

1 Tuesday, 17 September 2024

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Thaci appeared via videolink]

5 --- Upon commencing at 9.00 a.m.

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

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

11 PRESIDING JUDGE SMITH: Now, Ms. Tavakoli.

12 MS. TAVAKOLI: Thank you. Please, can we go into private
13 session --

14 PRESIDING JUDGE SMITH: Please, into --

15 MS. TAVAKOLI: -- so I can just update.

16 PRESIDING JUDGE SMITH: Please, into private session.

17 [Private session]

18 [Private session text removed]

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8 [Open session]

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

10 PRESIDING JUDGE SMITH: All right.

11 All right, Ms. O'Reilly.

12 MS. O'REILLY: We probably will need to go back into private for
13 the witness, but for this purpose we're fine. I just wanted to
14 update the Court that I've gone over my notes. I don't think I'm
15 going to be able to come down in time. I might go a bit over what I
16 projected, but Mr. Ellis for Mr. Krasniqi has assured me that I can
17 borrow some of his time, if that's okay with you.

18 PRESIDING JUDGE SMITH: Fine. Thank you very much for the
19 notice.

20 So, Madam Usher, please bring the witness in.

21 We will continue hearing the evidence of Prosecution
22 Witness W04737.

23 And, Madam Court Officer, you can take us back into private
24 session.

25 [Private session]

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19768

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19771

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19772

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19773

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19774

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19775

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19776

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19777

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19778

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19779

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19781

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19782

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19784

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19785

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19786

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19787

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)
Cross-examination by Ms. O'Reilly (Continued)

Page 19788

1 [Open session]

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

3 PRESIDING JUDGE SMITH: Thank you. We're adjourned for ten
4 minutes.

5 --- Break taken at 10.01 a.m.

6 --- On resuming at 10.12 a.m.

7 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness
8 in.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: All right. Witness, we will continue
11 with the questions from the Veseli Defence.

12 Go ahead, Ms. O'Reilly.

13 MS. O'REILLY: Thank you, Your Honour. Are we in private
14 session? Yeah? No.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MS. O'REILLY: Could we move into private session, please.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 Please, into private session, Madam Court Officer.

19 [Private session]

20 [Private session text removed]

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19789

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19790

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19791

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19796

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19797

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19799

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19801

Cross-examination by Ms. O'Reilly (Continued)

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19802

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19803

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19804

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19805

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19806

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19807

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19808

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19809

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11 [Open session]

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

13 PRESIDING JUDGE SMITH: We're adjourned until 11.30.

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

15 --- On resuming at 11.31 a.m.

16 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
17 in.

18 MR. ROBERTS: Your Honour, if I can just say before I forget, if
19 we can go back into private session as soon as the witness is back
20 in.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. ROBERTS: Thank you.

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: Into private session, please,
25 Madam Court Officer.

Witness: W04737 (Resumed) (Private Session)

Page 19811

Cross-examination by Mr. Roberts

1 [Private session]

2 [Private session text removed]

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19812

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19813

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19814

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19815

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19816

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19817

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19818

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19819

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19820

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19821

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19822

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19823

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19824

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19825

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19826

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19827

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19828

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19830

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19831

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19832

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19833

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19834

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19835

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19836

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19837

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19838

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19839

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19840

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19841

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19842

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19843

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19844

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19845

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19846

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19847

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19848

Cross-examination by Mr. Roberts

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18 [Open session]

19 THE COURT OFFICER: I just, for the record, note that we are in
20 public session now.

21 MR. ROBERTS: Just to be absolutely clear, the Prosecution
22 cannot rely or tender any of these documents, I would presume --

23 PRESIDING JUDGE SMITH: Without putting it on their exhibit
24 list, they can't tender it, yes.

25 MR. ROBERTS: So any request to do so would require an

1 application, rather than merely non-opposition, from the Prosecution,
2 because they appear to be unaware that they are the ones that are
3 responsible for applying --

4 PRESIDING JUDGE SMITH: I believe you are correct.

5 MR. ROBERTS: Thank you very much.

6 MR. HALLING: We know that we need to apply to do that should
7 that be necessary, which it currently is not.

8 PRESIDING JUDGE SMITH: Yes. I'm sure you've all done this
9 before.

10 MS. O'REILLY: Your Honour, could we request written reasons for
11 that decision that was issued just now?

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MS. O'REILLY: Those were reasons?

14 PRESIDING JUDGE SMITH: Yeah.

15 MS. O'REILLY: All right. Thank you, Your Honour.

16 PRESIDING JUDGE SMITH: Anything else?

17 We're adjourned until 2.30.

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

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

20 MR. HALLING: Your Honour --

21 PRESIDING JUDGE SMITH: Madam Usher, you may bring the witness
22 in.

23 MR. HALLING: Your Honours, apologies, before the witness is
24 brought in, we had a small matter we wanted to put on the record.

25 It's actually -- it's an update on the Rule 102(3) items on our

1 redirect presentation queue for this -- I mean, call it an update.
2 It's really more of an apology and a withdrawal, and I think this is
3 going to resolve the leave to appeal application that we got notice
4 of just before the lunch break. And I think I can do this in public
5 session.

6 I now understand that I misstated the information that I had on
7 past instances. The witnesses I named in private session all had
8 redirect presentation queues, but they did not have Rule 102(3) items
9 on them. And because the Panel detrimentally relied on our error in
10 making the ruling, we would say that it's only fair, under the
11 circumstances, that we are going to not rely on those items and we
12 are not going to use them in our redirect examination of this
13 witness.

14 What I did say about the principle of the matter is still
15 correct. That is still our position. But we would say that the
16 question of whether Rule 102(3) items can be on a redirect
17 presentation queue can be litigated at another time.

18 PRESIDING JUDGE SMITH: Thank you very much.

19 Into private session, please.

20 [The witness takes the stand]

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 [Private session]

23 [Private session text removed]

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19855

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19856

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19857

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19858

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19859

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19860

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19861

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19862

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19863

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 [Open session]

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

2 PRESIDING JUDGE SMITH: We'll take a short break while they try
3 to get this repaired.

4 Witness, you can be excused for a few minutes. You can leave
5 the courtroom with the Court Usher.

6 [The witness stands down]

7 PRESIDING JUDGE SMITH: We'll take ten minutes and see if we can
8 get this resolved in that time period. We're adjourned for ten
9 minutes.

10 --- Break taken at 2.57 p.m.

11 --- On resuming at 3.11 p.m.

12 PRESIDING JUDGE SMITH: We will withdraw our oral order
13 overruling Ms. O'Reilly's objection based upon the statement made by
14 Mr. Halling at the outset this afternoon.

15 Madam, you may bring the witness in.

16 Mr. Ellis, I think we'll just continue at 3.30. We've had this
17 little break, so we'll just continue on till 4.30.

18 MR. ELLIS: Thank you, Your Honour.

19 PRESIDING JUDGE SMITH: If that becomes a problem and we need to
20 have a break, anybody, let us know.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: Into private session, please.

23 [Private session]

24 [Private session text removed]

25

Witness: W04737 (Resumed) (Private Session)

Page 19865

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19866

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19867

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19868

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19869

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19870

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19871

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19872

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19873

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19874

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19875

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19876

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19877

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19878

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19879

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19880

Cross-examination by Mr. Ellis

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19881

Re-examination by Mr. Halling

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19882

Re-examination by Mr. Halling

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19883

Re-examination by Mr. Halling

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19884

Re-examination by Mr. Halling

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19885

Re-examination by Mr. Halling

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19886

Re-examination by Mr. Halling

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19887

Re-examination by Mr. Halling

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19888

Re-examination by Mr. Halling

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19889

Re-examination by Mr. Halling

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19890

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19891

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19892

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19893

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19894

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19895

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19896

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19897

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19898

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19899

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19900

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04737 (Resumed) (Private Session)

Page 19901

Questioned by the Trial Panel

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12 [Open session]

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

14 PRESIDING JUDGE SMITH: We're adjourned until tomorrow at 9.00.

15 --- Whereupon the hearing adjourned at 4.38 p.m.

16

17

18

19

20

21

22

23

24

25