

1 Wednesday, 20 November 2024

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 9.01 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: Before we bring the witness in, please
11 bring us into private session for the protection of the witness.

12 [Private session]

13 [Private session text removed]

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1 [Open session]

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

3 PRESIDING JUDGE SMITH: We will now start hearing the evidence
4 of the Prosecution Witness W00344, who will be appearing by
5 videolink.

6 Mr. Court Officer, please bring the witness into the room.

7 The witness will -- for medical reasons, the witness will remain
8 seated during the oath.

9 [The witness entered court via videolink]

10 PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear me
11 all right?

12 THE WITNESS: [via videolink] [Interpretation] Yes.

13 PRESIDING JUDGE SMITH: All right. Witness, we are going to ask
14 you to take a solemn declaration, which is required by our rules. I
15 will read parts of it to you, and then you can repeat it as I read.
16 Do you understand?

17 THE WITNESS: [via videolink] [Interpretation] Yes.

18 PRESIDING JUDGE SMITH: So please repeat: Conscious of the
19 significance of my testimony.

20 THE WITNESS: [via videolink] [Interpretation] I have.

21 PRESIDING JUDGE SMITH: Now --

22 THE WITNESS: [via videolink] [No interpretation].

23 PRESIDING JUDGE SMITH: I'm not getting a translation.

24 THE WITNESS: [via videolink] [Interpretation] Conscious of the
25 significance of my testimony.

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1 PRESIDING JUDGE SMITH: And my legal responsibility.

2 THE WITNESS: [via videolink] [Interpretation] And my legal
3 responsibility.

4 PRESIDING JUDGE SMITH: I solemnly declare that I will tell the
5 truth.

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

8 PRESIDING JUDGE SMITH: The whole truth and nothing but the
9 truth.

10 THE WITNESS: [via videolink] [Interpretation] The whole truth
11 and nothing but the truth.

12 PRESIDING JUDGE SMITH: And that I shall not withhold anything
13 which has come to my knowledge.

14 THE WITNESS: [via videolink] [Interpretation] And that I shall
15 not withhold anything which has come to my knowledge.

16 WITNESS: W00344

17 [The witness answered through interpreter]

18 [The witness testified via videolink]

19 PRESIDING JUDGE SMITH: Thank you.

20 Witness, today we will start your testimony which is expected to
21 last less than this full day. As you may know, the Prosecution will
22 ask you questions first, and then Victims' Counsel may ask questions
23 of you. And thereafter, the Defence have the right to ask questions
24 of you, and the members of the Panel may have some questions.

25 The Prosecution estimate for your examination is one hour.

1 Victims' Counsel estimates that it will need 15 minutes to ask his
2 questions. And the Defence estimates they will need approximately
3 1 hour and 50 minutes. As regards each estimate, we hope that
4 counsel will be judicious in the use of their time. The Panel may
5 also allow redirect examination if conditions for it are met.

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

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

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

18 While you are giving evidence in this Court, you are not allowed
19 to discuss with anyone the content of your testimony outside of the
20 courtroom. If any person asks you questions outside this Court about
21 your testimony, please let us know.

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

25 If you feel the need to take a break, please make an indication

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1 and an accommodation will be made.

2 Witness, we begin now with the questions of the Prosecution.

3 They will begin first. Please give them your attention.

4 Mr. Prosecutor, you have the floor.

5 MR. MICHALCZUK: Thank you, Your Honour.

6 Examination by Mr. Michalczuk:

7 Q. Mr. Witness, can you hear me fine? Can you see me?

8 A. Yes.

9 Q. Mr. Witness, we have met before but let me introduce myself
10 again. My name is Cezary Michalczuk, and I'll be asking you
11 questions on behalf of the Prosecution.

12 Before we start, we would need to establish first your identity.

13 MR. MICHALCZUK: And for this, we would need to move into
14 private session.

15 PRESIDING JUDGE SMITH: Private session, please,
16 Madam Court Officer.

17 [Private session]

18 [Private session text removed]

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1 [Private session text removed]

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3 [Open session]

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

5 PRESIDING JUDGE SMITH: Thank you.

6 MR. MICHALCZUK:

7 Q. Witness, as explained during the meeting we had some time ago,
8 rather than asking you questions about every relevant issue you may
9 have information about, it may be possible to admit your prior
10 statement containing such information into evidence. There are a
11 number of procedural steps to follow in order to do so, and I will
12 now turn to these steps.

13 MR. MICHALCZUK: Madam Court Officer, could we please pull up
14 English and Serbian versions of the following document: 001589-TR-ET
15 Part 1 RED Revised, page 1. And the same Serbian version with also
16 Part 1 RED, page 1.

17 Q. Witness, can you see the documents in front of you on the
18 screen?

19 A. Yes.

20 Q. Do you recognise this as your SITF interview?

21 MR. MICHALCZUK: Could we perhaps move to page number 2
22 containing the personal data of the witness.

23 Q. On the left-hand side you should have the Serbian version and on
24 the right-hand side the English version. My question is, again, do
25 you recognise this as your SITF interview?

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1 A. Yes.

2 MR. MICHALCZUK: We could remove these documents. Could we pull
3 up the next set of documents, English and Serbian versions next to
4 each other, and the number would be 001667-TR-ET Part 1 Revised RED,
5 page 1, and the same Serbian version, page also number 1.

6 Q. Witness, can you see this new set of documents in front of you?

7 A. Yes.

8 Q. Do you recognise it as your SITF statement, another one?

9 MR. MICHALCZUK: We could also move to page number 2 containing
10 personal data of the witness.

11 THE WITNESS: [via videolink] [Interpretation] Yes, this is
12 correct.

13 MR. MICHALCZUK:

14 Q. Okay. Thank you.

15 MR. MICHALCZUK: Could we now pull up another set of documents.
16 Again, English and Serbian next to each other. English would be
17 001592 to 001595-ET RED, page 1. And Serbian would be SITF00408512
18 to 00408516 RED, page 2 in this document.

19 Maybe you could zoom in a little bit because it seems that the
20 witness has issues with reading.

21 Q. And my question is the same as before. Do you recognise it as
22 your statement, Witness?

23 A. Yes.

24 MR. MICHALCZUK: Could we scroll down to page 3 of the Serbian
25 version, which would be SITF00408514, bottom of the page, please.

1 Q. Do you recognise your signature, Witness, on this page, at the
2 bottom of it?

3 A. Yes, yes.

4 MR. MICHALCZUK: We can remove these documents and pull up
5 SITF00195280 to SITF00195314-ET RED, page 2, and SITF00159712 to
6 SITF00159746 RED, also page 2.

7 Q. Can you see both documents on the screen, Witness?

8 A. Yes.

9 Q. Did you give this statement?

10 A. Yes.

11 MR. MICHALCZUK: In the Serbian version of this document, could
12 we please scroll to page 1.

13 Q. Witness, do you recognise your signature on this page?

14 A. Absolutely. Yes.

15 Q. As part of your preparation for your testimony today, did you
16 have the opportunity to review the contents of these statements?

17 A. The statements that I made for The Hague tribunal, yes. As for
18 these statements that I provided in Belgrade, I did not have access
19 to them, but I know what they contain. I am completely familiar with
20 that.

21 Q. Yes. My question relates to the preparation session that, you
22 and I, we had together some time ago. And my question is during that
23 session did you have the opportunity to read those statements that we
24 have just shown to you on the screen?

25 A. Yes, yes.

1 Q. Did you have during that session the opportunity to make
2 corrections and clarifications to these statements?

3 A. Yes.

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

6 A. Yes.

7 Q. Do you confirm that what was read back to you in that note
8 reflects your changes fully and accurately?

9 A. That's right, yes.

10 Q. Subject to the changes provided in that note, do these
11 statements accurately reflect what you said and what you would say if
12 asked again in court today?

13 A. That's right. I would repeat the same thing, if necessary, to
14 clarify.

15 MR. MICHALCZUK: Your Honours, having fulfilled the Rule 154
16 criteria, and in accordance with your decision F02655, paragraphs 15
17 and 49(b) of 16 October 2024, the SPO hereby tenders all these prior
18 statements and also associated exhibits in English, Serbian, and
19 Albanian, associated exhibits. These are identified at paragraph 14
20 of that decision of Your Honours, again, F02655. We also tender the
21 Preparation Note 1 of 9 October 2024, ERN 123103-123109.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 Are there multiple parts?

24 MR. MICHALCZUK: We are talking about English, Albanian, and
25 Serbian.

1 PRESIDING JUDGE SMITH: All right. [Microphone not activated].

2 MR. MICHALCZUK: We are talking about several parts,
3 Your Honour.

4 PRESIDING JUDGE SMITH: That's what I'm asking.

5 MR. MICHALCZUK: Yes, yes. When it comes to the parts, all of
6 them contain several parts. I could read them to you --

7 PRESIDING JUDGE SMITH: Just let us know how many parts you are
8 tendering and --

9 MR. MICHALCZUK: Right. When it comes to 001589-TR, it's got
10 five parts. When it comes to 001667-TR, it's got four parts. When
11 it comes to the other testimonies given before the courts, they only
12 contain -- they're all in one parts each.

13 PRESIDING JUDGE SMITH: Thank you.

14 Any objection?

15 MS. TAVAKOLI: No objection.

16 MS. ROWAN: No, thank you.

17 MR. TULLY: No objection.

18 MR. BAIESU: No objection.

19 PRESIDING JUDGE SMITH: 001589-TR-ET in five parts in English,
20 Albanian, and Serbian is admitted.

21 THE COURT OFFICER: Thank you, Your Honour. Part 1 of that
22 statement will receive Exhibit P01840.1. Part 2 will be receive
23 Exhibit P01840.2. Part 3 will be assigned P01840.3. Part 4 will be
24 assigned Exhibit P01840.4. And the last fifth part will be assigned
25 Exhibit P01840.5 in all three languages. Thank you. And

1 classification is confidential for all of them.

2 MR. MICHALCZUK: Confidential? I confirm.

3 PRESIDING JUDGE SMITH: And now 001667-TR-ET in four parts in
4 English, Albanian, and Serbian are admitted.

5 THE COURT OFFICER: Thank you, Your Honour. That statement
6 Part 1 will receive Exhibit P01841.1. Part 2 will receive
7 Exhibit P01841.2. Part 3 will become Exhibit P01841.3. And Part 4
8 will receive Exhibit P1841.4 in all three languages. Classification
9 is confidential.

10 PRESIDING JUDGE SMITH: Now, 001592 to 001595-ET RED in English,
11 Albanian, and Serbian is admitted.

12 THE COURT OFFICER: Thank you, Your Honour. For the record, the
13 Albanian original version ERN number is SITF00408512 to 00408516 RED,
14 and that document will receive Exhibit P01842 with English and
15 Albanian translations. Classification is confidential for that
16 statement.

17 PRESIDING JUDGE SMITH: And then SITF00195280 to SITF00195314
18 RED2 in English, Albanian, and Serbian is admitted.

19 THE COURT OFFICER: Thank you, Your Honour. The ERN of the
20 original Serbian version of the statement is SITF00159712 to
21 SITF00159746 RED. That statement with two translations in Albanian
22 and English will receive Exhibit P01843. Classification is
23 confidential.

24 PRESIDING JUDGE SMITH: The prep note and the associated
25 exhibit -- the prep note is ERN 123103 to 123109, and then plus the

1 associated exhibits will be admitted. Separate number for each.

2 THE COURT OFFICER: Thank you, Your Honour. The prep note will
3 receive Exhibit P01844. Classification is confidential.

4 For the associated exhibit, I understand that it's only one page
5 from a larger range.

6 MR. MICHALCZUK: That is correct.

7 THE COURT OFFICER: Thank you. So page 001602 from ERN 001596
8 to 001666 will receive Exhibit P01845, including English translation.
9 Classification is confidential.

10 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.

11 THE COURT OFFICER: Thank you.

12 PRESIDING JUDGE SMITH: You may proceed.

13 MR. MICHALCZUK: Your Honours, on 10 October 2024, the SPO
14 submitted a proposed summary of the witness's now admitted Rule 154
15 statement to the Panel, Defence, and Victims. We have not received
16 any objections, so with the leave of the Panel I would like to read
17 the summary of this witness's evidence.

18 PRESIDING JUDGE SMITH: Leave is granted. Go ahead.

19 MR. MICHALCZUK: In 1999, Witness W00344 was abducted by armed
20 KLA members in front of his house and driven, together with another
21 individual, to a local KLA detention site. W00344 was kept there
22 with several other detainees. During his detention, he was
23 repeatedly beaten and heard other detainees being mistreated on many
24 occasions. W00344 was released after a few days and left Kosovo
25 shortly after.

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1 As a result of his mistreatment in detention, he continues to
2 suffer from various physical and psychological ailments.

3 And that concludes the summary, and I will have a few additional
4 questions for this witness.

5 PRESIDING JUDGE SMITH: Go ahead with the questions.

6 MR. MICHALCZUK: We can still remain in open session, and then
7 we'll move into private session.

8 Q. Witness, I have a few follow-up questions for you. During your
9 detention, were you ever informed of any criminal charges against
10 you?

11 A. No. Directly they asked me no questions except of charging me
12 of having committed murders of several Albanians, but that made no
13 sense at all. It was just an excuse for my kidnapping.

14 Q. Was there any explanation as to why your detention was
15 considered necessary?

16 A. No. Only because of the charges that I had killed some
17 Albanians. And based on my earlier experience of some leaflets that
18 I received, I could see that somebody had a grudge against me. I was
19 living there with my brothers in several houses, and it seems they
20 minded that [REDACTED] Pursuant to In-Court Redaction Order F02735RED.
21 [REDACTED] Pursuant to In-Court Redaction Order F02735RED. So those were
22 the actual, real reasons that I
23 only learned of later.

24 Q. But my question about the charges was were you formally charged,
25 that somebody said to you, "You're charged with this and this and
this, and because of these reasons you're arrested and detained"?

1 A. Yes. And then they listed rapes, murders of children, of the
2 elderly, which had absolutely nothing to do with me. I mean, they
3 said that while I was in the prison in that camp.

4 Q. Did they give you any charging document, for example, listing
5 those charges?

6 A. No. No. Only verbally while beating me and torturing me,
7 because they wanted to extract a confession from me, which I did not
8 do.

9 Q. Were you given the opportunity to challenge your detention to
10 any judge or other official?

11 A. No.

12 MR. MICHALCZUK: Could we move back into private session,
13 Your Honour.

14 PRESIDING JUDGE SMITH: Into private session, please,
15 Madam Court Officer.

16 [Private session]

17 [Private session text removed]

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Questioned by Victims' Counsel

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10 [Open session]

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

12 Thank you.

13 PRESIDING JUDGE SMITH: We'll be adjourned for ten minutes.

14 --- Break taken at 10.19 a.m.

15 --- On resuming at 10.46 a.m.

16 PRESIDING JUDGE SMITH: Ms. Tavakoli, do you wish to have
17 private session or public session?

18 MS. TAVAKOLI: I think because it'll be identifying it should be
19 private.

20 PRESIDING JUDGE SMITH: So let's go into private session.

21 Mr. Court Officer, you can bring the witness in.

22 MS. TAVAKOLI: And, Your Honour, just the break, what will
23 happen with the break, just so I know to plan --

24 [Private session]

25 [Private session text removed]

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Witness: W00344 (Private Session)

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Cross-examination by Ms. Tavakoli

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Witness: W00344 (Private Session)

Page 22443

Cross-examination by Ms. Tavakoli

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Witness: W00344 (Private Session)

Page 22444

Cross-examination by Ms. Tavakoli

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Witness: W00344 (Private Session)

Page 22445

Cross-examination by Ms. Tavakoli

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Witness: W00344 (Private Session)

Page 22446

Cross-examination by Ms. Tavakoli

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Witness: W00344 (Private Session)

Page 22447

Cross-examination by Ms. Tavakoli

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Witness: W00344 (Private Session)

Page 22448

Cross-examination by Ms. Tavakoli

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Witness: W00344 (Private Session)

Page 22449

Cross-examination by Ms. Tavakoli

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Witness: W00344 (Private Session)

Page 22450

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22451

Cross-examination by Ms. Tavakoli

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: We are adjourned until 12 noon.

21 --- Recess taken at 11.25 a.m.

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

23 PRESIDING JUDGE SMITH: Back into private session, please,

24 Madam Court Officer.

25 [Private session]

Witness: W00344 (Private Session)

Page 22452

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22453

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22454

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22455

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22456

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22457

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22458

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22459

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22460

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22461

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22462

Cross-examination by Mr. Baiesu

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22463

Cross-examination by Mr. Baiesu

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22464

Cross-examination by Mr. Baiesu

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22465

Cross-examination by Mr. Baiesu

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22466

Cross-examination by Mr. Baiesu

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22467

Re-examination by Mr. Michalczuk

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22468

Re-examination by Mr. Michalczuk

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22469

Re-examination by Mr. Michalczuk

1 [Open session]

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

3 PRESIDING JUDGE SMITH: Thank you.

4 We're adjourned until 2.30.

5 --- Luncheon recess taken at 12.42 p.m.

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

7 PRESIDING JUDGE SMITH: Into private session, please,

8 Madam Court Officer.

9 [Private session]

10 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22470

Re-examination by Mr. Michalczuk

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22471

Re-examination by Mr. Michalczuk

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22472

Re-examination by Mr. Michalczuk

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22473

Re-examination by Mr. Michalczuk

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22474

Re-examination by Mr. Michalczuk

1 [Private session text removed]

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Witness: W00344 (Private Session)

Page 22475

Re-examination by Mr. Michalczuk

1 [Private session text removed]

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1 [Private session text removed]

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11 [Open session]

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

13 PRESIDING JUDGE SMITH: Thank you.

14 Is there anything else before the Panel today? Doesn't look
15 like it. All right. We will see you tomorrow morning at 9.00 a.m.

16 We're adjourned.

17 --- Whereupon the hearing adjourned at 2.50 p.m.

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