

1 Tuesday, 23 May 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The accused Krasniqi appeared via videolink]

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

6 PRESIDING JUDGE SMITH: Good morning, everyone.

7 Madam Court Officer, please call the 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 Today we will continue with the testimony of Witness 4355. I
13 note that Mr. Thaci, Mr. Veseli, and Mr. Selimi are present in court
14 today, and I note that Mr. Krasniqi is attending via videolink.

15 Mr. Halling, do we need to be in private session for the
16 beginning?

17 MR. HALLING: We do, Your Honour.

18 PRESIDING JUDGE SMITH: All right.

19 Madam Court Officer, please take us to private session for the
20 protection of the witness.

21 MS. ALAGENDRA: Your Honours.

22 PRESIDING JUDGE SMITH: Yes?

23 MS. ALAGENDRA: Your Honours, we have the issue of marking of
24 our exhibits from yesterday.

25 PRESIDING JUDGE SMITH: Say it again?

1 MS. ALAGENDRA: The marking of our exhibits from yesterday, the
2 statements that we had.

3 PRESIDING JUDGE SMITH: Yes, we received it just a few minutes
4 ago, and so we will review it and rule on it later.

5 MS. ALAGENDRA: Certainly. I'm grateful. Thank you.

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Witness: W04355 (Resumed) (Private Session)

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Examination by Mr. Halling (Continued)

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Examination by Mr. Halling (Continued)

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Kehoe

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Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Emmerson

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Witness: W04355 (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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15 [Open session]

16 THE COURT OFFICER: Your Honours, we're now in open session.

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

18 MR. TULLY: Thank you, Your Honour.

19 Q. Witness, before I ask you these questions, we know that it's
20 been a very long time since these events. This is not a memory test.
21 And I am simply asking for clarification because you're in a better
22 position to answer these questions than anybody else here in the
23 courtroom. And if you can't remember, there will be no criticism of
24 you. Just tell us that you don't remember.

25 Do you understand that?

1 A. Yes.

2 Q. I'm going to read out a short quote from your interview with the
3 SPO in 2019.

4 MR. TULLY: And for reference, this is P95.4, page 22, lines 7
5 to 11. And in Albanian, it's page 18, lines 18 to 24.

6 Q. And I'm just going to read out what you told the SPO about
7 person 3.

8 You said this. The question was -- sorry, I'll just wait for it
9 to be on screen.

10 MR. TULLY: Sorry, it's page 22 in the English. And page 18 in
11 the Albanian. Yes. That's it.

12 Q. The question was:

13 "What about person 3?"

14 And you answered:

15 "Yes."

16 And the question came again:

17 "So, just -- you don't know anything that person 3 had joined
18 the KLA in 1998 already?"

19 And you said:

20 "No. Ah, myself and person 3 -- sometimes he would go with ..."

21 And I won't read the rest of the quote. But do I understand
22 from that that person 3 was not a member of the KLA in 1998?

23 A. No.

24 Q. Thank you. And I'm going to read out to you a quote that's on
25 the same page in English.

1 And it begins on the next page in Albanian, Madam Court Officer.

2 And on the English, it begins at line 17 and goes on until 25.

3 And it's page 19 in Albanian, lines 1 to 7.

4 And you recalled for the SPO during this interview. Your answer
5 was:

6 "One case: Person 3 held a meeting in the village to come out
7 at night and to guard. And, person 3 did come out. Person 3 held
8 guard with some young men. The village held a meeting for them to
9 come out and guard at night."

10 Question:

11 "Mm-hmm."

12 And you answered:

13 "And that's it."

14 Question:

15 "So, was it then the civilians of the village that were holding
16 guard duty?"

17 And you answered:

18 "Guard, yes."

19 Do you remember saying this to the SPO during your interview in
20 2019?

21 A. Yes.

22 Q. Okay. Can you tell us when this incident occurred?

23 A. This was not an incident.

24 Q. Or the event. Well, when did this guard duty take place?

25 A. In 1998, late 1998, the leadership of the village convened a

1 meeting in which it was decided for some to go out and do guard duty
2 in the village.

3 Q. Okay. And, again, back to what I said about it being a long
4 time ago, are you able to put a date on when this happened in a
5 month? Not a specific day but month of the year.

6 A. It was towards the end of 1998, maybe August or September.

7 Q. And I understand from this quote that this, and I'm sorry if
8 this seems silly, but the guard duty was not paid by anybody, was it?
9 It was volunteer.

10 A. Yes, it was volunteer. It wasn't paid.

11 Q. I understand. And just to complete it, nobody was forced to do
12 this, were they?

13 A. Can you please repeat the question?

14 Q. Nobody was forced to take part in this guard duty, were they?

15 A. No.

16 Q. Thank you. And can you clarify what the villagers were guarding
17 against?

18 A. They were guarding the village against the Serb forces. They
19 were afraid that they could enter the village in the evening or at
20 night, and that was why they wanted to do guard, so that they can
21 keep us alert.

22 Q. Okay. Thank you. And was it common for the time for villages
23 to organise a civilian guard like the one you're describing here?

24 A. I don't know about other villages. But since we were close to
25 *[REDACTED] Pursuant to In-Court Redaction Order F1546RED., the*
leadership of the village decided in

Cross-examination by Mr. Tully

1 this meeting to install guard duty.

2 Q. Okay. Thank you.

3 MR. TULLY: I believe there might be a redaction order needed
4 just at the end there.

5 Q. Thank you, Witness. I have no more questions for you. I wish
6 you a safe travel home.

7 MR. TULLY: Thank you, Mr. President. I have no further
8 questions.

9 PRESIDING JUDGE SMITH: Thank you, Mr. Tully.

10 Mr. Ellis, can you give us an estimate of the time for your
11 cross-examination?

12 MR. ELLIS: It's certainly less than an hour. Probably
13 something like half an hour, maybe 45 minutes.

14 PRESIDING JUDGE SMITH: Okay. So that you won't be interrupted,
15 we'll take the morning break right now, we'll come back, and you can
16 finish your cross-examination.

17 MR. ELLIS: Thank you, Your Honour.

18 PRESIDING JUDGE SMITH: So into public session. Oh, we are in
19 public session.

20 Witness, we are going to take a morning break. You'll come back
21 to finish your testimony at 11.30, and the Court Usher will escort
22 you out of the room at this time. Do not talk to anyone about your
23 testimony, as I told you earlier.

24 [The witness stands down]

25 PRESIDING JUDGE SMITH: We are adjourned until 11.30.

Witness: W04355 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

1 --- Recess taken at 10.54 a.m.

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

3 PRESIDING JUDGE SMITH: Into private session, please.

4 Or, I'm sorry, do you intend, Mr. Ellis, to be in private
5 session?

6 MR. ELLIS: At least at the beginning, yes.

7 PRESIDING JUDGE SMITH: Private session.

8 [Private session]

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Witness: W04355 (Resumed) (Private Session)

Page 4558

Cross-examination by Mr. Ellis

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19 [Open session]

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

21 PRESIDING JUDGE SMITH: You may proceed.

22 MR. ELLIS:

23 Q. It's right, isn't it, that your family tried to contact

24 Adem Demaci?

25 A. Yes.

1 Q. And do you recall when that was?

2 A. In 1998.

3 Q. Do you recall roughly when in 1998?

4 A. No.

5 Q. If I read a passage from your SPO interview.

6 MR. ELLIS: And for those following, it's 061027-TR Part 4,
7 page 19, lines 13 to 19 in the English; Part 4, page 16, lines 3 to 9
8 in the Albanian.

9 Q. What you said there was:

10 "In 1998, even earlier, but not in the last months of 1998."

11 And the Prosecution asked:

12 "So, autumn 1998?"

13 And you responded:

14 "It must be something like that. It must be that."

15 Is that still your best recollection of when the date might have
16 been?

17 A. Probably it was autumn.

18 Q. And the Prosecution also asked you who was Adem Demaci at the
19 time, and your response was:

20 "At that time, they were saying the main one ..."

21 And you continued that:

22 "They were saying '... above the KLA.'"

23 Would that remain your answer today as well?

24 A. This is what they said at that time. At that time.

25 Q. In other words, this is generally what you heard people saying

1 in your village at the time; correct?

2 A. Yes, in the village but also from what we heard in the news on
3 television.

4 Q. Do you recall people saying that Adem Demaci was a political
5 representative of the KLA?

6 A. This is what they said. That's why we went to him, to
7 Prishtine.

8 Q. Now, you also told the Prosecution that you went to the village
9 of Jakup Krasniqi; is that right?

10 A. Yes.

11 Q. You had heard that Mr. Krasniqi was the spokesperson of the KLA,
12 hadn't you?

13 A. Yes.

14 Q. And do you recall when you went to the village?

15 A. Yes.

16 Q. And when was it?

17 A. It was in September 1998.

18 Q. Now, you personally didn't know Jakup Krasniqi, did you?

19 A. No.

20 Q. And you weren't ever a member of the KLA, were you?

21 A. No.

22 Q. So your knowledge on this would come from things that you heard
23 on the media, on television, or things that you heard people talking
24 about, other villagers talking about; correct?

25 A. Yes.

1 Q. So when you said to the Prosecution that Jakup Krasniqi was
2 above the army, it was because you'd heard that he was the
3 spokesperson; is it not?

4 A. Yes, that's correct.

5 Q. And do you recall the name of the village to which you went to
6 try to visit Mr. Krasniqi?

7 A. Negroc, from what I remember.

8 Q. And did you learn that from the media also?

9 A. Yes.

10 Q. So you just went to the village. You didn't let anyone know in
11 advance that you were going; correct?

12 A. I went together with my mother, but it was Mom who wanted to go.
13 And then I had to accompany her.

14 Q. And when you got there, you heard that Jakup Krasniqi was not
15 there. That's right, isn't it?

16 A. Yes, that's right.

17 Q. And since he wasn't there, you never actually spoke with
18 Jakup Krasniqi about this matter?

19 A. No, we didn't talk to him.

20 MR. ELLIS: Just one moment, Your Honours.

21 Your Honours, thank you. I've nothing further.

22 PRESIDING JUDGE SMITH: Thank you, Mr. Ellis.

23 Redirect, anything?

24 MR. HALLING: No, Your Honour.

25 PRESIDING JUDGE SMITH: I can't recall, Victims' Counsel, do you

Questioned by the Panel

1 have time reserved for this witness?

2 MR. LAWS: I do not, Your Honour. No.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 THE INTERPRETER: Microphone, please.

5 PRESIDING JUDGE SMITH: Questions from the Judges.

6 I think Judge Mettraux has a question or two.

7 JUDGE METTRAUX: Thank you, Judge Smith.

8 Questioned by the Panel:

9 JUDGE METTRAUX: And good afternoon, Witness.

10 I'll ask you a couple of questions about both of your relatives.

11 And we are in public session, so please do not mention their names.

12 I first want to ask you about person 2. Do you know in what
13 circumstances he was released from detention?

14 A. They released number 2 on [REDACTED] Pursuant to In-Court
Redaction Order F1546RED.

15 JUDGE METTRAUX: And do you know any more than that? For
16 example, do you know who decided to release him and how person 2 was
17 informed of that decision? Do you have any information about this?

18 A. No.

19 JUDGE METTRAUX: [Microphone not activated].

20 THE INTERPRETER: Microphone, please.

21 JUDGE METTRAUX: Apologies.

22 Moving on to your other relative, person 1. Do you know if he
23 was released from detention at any point?

24 A. No.

25 JUDGE METTRAUX: And do you know how and in what circumstances

Questioned by the Panel

1 his partial remains were found? And please do not mention the place
2 where those remains were found. But do you know anything about the
3 circumstances, how this location was identified?

4 A. At the time that they found number 1, I wasn't in Kosovo.

5 JUDGE METTRAUX: I understand that. Did you come to learn from
6 any of your relatives or anyone else how they came to learn about the
7 whereabouts of those remains?

8 A. The family told me.

9 JUDGE METTRAUX: And, again, not mentioning the location, what
10 did these relatives tell you about it?

11 A. Prishtine, the -- in the hospital, they had told them that the
12 remains of number 1 were found.

13 JUDGE METTRAUX: Thank you. And one last question. You've
14 indicated in response to Mr. Ellis that you tried to contact two
15 individuals within the KLA.

16 What I want to ask you is whether in June 1998 there was or
17 would have been any place or institution where you or relative 2
18 could have gone to ask for an investigation of what had happened to
19 persons 1 and 2?

20 Was there any place you could go to and ask these matters to be
21 investigated?

22 A. No. We -- the places we heard about, that's where we went.

23 JUDGE METTRAUX: Thank you, [REDACTED] Pursuant to In-Court
Redaction Order F1546RED.

24 I have no further questions.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

Questioned by the Panel

1 JUDGE GAYNOR: No questions, thank you.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 THE INTERPRETER: Microphone, please.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MR. HALLING: No, Your Honour. No further questions.

6 PRESIDING JUDGE SMITH: Anything from the --

7 MR. KEHOE: No, Your Honour.

8 PRESIDING JUDGE SMITH: -- Thaci Defence.

9 Anything from Veseli's Defence?

10 MR. EMMERSON: [Microphone not activated].

11 MR. TULLY: None, Your Honour.

12 PRESIDING JUDGE SMITH: Nothing from Mr. Tully.

13 MR. ELLIS: No, thank you, Your Honour.

14 PRESIDING JUDGE SMITH: Thank you, Mr. Ellis.

15 Witness, you are finished with your testimony. We will release
16 you at this time, and the Court Usher will take you out of the room.

17 Thank you for being with us and telling us the facts around your
18 *[REDACTED] Pursuant to In-Court Redaction Order F1546RED. case.*

19 THE WITNESS: [Interpretation] Thank you.

20 [The witness withdrew]

21 PRESIDING JUDGE SMITH: Mr. Quick, we will start at this time
22 after everybody gets reorganised. We will go until about maybe 1.00.

23 Yes, until 1.00 --

24 MR. QUICK: Okay.

25 PRESIDING JUDGE SMITH: -- and then take a break.

1 MR. QUICK: Yes, Your Honour. If I could just have a --

2 PRESIDING JUDGE SMITH: Would you like to start in public
3 session?

4 MR. QUICK: Yes, Your Honour. If I could just have a -- we will
5 start in public session, yes. Yes, Your Honour.

6 PRESIDING JUDGE SMITH: Remember, get the identification out of
7 the way at the beginning though.

8 MR. QUICK: That's right, Your Honour. So we'll start in public
9 and then we'll move to private briefly just for three quick questions
10 and then we'll move back.

11 PRESIDING JUDGE SMITH: No problem.

12 MR. QUICK: Thank you.

13 PRESIDING JUDGE SMITH: One other question I will ask. Is there
14 any need of codes for this witness?

15 MR. QUICK: We considered the possibility of using codes in
16 order to do the supplemental questioning and partially in open
17 session. However, the supplemental questioning relates to a
18 particular unique incident that's unique to this witness, and we
19 didn't see any possibility of using an alternative to doing the
20 supplemental questioning in private session.

21 That questioning should be relatively short, however.

22 PRESIDING JUDGE SMITH: So you intend to be in public session as
23 much as possible, then?

24 MR. QUICK: That's right, Your Honour.

25 PRESIDING JUDGE SMITH: Thank you.

1 Everybody settled and in the place they're going to be? Okay.

2 Court Usher, please bring the witness in.

3 MR. QUICK: Your Honour, while the witness is being brought in,
4 maybe I could introduce my colleague, Nico Baarlink, Associate Legal
5 Officer, for the record. It's his first time in court today.

6 PRESIDING JUDGE SMITH: Thank you.

7 [The witness entered court]

8 PRESIDING JUDGE SMITH: Just be seated, please.

9 All right, Witness, you may stand, please. I'm going to read
10 you the oath that you must take, the solemn declaration. I'll read
11 it partially to you and then you repeat it to me.

12 Do you understand?

13 THE WITNESS: [Interpretation] Yes.

14 PRESIDING JUDGE SMITH: Conscious of the significance of my
15 testimony.

16 THE WITNESS: [Interpretation] Conscious of the significance of
17 my testimony.

18 PRESIDING JUDGE SMITH: And my legal responsibility.

19 THE WITNESS: [Interpretation] And my legal responsibility.

20 PRESIDING JUDGE SMITH: I solemnly declare that I will tell the
21 truth.

22 THE WITNESS: [Interpretation] I solemnly declare that I will
23 tell the truth.

24 PRESIDING JUDGE SMITH: And nothing but the truth.

25 THE WITNESS: [Interpretation] And nothing but the truth.

1 PRESIDING JUDGE SMITH: The whole truth.

2 THE WITNESS: [Interpretation] And the whole truth.

3 PRESIDING JUDGE SMITH: And that I shall not withhold anything.

4 THE WITNESS: [Interpretation] And that I shall not withhold
5 anything.

6 PRESIDING JUDGE SMITH: Which has come to my knowledge.

7 THE WITNESS: [Interpretation] Which has come to my knowledge.

8 WITNESS: W01236

9 [Witness answered through interpreter]

10 PRESIDING JUDGE SMITH: You may be seated.

11 Witness, today we will start your testimony, which is expected
12 to last approximately six to seven hours. As you may know, the
13 Prosecution will ask you questions first, and then the Defence has
14 the right to ask questions of you, and members of the Panel also may
15 ask questions of you.

16 The Prosecution estimate for your examination is two hours.
17 Victims' Counsel estimates 15 minutes for their examination. The
18 Defence estimates that it will need four and a half hours. As
19 regards each estimate, we hope that counsel will be judicious in the
20 use of their time. The Panel may allow redirect examination if
21 conditions for it are met.

22 Witness, please try to answer the questions clearly with short
23 sentences. If you don't understand a question, feel free to ask
24 counsel to repeat the question or tell them that you don't understand
25 and they will clarify.

1 Q. Good afternoon, Witness. We have met before, but I will
2 introduce myself again. I am Nathan Quick with the SPO, and I will
3 be asking you some questions today.

4 As I explained during your preparation session, rather than
5 asking you questions about every relevant issue you may have
6 information about, it may be possible to admit your prior statements
7 containing such information into evidence.

8 In other words to do so, there are a number of procedural steps
9 to follow, which I will turn to after establishing your identity.

10 MR. QUICK: Your Honour, if we can move to private session for
11 less than a minute.

12 PRESIDING JUDGE SMITH: Madam Court Officer, please take us to
13 private session.

14 [Private session]

15 [Private session text removed]

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Witness: W01236 (Private Session)

Page 4572

Examination by Mr. Quick

1 [Private session text removed]

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6 [Open session]

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

8 PRESIDING JUDGE SMITH: You may proceed in public session,

9 Mr. Quick.

10 MR. QUICK: Thank you, Your Honour.

11 Q. Witness, do you remember giving a statement to the SPO on 28 and
12 29 January 2020?

13 A. Yes.

14 MR. QUICK: If we could please pull up the document with
15 ERN 073616-TR-AT, Part 1, RED2. And the English is the same ERN only
16 with -ET. And just to note that this transcript has five parts, but
17 I only intend to show the Witness Part 1 for present purposes.

18 Q. Witness, do you see a document on your screen?

19 A. Yes.

20 Q. And at the top of this document, do you see the date 28 January
21 2020?

22 A. Yes.

23 Q. And do you see your name at line 7? I don't want you to say
24 your name out loud as we're in open session, but just to confirm that
25 you see your name at line 7?

Witness: W01236 (Open Session)

Page 4573

Examination by Mr. Quick

1 A. Yes. Yes.

2 Q. Witness, is this your SPO interview?

3 A. Yes.

4 Q. Witness, have you recently had the opportunity to refamiliarise
5 yourself with the contents of this interview?

6 A. Yes.

7 Q. And during your preparation session with the SPO, you indicated
8 some changes and clarifications to your SPO interview; is that
9 correct?

10 A. Yes.

11 Q. And these changes were reflected in a note that was read back to
12 you; is that correct?

13 A. Yes.

14 Q. Witness, do you confirm that what was read back to you in the
15 note reflected your changes fully and accurately?

16 A. They were correct.

17 MR. QUICK: And if we could please pull up the document with ERN
18 113287-113286. This is the note containing the clarifications to the
19 SPO interview.

20 Q. Witness, I know this document is in English, but do you
21 recognise it?

22 A. I do, yes.

23 MR. QUICK: Court Officer, if we can please go to the last page,
24 that's page 113286.

25 Q. Witness, on this page are those your initials above the date

Witness: W01236 (Open Session)

Page 4574

Examination by Mr. Quick

1 22 May 2023?

2 A. Yes.

3 Q. Witness, subject to the corrections set out in this note, does
4 your SPO interview accurately reflect your evidence?

5 A. Everything that was corrected is accurate.

6 Q. And the remainder of your SPO interview, the parts that you did
7 not correct, can you confirm that the full interview, including the
8 corrections, accurately reflects your evidence?

9 A. Yes, they were also accurate. There was some additions.
10 Perhaps there was some mistakes during the translation.

11 Q. And does your SPO interview, with the corrections set out in the
12 note, does that together also reflect what you would say if you were
13 asked again the same questions in court today?

14 A. Yes, they are accurate.

15 Q. And would it reflect what you would say if you were asked again
16 the same questions in court today?

17 A. Yes.

18 MR. QUICK: Your Honour, as the Rule 154 criteria have been
19 fulfilled, the SPO tenders the SPO interview, both Albanian and
20 English transcripts, into evidence. I can give the ERN again, if
21 required.

22 The SPO also tenders the preparation note with ERN
23 113279-113286. And, finally, the SPO tenders the associated exhibits
24 to the SPO interview. The ERNs of the exhibits associated with the
25 SPO interview are 073612-073612, 073613-073613, and 073614-073615,

1 and the English translation has the same ERN with -ET at the end.

2 We would ask that those be admitted.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. MOSKOWITZ: No objection, Your Honour.

5 MR. ROBERTS: No objection, Your Honour.

6 MS. ALAGENDRA: No objections, Your Honour.

7 PRESIDING JUDGE SMITH: The interview and the notes and the
8 associated exhibits are all admitted and will be assigned a number.

9 MR. QUICK: Thank you, Your Honour.

10 I will now ask the witness --

11 PRESIDING JUDGE SMITH: Just a second.

12 MR. QUICK: Oh, sorry.

13 PRESIDING JUDGE SMITH: Got to get the numbers.

14 THE COURT OFFICER: Yes, Your Honour. The interview, which
15 contains of five parts, with ERN 073616 will be assigned
16 Exhibit P99.1 to Part 1, P99.2 to Part 2, P99.3 to Part 3, P99.4 to
17 Part 4, and P99.5 to Part 5.

18 Then, Your Honour, the preparation note with ERN 113279 to ERN
19 113286 will be Exhibit P100.

20 The associated exhibit with ERN 073612 to 073612 will be
21 Exhibit P101.

22 Associated exhibit 073613 to 073613 will be Exhibit P102.

23 And associated exhibit with ERN 073614 to 073615 and its English
24 translation will be Exhibit P103.

25 PRESIDING JUDGE SMITH: And those as enumerated by the

Witness: W01236 (Private Session)

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Examination by Mr. Quick

1 Court Officer are all admitted.

2 You may continue, Mr. Quick.

3 MR. QUICK: Thank you, Your Honour.

4 I will now ask the witness a few questions to supplement his
5 Rule 154 statement. As noted in our e-mail from yesterday, this
6 supplemental questioning concerns a single unique incident that would
7 be identifying of the witness, so I would ask that we move to private
8 session.

9 PRESIDING JUDGE SMITH: All right. For the protection of the
10 witness, please take us to private session, Madam Court Officer.

11 [Private session]

12 [Private session text removed]

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Witness: W01236 (Private Session)

Page 4577

Examination by Mr. Quick

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Witness: W01236 (Private Session)

Page 4578

Examination by Mr. Quick

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Witness: W01236 (Private Session)

Page 4579

Examination by Mr. Quick

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Witness: W01236 (Private Session)

Page 4580

Examination by Mr. Quick

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Witness: W01236 (Private Session)

Page 4581

Examination by Mr. Quick

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Witness: W01236 (Private Session)

Page 4582

Examination by Mr. Quick

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Witness: W01236 (Private Session)

Page 4583

Examination by Mr. Quick

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Witness: W01236 (Private Session)

Page 4584

Examination by Mr. Quick

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Witness: W01236 (Private Session)

Page 4585

Examination by Mr. Quick

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Witness: W01236 (Private Session)

Page 4586

Examination by Mr. Quick

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Witness: W01236 (Private Session)

Page 4587

Examination by Mr. Quick

1 [Private session text removed]

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Witness: W01236 (Private Session)

Page 4588

Questioned by Victims' Counsel

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Witness: W01236 (Private Session)
Questioned by Victims' Counsel

Page 4589

1 [Private session text removed]

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9 [Open session]

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

11 PRESIDING JUDGE SMITH: Thank you.

12 Go ahead, Mr. Laws.

13 MR. LAWS: Thank you, Your Honour.

14 Q. Witness, are you 63 years old now?

15 A. Yes.

16 Q. And were you 38 at the time that you were detained?

17 A. Yes.

18 Q. Before you were detained, what was your job?

19 A. I was the head of my family. I had my parents living with me.

20 We were a large family of over 30 members, and I was the provider for

21 all of them. I was a manual labourer. I tilled my land. I was a

22 farmer. And things like that. Dealing with agriculture chores.

23 Q. Were you able to go back to farming and the manual chores on the

24 land after you were released from the place in which you had been

25 detained?

Witness: W01236 (Open Session)
Questioned by Victims' Counsel

Page 4590

1 A. No.

2 Q. Why not?

3 A. Because my condition changed because of maltreatment, beatings.
4 For those six weeks, I became unable to work. I had pains and
5 everything.

6 Q. In fact, since your release have you been able to work at all?

7 A. No, not like before. Some light work. But no, not.

8 Q. Before you were detained, were you in good health or not?

9 A. Yes, I was in good health.

10 Q. Now, there is no need for me to take you through any of the
11 details of the things that were done to you. All right? But you've
12 mentioned the pain that you suffered, and so I want to ask you this
13 question. Do the injuries that were caused to you still cause you
14 pain, or are they healed?

15 A. They still cause me pain. I continue to take medication to this
16 day. I am unable.

17 Q. Could you tell us, please, where on your body you still suffer
18 pain?

19 A. I have pains -- I have headaches. I have pains in my legs, in
20 my arms, in my hands, all over my body.

21 Q. We know that you sustained a broken bone in your left arm, in
22 your lower left arm. Does that injury still cause you pain?

23 A. It does. Yes, I have pains. A lot of pain. Especially when
24 the weather changes, I have more problems. Always I have.

25 Q. What about your shoulder?

Witness: W01236 (Open Session)
Questioned by Victims' Counsel

Page 4591

1 A. Yes, it is -- it healed of itself. I didn't have any place
2 where to go for being treated, but gradually it healed, but it pains
3 me a lot. I have pains there. I was beaten with a baseball bat.
4 From [REDACTED] Pursuant to Post Session Redaction Order F1571. and
other soldiers who were there, they kept
5 beating me with these baseball bats.

6 Q. You have provided, have you not, a photograph of the scarring to
7 your shoulder?

8 A. Yes.

9 MR. LAWS: And I'm going to ask that this is put up on to the
10 screen, please, not to be shown to the public broadcast. It's
11 V2610002.

12 Is it possible to move down in the image and get a little
13 closer? Thank you.

14 Q. When was this photograph taken, please, Witness?

15 A. Yes, it is exactly like it was, and it still is. There is a
16 scar.

17 Q. When was the photograph taken, please?

18 A. It was taken recently. I had also previous photos.

19 Q. Yes.

20 A. But I submitted them to the Court, but they lost them, I think.
21 Not -- I submitted them to the Court. Not in this -- to this Court,
22 but to the former [REDACTED] Pursuant to In-Court Redaction Order
F1546RED., when I started to give testimony.

23 Q. Yes, just staying with this photograph. Was it taken in the
24 last couple of weeks?

25 A. Yes.

Witness: W01236 (Open Session)
Questioned by Victims' Counsel

Page 4592

1 MR. LAWS: May we have on the screen, please, a slightly closer
2 view of the injury, which is V2610003. Again, not to be shown to the
3 public.

4 Q. And just so that we're clear, Witness, what caused that
5 scarring?

6 A. I didn't understand the question. I didn't.

7 Q. What was done to you to cause that scarring?

8 A. Because of the beatings. They even tore my shirt. I was naked
9 all the time. They took away all my clothes, even my underwear. I
10 don't know I managed to cope with that.

11 MR. LAWS: We can take the photograph down now. Thank you,
12 Madam Court Officer.

13 Q. Did your detention have any psychological effect on you?

14 A. Yes.

15 Q. Are you comfortable telling the Judges about the psychological
16 effect on you, Witness?

17 A. Are you asking me about the medicaments, what I take?

18 Q. We will certainly come to that in a moment. But I would like
19 you, if you feel comfortable doing so, to tell the Judges about the
20 effects on you and how it is to be in your mind in your daily life
21 now?

22 A. Very, very bad. I went through a lot. I can't seem to forget
23 what I went through. I have very bad memories of that time. I have
24 flashbacks of that time.

25 Q. As a result of those difficulties, did you receive professional

Witness: W01236 (Open Session)

Page 4593

Questioned by Victims' Counsel

1 help?

2 A. Yes.

3 Q. Can you remember when that was?

4 A. What do you mean? I am not clear. I am not clear about the
5 question.

6 Q. When was it that you received the professional help in relation
7 to your psychological difficulties?

8 A. Then and when I came abroad. I have constantly been taking
9 medication every day.

10 Q. Have you seen a psychologist?

11 A. Yes.

12 Q. Can you remember when that was?

13 A. It's some years now. It was in [REDACTED] Pursuant to Post
Session Redaction Order F1571. I went there for

14 two years constantly. I went to a psychologist there. But still, I
15 can't -- can't seem to forget these memories, even though many years
16 have passed. Time is passing.

17 Q. Do you know what diagnosis the psychologist made? That's to
18 say, what were you told what the psychologist thought was wrong with
19 you in medical terms?

20 A. Yes, they did. I showed the problem I had. I spoke to him
21 about my pains, my headaches. I explained that I wasn't feeling
22 good. We talked at length. And then I showed him what I was taking
23 for headaches, for diabetes, for everything. I can't explain how
24 many pills I take for my pains.

25 Q. You said a few moments ago that you saw the psychologist for

1 some time and that you were seeing the person constantly. Did they
2 tell you what their opinion was about your psychological difficulty?

3 A. Yes. But at that moment, I still had the same problems. As I
4 said, I went there for two years. I went there constantly.

5 Q. Yes. Could you tell us what you were told the diagnosis of your
6 problems was?

7 A. He gave me pills, tranquillisers to deal with it, but nothing
8 worked.

9 MR. LAWS: I can see the time. I'm going to be a few more
10 minutes. Can I just ask one more question?

11 PRESIDING JUDGE SMITH: Yes, you may.

12 MR. LAWS:

13 Q. He gave you pills and tranquillisers to deal with it. Did he
14 say what the problem was that you had, in his opinion?

15 A. He asked me about the problem. I explained to him where the
16 problem started. I spoke to him about the flashbacks. We talked and
17 talked. And I did what he told me, but I still have the same
18 problem. I take the pills for a while. I feel a little calmer. And
19 then I start to feel the same things again.

20 MR. LAWS: Your Honour, if that's a convenient moment. I have
21 got another five or so minutes.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. LAWS: No, I'm happy to take the break and come back.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 We are in public session. We will ask the Court Usher to please

1 escort the witness out.

2 [REDACTED] Pursuant to In-Court Redaction Order F1546RED., we
will take a break now for lunch. Be back here
3 at 2.30. Thank you.

4 [The witness stands down]

5 PRESIDING JUDGE SMITH: We are adjourned until 2.30.

6 --- Luncheon recess taken at 1.05 p.m.

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

8 PRESIDING JUDGE SMITH: Before we take up the cross-examination
9 from the Thaci Defence, I will rule on the tender made by the
10 Krasniqi Defence.

11 Just for convenience sake, on the list of exhibits offered by
12 the Krasniqi Defence, in each paragraph, I've numbered them
13 sequentially 1 through 11, starting with the very first one. They
14 will then receive further identification as is necessary.

15 Items 1, 2, 5, 6, 7, and 8 are inadmissible as they amount to
16 statements of a witness and they do not comply with Rules 153, 154,
17 and 155.

18 Regarding SPOE00067084 through 00067089-ET and SPOE00067084
19 through 00067089, the Panel notes that Rule 154(c) requires the
20 witness to attest that the statement or transcript reflects his or
21 her declaration and what he or she would say if examined. This
22 requirement is intended to ensure that a written record of a witness
23 accurately reflects what he or she would say if giving evidence in
24 court.

25 This requirement has not been strictly adhered to by the Defence

1 in this case in relation to this statement. The Panel is satisfied,
2 however, that the reliability of the record and the witness's
3 attestation of its accuracy was verified through the process of
4 proofing of the witness when the witness was asked to provide
5 clarifications and corrections to [REDACTED] Pursuant to In-Court
Redaction Order F1546RED. previous statements.

6 As the proofing notes demonstrate, the witness did review and
7 provide clarifications and corrections to [REDACTED] Pursuant to In-
Court Redaction Order F1546RED. previous statements,
8 including those now offered for admission by the Defence. This is
9 reflected in the proofing note produced by the SPO bearing ERN 113174
10 to 113178 at paragraph 15.

11 Accordingly, the Trial Panel is satisfied that this prior
12 statement of the witness may be admitted pursuant to Rules 137 and
13 154 and that it is in the interests of justice that the Panel should
14 admit it.

15 The statement is admitted together with paragraph 15 of the
16 document bearing ERN 113174 to 113178.

17 The last three items are not objected to and are also admitted.

18 Can the Registry please assign exhibit numbers to the items that
19 were admitted.

20 MR. EMMERSON: Before we go into open session, and in light of
21 the ruling that you've just given in respect of the last witness,
22 when the SPO first -- I'm sorry.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. EMMERSON: In which case, may we go into closed session but
25 before the witness has come in I'll deal with the --

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MR. EMMERSON: Yes.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. EMMERSON: Private session.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MR. EMMERSON: No, I'm sorry.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

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Questioned by Victims' Counsel

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13 [Open session]

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

15 PRESIDING JUDGE SMITH: Thank you.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: Thank you, Witness. Can you hear me all
18 right?

19 Mr. Laws will continue with his examination of you.

20 Go ahead, Mr. Laws.

21 MR. LAWS: Thank you, Your Honour.

22 Q. And good afternoon, Witness.

23 Earlier today, and it's page 86, line 7 of today's transcript.

24 Earlier today, Witness, you said:

25 "I can't seem to forget these memories, even though many years

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Questioned by Victims' Counsel

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1 have passed."

2 And I just wanted to ask you one last question on this topic,
3 and it's this: When the memories come back, how do you feel?

4 A. I feel very bad. Very bad. These memories are constantly on my
5 mind.

6 Are you hearing me?

7 Q. [Microphone not activated].

8 THE INTERPRETER: Microphone.

9 MR. LAWS:

10 Q. It may be that if you could be slightly closer to the
11 microphone, it may be a little easier.

12 A. These memories are always fresh at any time. If I am moving
13 around, then I might forget them for a second, but otherwise they're
14 constantly on my mind.

15 Can you hear me?

16 Q. Yes, I think everybody can hear you. Do they affect you
17 physically in any way when these memories come back to you?

18 A. I feel very bad. I can't even describe it in words to you. I
19 feel very weak.

20 Q. All right. We're going to change topic now, and we're going to
21 ask you some questions about your car, which, as you described
22 extensively in your interview and elsewhere, was taken from you on
23 the day that you were detained; is that right?

24 A. Yes.

25 MR. LAWS: I wonder if we could have on the screen, please, but

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Questioned by Victims' Counsel

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1 not for public broadcast, V2610001 to V2610001. And if we could have
2 at the same time the English translation of the document, which is
3 now P103. Its ERN is 073615-ET, and it's page 2 of that document.

4 Q. Witness, on the left side of the screen, can you see a copy of
5 the document that you provided with in relation to the fact that your
6 car was being confiscated?

7 A. Yes.

8 Q. And so that we're clear, this is a copy, is it not, that you
9 have provided and you've added a photograph of the car itself?

10 A. Yes.

11 Q. And there's a gentleman in the frame.

12 MR. LAWS: If we could just have the photograph enlarged a
13 little please, Madam Court Officer.

14 Q. Who's that in the photograph?

15 A. I am on this photograph.

16 Q. Sorry, I couldn't hear that at all.

17 A. I am on this photograph.

18 Q. Thank you. Can you say approximately how long before your
19 detention this photograph was taken?

20 A. About one year or a year and a half before that. Not more than
21 that.

22 Q. And for how long had you owned the car by the time that it was
23 taken by the KLA?

24 A. I had owned it for four or five years. Not more than that.

25 Q. And roughly how old was it when you bought it?

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Questioned by Victims' Counsel

1 A. When I bought it, it was about two years old.

2 Q. And how much did you pay for it?

3 A. I paid about 35.000, including customs and all other expenses.
4 My brothers had bought it in Switzerland, so I had to pay all the
5 customs and other related expenses.

6 Q. And the 35.000 is in what currency?

7 A. Deutschemarks.

8 Q. In the photograph, just so there's no mystery, we can see it's
9 decorated with flowers, and I think that was for a wedding that you
10 were attending; is that right?

11 A. Yes.

12 Q. Did you ever get the car back?

13 A. No.

14 Q. Did you ever receive any compensation?

15 A. No.

16 Q. Thank you.

17 MR. LAWS: Your Honour, I'm going to ask just two or three final
18 questions, and it may be better to go into private session for those,
19 please.

20 PRESIDING JUDGE SMITH: Into private session, please,
21 Madam Court Officer.

22 [Private session]

23 [Private session text removed]

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Questioned by Victims' Counsel

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Questioned by Victims' Counsel

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15 [Open session]

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

17 MR. LAWS: Your Honour, may I tender the three exhibits that
18 I've produced today, please?

19 PRESIDING JUDGE SMITH: Yes.

20 Any objection to those exhibits? No objection. Those exhibits
21 will be admitted and assigned a number.

22 THE COURT OFFICER: Your Honours, document with ERN V261002 to
23 V261002 will be assigned Exhibit V1.

24 Document with ERN V261003 to V261003 will be Exhibit V2.

25 And document with ERN V261001 to V261001 will be Exhibit V3.

1 PRESIDING JUDGE SMITH: V1, 2, and 3 are admitted into evidence.

2 [Trial Panel confers]

3 PRESIDING JUDGE SMITH: All right, Mr. Quick. Any other
4 witnesses available today?

5 MR. QUICK: Yes, Your Honour. We do not have any other
6 witnesses available.

7 PRESIDING JUDGE SMITH: All right. Could you, by end of
8 business tomorrow, notify everybody of the next witnesses, maybe the
9 next four or five witnesses, that you intend to call?

10 MR. QUICK: We can, yes.

11 PRESIDING JUDGE SMITH: Anything from anybody?

12 MR. KEHOE: No, Your Honour. Thank you.

13 MR. EMMERSON: Nothing.

14 MR. ROBERTS: Nothing from me, Your Honour.

15 PRESIDING JUDGE SMITH: Thank you.

16 So we will be adjourned and we will next meet you in the month
17 of June.

18 MR. LAWS: I'm so sorry to interrupt, Your Honour. I do
19 apologise.

20 PRESIDING JUDGE SMITH: I'm sorry.

21 MR. LAWS: I've just had a very helpful e-mail from one of my
22 colleagues pointing out that the wrong English translation came up on
23 the screen. It's a two-page document and it's the other page, if
24 it's still on our screens, yes. That's the translation that goes
25 with the document on the left-hand side, and I'm extremely grateful

1 to Ms. Alagendra.

2 MR. EMMERSON: I do apologise. And I entirely understand the
3 correction. But the decision not to question the witness on our end
4 will have been influenced by the previous document, so may I ask that
5 both documents are marked for admission, please.

6 In other words, the document that was, in fact, shown on the
7 screen to the witness, as well as the one that --

8 MR. LAWS: I think they're both already admitted.

9 MR. EMMERSON: Very well.

10 [Trial Panel and Court Officer confers]

11 PRESIDING JUDGE SMITH: They are both part of P103 already. So
12 that's moot.

13 Thank you very much for your attention today. We will see you
14 at our next session.

15 --- Whereupon the hearing adjourned at 3.07 p.m.

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