

1 Tuesday, 27 August 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Thank you.

11 The four accused are present in court today. We will start the  
12 hearing of the evidence of Prosecution Witness W04764.

13 Madam Court Officer, please bring the witness in.

14 [The witness entered court]

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 Good morning, Witness.

17 THE WITNESS: [Interpretation] Good morning.

18 PRESIDING JUDGE SMITH: The Court Usher will now provide you  
19 with the text of the solemn declaration which you are asked to take  
20 pursuant to Rule 141(2) of our rules. Take a look at it and then  
21 read it aloud.

22 THE WITNESS: [Interpretation] Can I start?

23 PRESIDING JUDGE SMITH: You may read it aloud.

24 THE WITNESS: [Interpretation] Conscious of the significance of  
25 my testimony and my legal responsibility, I solemnly declare that I

1 will tell the truth, the whole truth, and nothing but the truth, and  
2 that I shall not withhold anything which has come to my knowledge.

3 WITNESS: W04764

4 [The witness answered through interpreter]

5 PRESIDING JUDGE SMITH: Thank you. You can be seated now.

6 Witness, we will now start your testimony, which is expected to  
7 last approximately one and a half days. As you may know, the  
8 Prosecution will ask you questions first, and then the Defence has  
9 the right to ask you questions, and members of the Panel might also  
10 ask questions of you.

11 The Prosecution estimate for your examination is three hours.  
12 The Defence estimates that it will need seven hours. As regards each  
13 estimate, we hope that counsel will be judicious in the use of their  
14 time. The Panel may allow redirect examination if conditions for it  
15 are met.

16 Witness, please try to answer the questions clearly with short  
17 sentences. If you don't understand a question, feel free to ask  
18 counsel to repeat the question or tell them if you don't understand  
19 and they will clarify. Also, please try to indicate the basis of  
20 your knowledge of facts and circumstances that you will be asked  
21 about.

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

1 Please also speak into the microphones and wait five seconds  
2 before answering a question, and then speak at a slow pace so the  
3 interpreters can catch up.

4 During the next days while you're giving evidence in this Court,  
5 you are not allowed to discuss with anyone the content of your  
6 testimony outside of the courtroom. If any person asks you questions  
7 outside the Court about your testimony, please let us know.

8 Also, please stop talking if I ask you to do so and also stop  
9 talking if you see me raise my hand. These indications mean that I  
10 need to give you an instruction.

11 If you feel the need to take a break, please make an indication  
12 and we will accommodate you. As you requested, we will take a break  
13 approximately every hour.

14 We begin now with the Prosecution's questions of you. They are  
15 seated to your left. You can please give them your attention.

16 You may go ahead, Madam Prosecutor.

17 MS. CLANTON: Good morning, Your Honours.

18 Examination by Ms. Clanton:

19 Q. Good morning, Witness. We've met previously.

20 A. Good morning.

21 Q. My name is Sarah Clanton, and I'll be asking you questions today  
22 on behalf of the SPO. I would first take your personal details.

23 MS. CLANTON: And for that, can we move into private session,  
24 please.

25 PRESIDING JUDGE SMITH: Please take us to private session,

Witness: W04764 (Private Session)

Page 18998

Examination by Ms. Clanton

1 Madam Court Officer.

2 [Private session]

3 [Private session text removed]

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21 [Open session]

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

23 PRESIDING JUDGE SMITH: Thank you.

24 MS. CLANTON:

25 Q. Witness, there are procedures of this Court that allow the

1 Judges to receive the records of your prior statement in writing. In  
2 order for this procedure to be satisfied, I will now ask you a few  
3 questions.

4 MS. CLANTON: Can the Court Officer please call up 083717-TR-ET  
5 Part 1 Revised RED, not to be broadcast, and the accompanying  
6 Albanian.

7 Q. Witness, do you recall that you were interviewed by the SPO in  
8 2020?

9 A. Yes, I do.

10 Q. And do you recall that when you and I previously met, an  
11 interpreter read the transcript of that interview to you in your  
12 language?

13 A. Yes, I do recall it.

14 Q. And do you recall that you had an opportunity to provide  
15 corrections and clarifications?

16 A. Yes.

17 Q. And do you recall that you made a number of clarifications and  
18 corrections?

19 A. Yes, I recall it.

20 Q. And do you recall that those corrections, clarifications, and  
21 additional information were typed up and then read back to you by the  
22 interpreter in your language?

23 A. Yes.

24 Q. Do you recall that when we met several days ago, these typed  
25 notes containing your corrections, clarifications, and additional

Witness: W04764 (Open Session)

Page 19000

Examination by Ms. Clanton

1 information were read back to you by an interpreter in your language?

2 A. Yes, I recall it.

3 Q. And do you recall that in the course of doing that, you provided  
4 a few additional corrections and clarifications which were then typed  
5 up and read back to you by the interpreter?

6 A. Yes, I recall it.

7 Q. Witness, if we include all of the corrections and clarifications  
8 you have made, is the information in your 2020 statement accurate and  
9 truthful to the best of your knowledge and belief?

10 A. Yes, it is.

11 Q. And if we include all of the clarifications and corrections that  
12 you've made, does your 2020 statement accurately reflect what you  
13 would say today if you were asked the same questions again?

14 A. Yes, it does.

15 MS. CLANTON: Your Honours, having fulfilled the criteria for  
16 admission pursuant Rule 154, we seek admission of the witness's prior  
17 statement and associated exhibits. The ERNs are found in the  
18 Rule 154 motion, which is F02204, Annex 8, pages 1 to 2, with two  
19 modifications to two parts of that interview which were previously  
20 flagged to the parties and the Panel, including by e-mail on  
21 24 August.

22 We would also seek admission of Prep Notes 1 and 1A. All of  
23 these materials are in the presentation queue. I can provide the  
24 ERNs for the preparation notes. The first one is 122016 to 122028.  
25 The second one is 122380 to 122383.

Witness: W04764 (Open Session)

Page 19001

Examination by Ms. Clanton

1           PRESIDING JUDGE SMITH: Are you including in your associated  
2 exhibits 013442 to 013444?

3           MS. CLANTON: I believe that is the associated exhibit that was  
4 not accepted --

5           PRESIDING JUDGE SMITH: Yes, that's not --

6           MS. CLANTON: -- by the Panel in its decision --

7           PRESIDING JUDGE SMITH: That's not included in your tender.

8           MS. CLANTON: -- so no, it's not included.

9           PRESIDING JUDGE SMITH: All right.

10          Any objection?

11          MS. TAVAKOLI: No, thank you.

12          MS. O'REILLY: No.

13          MR. ROBERTS: No, Your Honour.

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

15          PRESIDING JUDGE SMITH: 083717-TR-ET Part 1 -- how many parts  
16 are in that?

17          MS. CLANTON: 11.

18          PRESIDING JUDGE SMITH: All 11 parts plus the Albanian  
19 translation, and the associated exhibits as tendered, and Prep Note 1  
20 and Prep Note 1A, which is 122016 to 122028 as to Prep Note 1, and  
21 122380 to 122383 as to Prep Note 1A, they're all admitted.

22          Go ahead. We need to have them assigned numbers.

23          THE COURT OFFICER: Thank you, Your Honours. The Parts 1 to 11  
24 of 083717, English and Albanian transcripts, will be assigned the  
25 following numbers: Part 1, P01554.1. Part 2 will be P01554.2.

Witness: W04764 (Open Session)

Page 19002

Examination by Ms. Clanton

1 Part 3 will be P01554.3. Part 4 will be P01554.4. Part 5 will be  
2 P01554.5. Part 6 will be P01554.6. Part 7 will be P01554.7. Part 8  
3 will be P01554.8. Part 9 will be P01554.9. Part 10 will be  
4 P01554.10. Part 11 will be P01554.11.

5 The associated exhibits, as listed in paragraph 93 of the  
6 Rule 154 decision F2328, ERNs 083693 to 083694-ET, and the Albanian  
7 version, will be assigned Exhibit P01555.

8 And the second associated exhibit -- no, the second associate  
9 exhibit, 064533 to 064533 will be assigned Exhibit P01556.

10 And the last associated exhibit, 083697 to 083697 RED will be  
11 assigned Exhibit P01557.

12 Preparation Note 1 with ERN 122016 to 122028 will be assigned  
13 Exhibit P01558. And Preparation Note 1A will be assigned  
14 Exhibit P01559. And just for the record, the ERN for that note is  
15 122380 to 122383.

16 And I believe those all should be classified confidential?

17 MS. CLANTON: Yes, that's right. And maybe we'll double-check  
18 at the break, but I believe there's one more associated exhibit.  
19 It's 083699 to 083716.

20 THE COURT OFFICER: Yes, apologies. That's correct. That will  
21 be -- 083699 to 083716, English and Albanian versions, will be  
22 assigned Exhibit P1560.

23 That's all. Thank you.

24 MS. CLANTON: Mr. President, at this time we have a short public  
25 summary.





Witness: W04764 (Private Session)

Page 19004

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19005

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

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Examination by Ms. Clanton

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Witness: W04764 (Private Session)

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Examination by Ms. Clanton

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Witness: W04764 (Private Session)

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Examination by Ms. Clanton

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Witness: W04764 (Private Session)

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Examination by Ms. Clanton

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Witness: W04764 (Private Session)

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Examination by Ms. Clanton

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Witness: W04764 (Private Session)

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Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19012

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Witness: W04764 (Private Session)

Page 19013

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19014

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19015

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

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Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19017

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19018

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19019

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19020

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19021

Examination by Ms. Clanton

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25 [Open session]

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

2 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

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

4 --- On resuming at 10.10 a.m.

5 PRESIDING JUDGE SMITH: Into private session, please.

6 [Private session]

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Witness: W04764 (Private Session)

Page 19023

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19024

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19025

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19026

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19027

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19028

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19029

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19030

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19031

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19032

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19033

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19034

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19035

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19036

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19037

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19038

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19039

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19040

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19041

Examination by Ms. Clanton

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18 [Open session]

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

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 --- Recess taken at 11.00 a.m.

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

23 PRESIDING JUDGE SMITH: Please bring the witness in.

24 And we can go into private session at this time.

25 [Private session]

Witness: W04764 (Private Session)

Page 19042

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19043

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19044

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19045

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19046

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19047

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19048

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19049

Examination by Ms. Clanton

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Witness: W04764 (Private Session)

Page 19050

Cross-examination by Ms. Tavakoli

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Witness: W04764 (Private Session)

Page 19051

Cross-examination by Ms. Tavakoli

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Witness: W04764 (Private Session)

Page 19052

Cross-examination by Ms. Tavakoli

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Witness: W04764 (Private Session)

Page 19053

Cross-examination by Ms. Tavakoli

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Witness: W04764 (Private Session)

Page 19054

Cross-examination by Ms. Tavakoli

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Witness: W04764 (Private Session)

Page 19055

Cross-examination by Ms. Tavakoli

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Witness: W04764 (Private Session)

Page 19056

Cross-examination by Ms. Tavakoli

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Witness: W04764 (Private Session)

Page 19057

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19058

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19059

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19060

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19061

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19062

Cross-examination by Ms. Tavakoli

1 [Open session]

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

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 --- Break taken at 12.18 p.m.

5 --- On resuming at 12.28 p.m.

6 PRESIDING JUDGE SMITH: Please bring the witness in.

7 And, Madam Court Officer, please, back into private session.

8 [Private session]

9 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19063

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19064

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19065

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19066

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19067

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19068

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19069

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19070

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19071

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19072

Cross-examination by Ms. Tavakoli

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Witness: W04764 (Private Session)

Page 19073

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19074

Cross-examination by Ms. Tavakoli

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Witness: W04764 (Private Session)

Page 19075

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19076

Cross-examination by Ms. Tavakoli

1 [Private session text removed]

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1 [Private session text removed]

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5 [Open session]

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

7 PRESIDING JUDGE SMITH: Thank you.

8 We're adjourned until 2.30.

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

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

11 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness  
12 in. Well, let's wait just a moment.

13 We're in public session. An update?

14 MR. ROBERTS: Yes, I promised you an update. I think it would  
15 be a maximum of 15 minutes, if anything.

16 PRESIDING JUDGE SMITH: Okay. Mr. Ellis?

17 MR. ROBERTS: Thank you, Your Honour.

18 MR. ELLIS: At the moment, it's around 45 minutes.

19 PRESIDING JUDGE SMITH: Thank you.

20 Now you may go get the witness. Thank you.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 Ms. O'Reilly, representing the Veseli Defence, will be asking  
24 questions.

25 Go ahead, Ms. O'Reilly.

Witness: W04764 (Private Session)

Page 19079

Cross-examination by Ms. O'Reilly

1 MS. O'REILLY: Thank you, Your Honour.

2 MS. CLANTON: Excuse me, Mr. President.

3 PRESIDING JUDGE SMITH: Oh, yes.

4 MS. CLANTON: We are in public session.

5 PRESIDING JUDGE SMITH: You wish to be in private session?

6 MS. O'REILLY: I do think it's probably best to be in private  
7 session for this first section because it's covering movements that  
8 may be identifying.

9 PRESIDING JUDGE SMITH: Please, into private session.

10 MS. O'REILLY: Okay.

11 Cross-examination by Ms. O'Reilly:

12 Q. Okay. Good afternoon, Witness.

13 A. Good afternoon.

14 [Private session]

15 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19080

Cross-examination by Ms. O'Reilly

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Witness: W04764 (Private Session)

Page 19081

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19082

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19083

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19084

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19085

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19086

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19087

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19088

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19089

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19090

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19091

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19092

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19093

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19094

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19095

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19096

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19097

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19098

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19099

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19100

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19101

Cross-examination by Ms. O'Reilly

1 [Private session text removed]

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16 [Open session]

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

18 PRESIDING JUDGE SMITH: So we're adjourned for ten minutes.

19 --- Break taken at 3.23 p.m.

20 --- On resuming at 3.33 p.m.

21 PRESIDING JUDGE SMITH: Please bring the witness in.

22 Back into private session, please.

23 [The witness takes the stand]

24 [Private session]

25 [Private session text removed]

Witness: W04764 (Private Session)

Page 19102

Cross-examination by Mr. Ellis

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19103

Cross-examination by Mr. Ellis

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19104

Cross-examination by Mr. Ellis

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19105

Cross-examination by Mr. Ellis

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19106

Cross-examination by Mr. Ellis

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19107

Cross-examination by Mr. Ellis

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19108

Cross-examination by Mr. Ellis

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19109

Cross-examination by Mr. Ellis

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19110

Re-examination by Ms. Clanton

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19111

Re-examination by Ms. Clanton

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19112

Questioned by the Trial Panel

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Witness: W04764 (Private Session)

Page 19113

Questioned by the Trial Panel

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Witness: W04764 (Private Session)

Page 19114

Questioned by the Trial Panel

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Witness: W04764 (Private Session)

Page 19115

Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19116

Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19117

Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19118

Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19119

Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19120

Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19121

Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19122

Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W04764 (Private Session)

Page 19123

Questioned by the Trial Panel

1 [Private session text removed]

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1 [Private session text removed]

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3 [Open session]

4 THE COURT OFFICER: [Microphone not activated].

5 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.

6 tomorrow.

7 --- Whereupon the hearing adjourned at 4.29 p.m.

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