queues. But we can talk about that and whether you want to do
12 anything about it or amend that rule. So thank you.

13 MR. KEHOE: Judge, I just have to say that I think our
14 collective understanding was that if I put it in my queue, somebody
15 else didn't have to put it in theirs, and they could use it.

16 PRESIDING JUDGE SMITH: And that may be --

17 MR. KEHOE: Maybe I'm wrong.

18 PRESIDING JUDGE SMITH: And that may make logical sense --

19 MR. KEHOE: Right.

20 PRESIDING JUDGE SMITH: -- but sometimes, you know, rules don't
21 get all the logic in that they should.

22 MR. KEHOE: Understood, Judge.

23 PRESIDING JUDGE SMITH: So we'll discuss that and talk about it
24 tomorrow.

25 --- Whereupon the hearing adjourned at 4.19 p.m.