

1 Tuesday, 17 October 2023

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 10.00 a.m.

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

7 THE COURT OFFICER: Good morning, Your Honours. 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: Thank you.

11 Good morning, everyone. We have a few preliminary matters.

12 First of all, as to today's schedule, since we're starting late,
13 it's our plan to go from 10.00 until 11.30, and take a half an hour
14 break from 11.30 to 12.00; and then from 12.00 to 1.30, and then
15 we'll take a one-hour break for lunch; and we will be back at 2.30 to
16 4.00. If that's all right with everyone? Okay.

17 First, we have -- before continuing the hearing, there are a few
18 preliminary matters to address. First, the Panel will rule on Thaci
19 Defence's request for admission of certain items that were shown to
20 Witness W03880 during his testimony.

21 The Panel recalls that the Thaci Defence and the SPO have filed
22 written submissions on 13 October 2023 in filings F01855 and F01856,
23 respectively. The Panel observes that the admission of some of these
24 items is unopposed by the SPO. These comprise two SPO official
25 notes, a news article, and an extract from a LinkedIn and video

1 excerpt. These items have been put to the Witness W03880 during his
2 testimony on 9 and 10 October 2023.

3 With respect to these items, the Panel is satisfied that the
4 requirements of Rule 138(1) are met. Therefore, pursuant to Article
5 40(6)(h) of the Law and Rule 138(1) of the Rules the following items
6 are admitted and shall be assigned an exhibit number: 112748 to
7 112750 RED together with its Albanian translation RED; 114682 to
8 114683 RED; DHT02667 to DHT02671; DHT02675 to DHT02681; DHT02682 to
9 DHT02682-01, together with the transcripts TR and TR-ET.

10 The Thaci Defence also seeks admission of the following four
11 items: DHT02025 to DHT02029; DHT02030 to DHT02043, together with the
12 English translation ET; DHT02044 to DHT02047; and DHT02683 to
13 DHT02684. These items have been put to Witness 3380 during his
14 testimony on 9 October 2023.

15 The SPO opposes their admission.

16 With respect to the first item, the Panel observes that this
17 item consists of a witness statement of an individual other than
18 W03880, which is being offered for the truth of its content and which
19 was given in the context of or in connection with legal proceedings.
20 As previously ruled by the Panel, such statements are subject to
21 Rules 153 and 155. If the Defence wishes to tender it, it will,
22 therefore, have to do so in accordance with those rules. Therefore,
23 item DHT02025 to DHT02029 are not admitted.

24 With respect to the remaining three items, the Panel is
25 satisfied that they are relevant. In particular, in respect of the

1 status of W03880 and/or W04828 at different points in time under the
2 relevant provisions of international humanitarian law. Furthermore,
3 the Panel considers that the three items bear sufficient formal
4 indication of their origin and is satisfied of their *prima facie*
5 authenticity. The Panel notes, however, that the witness was not in
6 a position to comment upon their origin, the process by which they
7 were prepared, or the truth or otherwise of their content.

8 The Panel is also satisfied that these three items have
9 *prima facie* probative value which is not outweighed by their
10 prejudicial effect. The effect to which the witness was able to
11 authenticate these documents, meaningfully comment on their content,
12 or confirm the truth or accuracy thereof will be taken into account
13 when deciding upon the weight and probative value to be attached to
14 them.

15 In light of the foregoing, the Panel is satisfied that the
16 requirements of Rule 138(1) are met. Therefore, pursuant to
17 Article 40(6)(h) of the Law and Rule 138(1) of the Rules, the
18 following items are admitted and shall be assigned an exhibit number:
19 DHT02030 to DHT02043, together with the English translation ET;
20 DHT02044 to DHT02047; and DHT02683 to DHT02684.

21 This concludes the Panel's order.

22 With respect to the witnesses to be called in the next
23 three-week block, starting on October 30th, the Panel wishes to
24 clarify the following.

25 The Panel recalls that pursuant to paragraph 77 of the Order on

1 Conduct of the Proceedings, at the end of any three-week block of
2 hearings the party calling witnesses shall notify the Trial Panel and
3 the other parties and participants of the witnesses which it intends
4 to call during the following three-week block of hearings.

5 The Panel also recalls that on 2 October 2023, the SPO filed its
6 list of witnesses for the period 30 October to 13 December 2023. The
7 Panel asked the SPO to confirm by the end of the current block, that
8 is, by Thursday, 19 October 2023, at 4.00 p.m., the list of witnesses
9 it intends to call during the three-week block starting 30 October as
10 well as the order in which these orders are expected to appear. In
11 particular, the SPO is asked to indicate whether Witness W04448 will
12 be among the witnesses expected to testify in the next three-week
13 block.

14 This concludes the Panel's oral order.

15 We will now continue hearing the evidence of Prosecution
16 Witness W04769. I note that the accused are all present in court
17 today.

18 Madam Court Usher, please bring the witness in.

19 MR. KEHOE: Judge, we had an order of questioning on when we did
20 the cross-examination, and Mr. Emmerson --

21 PRESIDING JUDGE SMITH: I can't hear you.

22 MR. KEHOE: I'm sorry?

23 PRESIDING JUDGE SMITH: I can't hear you.

24 MR. KEHOE: Okay. If it's okay with the Chamber, we're going to
25 follow the order of questioning on Judges. So if Mr. Emmerson can go

1 first in response, if any, to the Judges' questions.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear me
4 okay?

5 THE WITNESS: [Interpretation] Yes, I can.

6 PRESIDING JUDGE SMITH: I said good morning first.

7 THE WITNESS: [Interpretation] Good morning.

8 PRESIDING JUDGE SMITH: We now will continue with the questions
9 from the Panel, and then there will be some other questions based
10 upon those questions.

11 I remind you to please try to answer the questions clearly with
12 short sentences. If you don't understand a question, please say so
13 and the question will be repeated or clarified. Also, please
14 remember to try to indicate the basis of your knowledge of the facts
15 and circumstances upon which you will be questioned.

16 I remind you that you are still under an obligation to tell the
17 truth as stated by you in your solemn declaration.

18 Please also remember to speak into the microphone and to wait
19 five seconds before answering a question, and speak at a slow pace
20 for the translators to catch up with you.

21 So we continue now with Judge Mettraux's questions. We will go
22 into -- I'm sorry.

23 Madam Court Officer, we will go into private session.

24 [Private session]

25 [Private session text removed]

Witness: W04769 (Resumed) (Private Session)

Page 8993

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 8994

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 8995

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 8996

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 8997

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 8998

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 8999

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9000

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9001

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9002

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Witness: W04769 (Resumed) (Private Session)

Page 9003

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Witness: W04769 (Resumed) (Private Session)

Page 9004

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Witness: W04769 (Resumed) (Private Session)

Page 9005

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9006

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Witness: W04769 (Resumed) (Private Session)

Page 9007

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9008

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9009

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)
Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)
Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9012

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9013

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9014

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9015

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9016

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9017

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)
Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9019

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9020

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9021

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9022

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9023

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)
Questioned by the Trial Panel (Continued)

Page 9024

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9 [Open session]

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

11 PRESIDING JUDGE SMITH: All right. We are adjourned until
12 12.00.

13 --- Recess taken at 11.27 a.m.

14 --- On resuming at 12.00 p.m.

15 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
16 into the courtroom.

17 [The witness takes the stand]

18 PRESIDING JUDGE SMITH: All right, Witness. We will continue
19 with the questions from the Panel. We will be with Judge Gaynor on
20 your far left.

21 JUDGE GAYNOR: Good afternoon, Witness. I want to --

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 JUDGE GAYNOR: Sorry.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 Thank you, madam.

Witness: W04769 (Resumed) (Private Session)

Page 9025

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9026

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9027

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9028

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9029

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9030

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9031

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9032

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9033

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9034

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9035

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9036

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9037

Questioned by the Trial Panel (Continued)

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Witness: W04769 (Resumed) (Private Session)

Page 9038

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9039

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9040

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9041

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9042

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9043

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9044

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9045

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9046

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9047

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9048

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9049

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9050

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9051

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9052

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9053

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9054

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9055

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9056

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9057

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9058

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9059

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9060

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9061

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9062

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9063

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9064

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9065

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9066

Further Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9067

Further Cross-examination by Mr. Emmerson

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22 [Open session]

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

24 PRESIDING JUDGE SMITH: All right. We're adjourned until 2.30.

25 --- Luncheon recess taken at 1.31 p.m.

Witness: W04769 (Resumed) (Private Session)
Further Cross-examination by Mr. Emmerson

Page 9068

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

2 PRESIDING JUDGE SMITH: Madam Usher, you may bring the witness
3 in.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right, Witness. Can you hear me?

6 THE WITNESS: [Interpretation] Yes.

7 PRESIDING JUDGE SMITH: We are ready to continue. Mr. Emmerson
8 will still have questions for you.

9 MR. EMMERSON: Can we return, please, to U000-6550.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 Excuse me, I have to go to private session.

12 MR. EMMERSON: Oh, I'm so sorry.

13 PRESIDING JUDGE SMITH: It's my fault. My fault.

14 [Private session]

15 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9069

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9070

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9071

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9072

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9073

Further Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9074

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9075

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9076

Further Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9077

Further Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9078

Further Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9079

Further Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9080

Further Cross-examination by Mr. Emmerson

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Witness: W04769 (Resumed) (Private Session)

Page 9081

Further Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9082

Further Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9083

Further Cross-examination by Mr. Kehoe

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Witness: W04769 (Resumed) (Private Session)

Page 9084

Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9085

Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9086

Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9087

Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9088

Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9089

Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9090

Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9091

Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9092

Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Witness: W04769 (Resumed) (Private Session)

Page 9093

Further Cross-examination by Mr. Kehoe

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Witness: W04769 (Resumed) (Private Session)

Page 9094

Further Cross-examination by Mr. Kehoe

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Witness: W04769 (Resumed) (Private Session)

Page 9095

Further Cross-examination by Mr. Kehoe

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19 [Open session]

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

21 PRESIDING JUDGE SMITH: Thank you.

22 So we will start with the partially heard witness tomorrow
23 morning at 9.00, the same -- the regular starting hour. I don't
24 believe there's anything -- there is no other witness after that one,
25 is there?

1 MR. HALLING: Unless the logistical issue I referenced yesterday
2 is resolved, no.

3 PRESIDING JUDGE SMITH: Yeah, it didn't sound good. Okay.
4 Yes, Mr. Emmerson.

5 MR. EMMERSON: I'm just assuming that it wouldn't be possible to
6 start now so that we will have some idea --

7 PRESIDING JUDGE SMITH: Well, we sent him home because you said
8 it was going to be at least an hour.

9 MR. EMMERSON: I did. My fault.

10 PRESIDING JUDGE SMITH: Okay. We'll see you all tomorrow. Then
11 we are adjourned until 9.00 a.m. tomorrow.

12 --- Whereupon the hearing adjourned at 3.28 p.m.

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