

1 Monday, 29 April 2024

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: [Microphone not activated].

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

11 PRESIDING JUDGE SMITH: Thank you. I note that all the accused,
12 except Mr. Krasniqi, are present in court. Mr. Krasniqi is appearing
13 via videolink.

14 We are scheduled to start the hearing of the evidence of
15 Prosecution Witness W03877 today.

16 Madam Court Officer, please bring us into private session.

17 [Private session]

18 [Private session text removed]

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1 [Private session text removed]

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14 [Open session]

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

16 Thank you.

17 PRESIDING JUDGE SMITH: All right. Madam Court Officer, please
18 bring the witness in. I'm sorry, Madam Usher.

19 [The witness entered court]

20 PRESIDING JUDGE SMITH: Witness, remain -- Witness, remain
21 standing. Thank you.

22 Witness, I will read out the text of the solemn declaration
23 which you are asked to take pursuant to Rule 141(2) of our rules. I
24 will ask you to repeat the text aloud and to indicate your consent.

25 Repeat after me: Conscious of the significance.

1 THE WITNESS: [Interpretation] Conscious of the significance.

2 PRESIDING JUDGE SMITH: Of my testimony.

3 THE WITNESS: [Interpretation] Of my testimony.

4 PRESIDING JUDGE SMITH: And my legal responsibility.

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

6 PRESIDING JUDGE SMITH: I solemnly declare that I will tell the
7 truth.

8 THE WITNESS: [Interpretation] I solemnly declare that I will
9 tell the truth.

10 PRESIDING JUDGE SMITH: The whole truth.

11 THE WITNESS: [Interpretation] The whole truth.

12 PRESIDING JUDGE SMITH: And nothing but the truth.

13 THE WITNESS: [Interpretation] Nothing but the truth.

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

15 THE WITNESS: [Interpretation] And that I shall not withhold
16 anything.

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

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

19 WITNESS: W03877

20 [The witness answered through interpreter]

21 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated
22 now.

23 THE WITNESS: [Interpretation] You're welcome.

24 PRESIDING JUDGE SMITH: Witness, do you understand the solemn
25 declaration that you just gave?

1 THE WITNESS: [Interpretation] Yes, I understood it.

2 PRESIDING JUDGE SMITH: And you agree to it?

3 THE WITNESS: [Interpretation] Yes.

4 PRESIDING JUDGE SMITH: Witness, today we will start your
5 testimony, which is expected to last approximately two days. As you
6 may know, the Prosecution will ask you questions first. Thereafter,
7 the Defence has the right to ask questions, members of the Panel
8 might also ask questions of you, but Victims' Counsel will not be
9 asking you questions.

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

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

19 Also, please try to indicate the basis of your knowledge of
20 facts and circumstances that you will be asked about.

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

1 Please also speak into the microphone 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 are giving evidence in this
5 court --

6 THE WITNESS: [No interpretation]

7 PRESIDING JUDGE SMITH: During the next days while you are
8 giving evidence in this court, you are not allowed to discuss with
9 anyone the content of your testimony outside of the courtroom. If
10 any person asks you questions outside this Court about your
11 testimony, please let us know.

12 Please stop talking if I ask to do so, and also stop talking if
13 you see me raise my hand. These indications mean that I need to give
14 you an instruction.

15 If you feel the need to take breaks, please make an indication
16 and an accommodation will be made.

17 The Panel understands that the SPO has hard copies of your prior
18 witness statements for you to reference during your testimony in case
19 of need. If you cannot recall something and therefore wish to
20 consult these documents to refresh your memory, please notify the
21 Panel before doing so. I repeat that this should be done only in the
22 event that you need to make that reference because you cannot
23 recall. You should not read directly from these documents.

24 We begin now with the direct examination by the Prosecution.
25 They're on your left. Please give them your attention.

1 THE WITNESS: [Interpretation] May I explain something before the
2 testimony? May I speak? Interpreter, ask the Panel to let me speak.

3 PRESIDING JUDGE SMITH: Yes.

4 THE WITNESS: [Interpretation] May I, Your Honour?

5 PRESIDING JUDGE SMITH: Yes.

6 THE WITNESS: [Interpretation] Your Honours, I was questioned and
7 sentenced in [REDACTED] Pursuant to In-Court Redaction Order F02271RED.,
and the process ended. Some died, some was
8 imprisoned, and to have me again here, this is a violation of the
9 law. I already told the Prosecutor this is a closed story.

10 You asked me once. I don't know why you have to ask me again.
11 If you have arguments against me, I don't know these persons who are
12 here. I have nothing to do with them. If there is something against
13 me personally, yes. Otherwise, I won't answer the questions.

14 PRESIDING JUDGE SMITH: I'm sorry, I'm not getting a
15 translation. I'm not getting a translation. Now, I'm getting ...

16 THE WITNESS: [Interpretation] Did you hear what I said,
17 Your Honour?

18 PRESIDING JUDGE SMITH: I'm not getting the English translation.

19 [Trial Panel and Court Officer confers]

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 THE INTERPRETER: Microphone, please.

22 PRESIDING JUDGE SMITH: Have you finished your statement,
23 Witness?

24 THE WITNESS: [Interpretation] I don't have anything to say. If
25 these are related to the questions of [REDACTED] Pursuant to In-Court
Redaction Order F02271RED., I refuse to answer. If

1 you --

2 PRESIDING JUDGE SMITH: Witness, just answer the questions that
3 are -- just answer the questions. You are here as a witness. You
4 are required to testify. Please answer the questions that are given
5 to you by the Prosecution and by the Defence. They are interested in
6 the information that you have. Do you understand?

7 THE WITNESS: [Interpretation] Yes.

8 PRESIDING JUDGE SMITH: All right. Go ahead, Mr. Prosecutor.

9 MR. CAPIN: [Microphone not activated].

10 Examination by Mr. Capin:

11 Q. Good morning, Witness.

12 A. Good morning.

13 Q. You and I have met, but I'll tell you my name again. My name is
14 John Capin. I'm an attorney with the Specialist Prosecutor's Office,
15 and I'm going to be asking you some questions this morning as
16 indicated by the Judge.

17 MR. CAPIN: Your Honour, may I ask that we move into private
18 session to permit the SPO to elicit information that would be
19 identifying?

20 PRESIDING JUDGE SMITH: For the protection of the witness,
21 please go into private session, Mr. Court Officer.

22 [Private session]

23 [Private session text removed]

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

Page 15012

Examination by Mr. Capin

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Witness: W03877 (Private Session)

Page 15013

Examination by Mr. Capin

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14 [Open session]

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

16 Thank you.

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

18 --- Recess taken at 10.05 a.m.

19 --- On resuming at 10.15 a.m.

20 PRESIDING JUDGE SMITH: Please bring the witness in.

21 Oh, I'm sorry. Let's go into private session first.

22 [Private session]

23 [Private session text removed]

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Witness: W03877 (Private Session)

Page 15014

Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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18 [Open session]

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

20 Thank you.

21 PRESIDING JUDGE SMITH: All right. Now we're adjourned until

22 11.30.

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

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

25 PRESIDING JUDGE SMITH: Back into private session, please.

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

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Examination by Mr. Capin

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Examination by Mr. Capin

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Examination by Mr. Capin

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Witness: W03877 (Private Session)

Page 15044

Examination by Mr. Capin

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Witness: W03877 (Private Session)

Page 15045

Examination by Mr. Capin

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Witness: W03877 (Private Session)

Page 15046

Examination by Mr. Capin

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Witness: W03877 (Private Session)

Page 15047

Examination by Mr. Capin

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Witness: W03877 (Private Session)

Page 15048

Cross-examination by Mr. Miletic

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Witness: W03877 (Private Session)

Page 15049

Cross-examination by Mr. Misetić

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Witness: W03877 (Private Session)

Page 15050

Cross-examination by Mr. Misetić

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Witness: W03877 (Private Session)

Page 15051

Cross-examination by Mr. Miletic

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Witness: W03877 (Private Session)

Page 15052

Cross-examination by Mr. Miletic

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Witness: W03877 (Private Session)

Page 15053

Cross-examination by Mr. Miletic

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Witness: W03877 (Private Session)

Page 15054

Cross-examination by Mr. Misetić

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Witness: W03877 (Private Session)

Page 15055

Cross-examination by Mr. Miletic

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Witness: W03877 (Private Session)

Page 15056

Cross-examination by Mr. Miletic

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Witness: W03877 (Private Session)

Page 15057

Cross-examination by Mr. Miletic

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Witness: W03877 (Private Session)

Page 15058

Cross-examination by Mr. Miletic

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Witness: W03877 (Private Session)

Page 15059

Cross-examination by Mr. Miletic

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Witness: W03877 (Private Session)

Page 15060

Cross-examination by Mr. Misetić

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Witness: W03877 (Private Session)

Page 15061

Cross-examination by Mr. Emmerson

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Witness: W03877 (Private Session)

Page 15062

Cross-examination by Mr. Emmerson

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Witness: W03877 (Private Session)

Page 15063

Cross-examination by Mr. Emmerson

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Witness: W03877 (Private Session)

Page 15064

Cross-examination by Mr. Emmerson

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Witness: W03877 (Private Session)

Page 15065

Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: W03877 (Private Session)

Page 15066

Cross-examination by Mr. Emmerson

1 [Private session text removed]

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Witness: W03877 (Private Session)

Page 15067

Cross-examination by Mr. Emmerson

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Witness: W03877 (Private Session)

Page 15068

Cross-examination by Mr. Emmerson

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Witness: W03877 (Private Session)

Page 15069

Questioned by the Trial Panel

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Witness: W03877 (Private Session)

Page 15070

Questioned by the Trial Panel

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Witness: W03877 (Private Session)

Page 15071

Procedural Matters

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Witness: W03877 (Private Session)

Page 15072

Procedural Matters

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23 [Open session]

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

25 Thank you.

1 PRESIDING JUDGE SMITH: All right. Defence had a request for
2 some extended pages; is that correct?

3 MS. O'REILLY: Yes, Your Honour, that is correct. This is in
4 relation to our response to F2204 and F2195, which is due today, and
5 I apologise for bringing it to Your Honours at such late notice. We
6 thought the extension had been requested and granted previously. In
7 any case, we'll undertake not to do this at such late notice again.
8 The SPO has indicated that they do not oppose the request. It's a
9 request simply for an extension of 2.000 words.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 MR. CAPIN: None, Your Honour.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 The extension request is granted --

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

15 PRESIDING JUDGE SMITH: The extension request is granted for
16 2.000 words.

17 MS. O'REILLY: Thank you.

18 PRESIDING JUDGE SMITH: We will break now for lunch rather than
19 trying to start with another witness. We will take that up at 2.30.

20 We are adjourned until 2.30.

21 --- Luncheon recess taken at 12.52 p.m.

22 --- On resuming at 2.33 p.m.

23 PRESIDING JUDGE SMITH: Today we will start hearing the evidence
24 of Prosecution Witness W03865.

25 Before we do, I recall that the Thaci Defence asked the SPO to

1 review proposed corrections and, if accepted, to prepare the
2 necessary changes to the transcripts of the witness's testimony. I
3 note that the SPO indicated that it was looking into the matter and
4 will revert before commencement of the witness's testimony.

5 Is that all sorted out, Mr. Pace?

6 MR. PACE: I'm hoping that they'll be disclosed any minute now,
7 Your Honour. They were prepared over the weekend and they're being
8 processed, but I'm hoping they'll be disclosed now so that -- and
9 just to let you know, since we're on the subject, when we do a
10 tender, or if we get to the place where we tender the prior statement
11 under 154, we will also seek to tender these additional pages so that
12 the record is complete.

13 PRESIDING JUDGE SMITH: Satisfactory from the standpoint of the
14 Thaci Defence?

15 MR. MISETIC: Subject to seeing what corrections have been made,
16 yes.

17 PRESIDING JUDGE SMITH: Yeah.

18 [Microphone not activated].

19 I ask the Prosecutor to please provide the parties,
20 participants, and the Panel with a firm designation of the witnesses
21 to be heard this week and next week in order by the time of opening
22 court tomorrow. This would include a final decision on *[REDACTED]*
Pursuant to In-Court Redaction Order F02271RED.
23 if it has not been made.

24 I think the Veseli Defence has something they want to bring to
25 the Court's attention?

1 MR. EMMERSON: Having reviewed the matter, it's not necessary to
2 trouble the Court.

3 PRESIDING JUDGE SMITH: Okay. Thank you very much.

4 Mr. Laws.

5 MR. LAWS: Your Honour, may I raise a short matter that we'll
6 need to do in private session, please.

7 PRESIDING JUDGE SMITH: Please, into private session.

8 [Private session]

9 [Private session text removed]

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9 [Open session]

10 THE COURT OFFICER: Your Honours, we are back in public session.
11 Thank you.

12 PRESIDING JUDGE SMITH: All right.

13 Madam Usher, please bring the witness in.

14 [The witness entered court]

15 PRESIDING JUDGE SMITH: Good afternoon, Witness. Can you hear
16 all right?

17 THE WITNESS: [Interpretation] Good afternoon to everybody.

18 PRESIDING JUDGE SMITH: Can you hear okay?

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

20 PRESIDING JUDGE SMITH: Witness, the Court Usher will now
21 provide you with the text of the solemn declaration which you are
22 asked to take pursuant to our Rule 141(2). Please read it aloud.

23 THE WITNESS: [Interpretation] Conscious of the significance of
24 my testimony and my legal responsibility, I solemnly declare that I
25 will tell the truth, the whole truth, and nothing but the truth, and

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1 that I shall not withhold anything which has come to my knowledge.

2 WITNESS: NUREDIN ABAZI

3 [The witness answered through interpreter]

4 PRESIDING JUDGE SMITH: Thank you. You can be seated.

5 THE WITNESS: [Interpretation] Thank you.

6 PRESIDING JUDGE SMITH: Witness, today we will start your
7 testimony, which is expected to last approximately two days. As you
8 may know, the Prosecution will ask you questions first, and then the
9 counsel for victims. Once they are finished, the Defence has the
10 right to ask questions of you, and members of the Panel might also
11 ask questions of you.

12 I mistakenly said that the Victims' Counsel would ask you
13 questions. He will not.

14 The Prosecution estimate for your examination is two hours. The
15 Defence estimates that it will need 8.5 hours. And as regards each
16 estimate, we hope that the counsel will be judicious in the use of
17 their time. The Panel may allow redirect examination if conditions
18 for it are met.

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

24 In the event you are asked by the SPO to attest to some
25 corrections made regarding your statements, you are reminded to

1 confirm on the record that the written statement, as corrected by the
2 list of corrections, accurately reflects your declaration.

3 Please also speak into the microphone and wait five seconds
4 before answering a question, and then speak at a slow pace so that
5 the interpreters can catch up.

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

10 Also, please stop talking if I ask you to do so or also stop
11 talking if you see me raise my hand. These indications mean that I
12 need to give you an instruction. If you feel the need to take a
13 break, please make an indication and an accommodation will be made.

14 We will now begin with the Prosecution's questions. They are
15 seated on your left.

16 Mr. Pace, you may begin.

17 MR. PACE: Thank you, Your Honour.

18 And just before I do, by way of update to those in the
19 courtroom, the disclosure package with the translations provided in
20 light of the Thaci e-mail from last Thursday was just disclosed, and
21 that's in Disclosure Package 1216. And we've also sent around an
22 e-mail with the ERNs of these items because, as I said, we'll be
23 seeking to admit them under 154 as well.

24 PRESIDING JUDGE SMITH: Thank you.

25 Examination by Mr. Pace:

Witness: Nuredin Abazi (Open Session)

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Examination by Mr. Pace

1 Q. Good afternoon, Witness.

2 A. Good afternoon.

3 Q. We've met before, but I'll introduce myself again. I am
4 James Pace, a Prosecutor with the SPO, and I'll be asking you some
5 questions for the next two hours or so.

6 Before I ask you for some personal details, I note that, as I
7 explained to you during your preparation session last week, rather
8 than asking you questions concerning every relevant issue you may
9 have information about, it may be possible to admit some of your
10 prior statements containing such information into evidence. And in
11 order to do so, there are a number of procedural steps to follow, and
12 I'll turn to those after I establish your identity.

13 Could you tell us your name, please.

14 A. Yes, I am Nuredin Abazi.

15 Q. What is your date of birth?

16 A. 4 January 1957.

17 Q. And what is your nationality?

18 A. Albanian.

19 MR. PACE: Court Officer, I'd like to show the witness
20 SITF00032808-SITF00032820 RED, the first page. And side by side with
21 that, I'd like from the same item page SITF00032816, please. Thank
22 you, Court Officer.

23 Q. Witness, do you see two documents on your screen, on the left in
24 English and on the right handwritten in Albanian?

25 A. Yes.

Witness: Nuredin Abazi (Open Session)

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Examination by Mr. Pace

1 Q. And as you see the documents refer to an interview with UNMIK in
2 October 2002. Do you recall attending that interview?

3 A. I barely remember it. And I see that the handwriting is poor.

4 Q. And do you remember attending that interview or not?

5 A. I do remember. However, I indicated that this was a long time
6 ago, and the handwriting is poor and barely legible.

7 Q. Do you recognise your signature on the handwritten page in
8 Albanian, please?

9 Witness, there was a question. Do you recognise your signature
10 on the handwritten page in Albanian?

11 A. Yes.

12 MR. PACE: And, Court Officer, we can scroll to the bottom of
13 that page, please.

14 Q. Do you recognise a second signature of yours on that same page
15 in Albanian, Witness?

16 A. Yes.

17 MR. PACE: And, Court Officer, if we could please go on the
18 right-hand side to the last page in this range, the page ending 20.
19 Yes. And if we could zoom out, please. If we could zoom out, that
20 would be -- yeah. And scroll down, kindly. Thank you.

21 Q. Witness, on this page do you recognise your signature on the
22 bottom left?

23 A. Yes.

24 MR. PACE: And, Court Officer, I'd now like to show the witness
25 078562-TR-ET Part 1 RED side by side with 078562-TR-AT Part 1 RED.

Witness: Nuredin Abazi (Open Session)

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Examination by Mr. Pace

1 And the first pages of both, please. Thank you, Court Officer.

2 Q. Witness, we now have two different documents on your screen, on
3 the left in Albanian and on the right in English. And as you can
4 see, they refer to your interview with the SPO on 15 September 2020.
5 Do you recall attending that interview, Witness?

6 A. I think this was an interview with you conducted here. Right?

7 Q. It was not conducted here. But as you can see, it was
8 15 September 2020. Do you recall meeting the SPO in 2020?

9 A. Yes.

10 MR. PACE: Court Officer, we can take those documents down.

11 Q. And, Witness, do you recall that you made certain clarifications
12 to these statements following your review of them last week?

13 A. Yes.

14 Q. Do you recall these clarifications and corrections being
15 included in a note which was read back to you?

16 A. Yes.

17 Q. Subject to the corrections set out in the note, is the
18 information provided in these statements accurate and truthful to the
19 best of your knowledge and belief?

20 A. Yes, to my knowledge that's accurate as we discussed it.

21 Q. And subject to the corrections set out in that note, do these
22 statements accurately reflect what you would say if you're examined
23 about the events recorded therein?

24 A. With respect to what I know, certainly, yes.

25 MR. PACE: Your Honour, I'd like to seek admission of the prior

1 statements and associated exhibits. The relevant ERNs are set out in
2 our 23 April e-mail at 8.16 in the evening as well as in Annex 1 to
3 Preparation Note 1. And I'd like to point out that, as referred to
4 in that e-mail, our tender includes one additional page because there
5 was a missing Albanian page from the translation. And we also tender
6 Preparation Note 1, which is 120772 to 120778, and as I've mentioned,
7 the items just disclosed in disclosure 1216, which are additional
8 translations following the Defence request.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. MISETIC: So subject to the one objection on the associated
11 exhibit which the Panel has already ruled on, we have no objection to
12 the admission of the statements. We don't have an objection to the
13 admission of the corrected translations, but I do note that we're
14 still going through them, so we may ask for further clarification
15 later depending on completion of our review.

16 PRESIDING JUDGE SMITH: All right.

17 Mr. Emmerson.

18 MR. EMMERSON: Our position is the same.

19 MR. ROBERTS: The same, Your Honour.

20 MS. ALAGENDRA: The same for us as well.

21 PRESIDING JUDGE SMITH: All right.

22 SITF00032808 to SITF00032820, in English and Albanian, is
23 admitted.

24 THE COURT OFFICER: And will be assigned Exhibit P01135.

25 PRESIDING JUDGE SMITH: Thank you.

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Examination by Mr. Pace

1 THE COURT OFFICER: Classified as confidential. Thank you,
2 Your Honours.

3 PRESIDING JUDGE SMITH: 078562-TR-ET Part 1 RED, 078562-TR-AT
4 Part 1 RED is admitted.

5 THE COURT OFFICER: And will be assigned Exhibit P00136.1.
6 Thank you.

7 PRESIDING JUDGE SMITH: Say that again, please?

8 THE COURT OFFICER: The exhibit number will be assigned for the
9 ERN that you just read, Your Honours, it will be P01136.1.

10 PRESIDING JUDGE SMITH: All right.

11 And the note, 120772 to 120778, is admitted.

12 THE COURT OFFICER: And it will be assigned Exhibit P01137,
13 classified as confidential.

14 PRESIDING JUDGE SMITH: And then the associated exhibits are
15 admitted.

16 THE COURT OFFICER: The associated exhibit SITF00032811 to
17 SITF00032815, English version, and the corresponding Albanian
18 version, will be assigned Exhibit P01138.

19 And the second associated exhibit, which is U000-6628 to
20 U000-6639, will be assigned Exhibit P01139. Thank you, Your Honours.

21 PRESIDING JUDGE SMITH: Thank you.

22 MR. MISETIC: Mr. --

23 PRESIDING JUDGE SMITH: Mr. Pace, you may continue.

24 MR. MISETIC: Mr. President, may I raise one issue?

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 MR. MISETIC: As I understand it right now, only Part 1 of the
2 SPO interview has been admitted, and I understood that all four parts
3 were being admitted.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MR. PACE: Yes, Your Honour. In fact, I was going to request
6 the ERNs for Parts 2 to 4 as well.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 We didn't have those listed, so go ahead and do that.

9 THE COURT OFFICER: Part 2 of the ERN 078562 will be assigned
10 Exhibit P01136.2.

11 Part 3 of the same ERN will be assigned Exhibit P01136.3.

12 And Part 4 of the same ERN, for both English and Albanian, will
13 be assigned Exhibit P01136.4.

14 All four parts of this statement are classified as confidential.
15 Thank you, Your Honours.

16 MR. PACE: And, Your Honour, to clarify, they are mentioned in
17 Annex 1 to Prep Note 1. The only item other than the ones just
18 released in the disclosure which we also seek to admit as noted in
19 that annex and in our e-mail is page SPOE00200418. And that is, as
20 we mentioned in the e-mail, a page from SPOE00200415 to 00200420, and
21 that is a missing page in Albanian from what is now P1135.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. PACE: As to whether we want it separately admitted, we're
24 in the hands of CMU. If we could add it to P1135, we would have no
25 objection.

1 PRESIDING JUDGE SMITH: If there's no objection, that would be
2 the logical way to do this so that it's together with the rest of the
3 document.

4 Anybody have an objection to that? It doesn't look like it. So
5 be it.

6 THE COURT OFFICER: Your Honours, the SPOE00200418 will be then
7 added to the P01135-AT. Thank you, Your Honours.

8 PRESIDING JUDGE SMITH: Thank you, Mr. Court Officer.

9 All right, Mr. Pace. You may continue.

10 MR. PACE: Thank you. And we understand that the Court Officer
11 will inform us of the ERNs for the items just disclosed in due
12 course. There are many, so we know that might take a while.

13 And, Your Honour, in the 23 April e-mail I referred to, the SPO
14 submitted a proposed summary of this witness's now admitted Rule 154
15 statements to the Panel, Defence, and victims. We haven't received
16 any objections to the summary, so with your leave I'll read that now.

17 PRESIDING JUDGE SMITH: Go ahead.

18 MR. PACE: This is a summary of the Rule 154 statement admitted
19 for W03865.

20 W03865 was a member of a KLA battalion in Budakove, later
21 serving as a Legal Adviser in the Pashtrik operational zone. In his
22 prior statements, W03865 provides information on the structure and
23 activities of the KLA, in particular in Budakove, the Pashtrik
24 operational zone, and Prizren.

25 W03865 also provides information concerning the role and

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Examination by Mr. Pace

1 authority of the KLA General Staff and members thereof.

2 W03865 spoke to Latife Kololli, Rushe Kololli, and another
3 person when they were held in Budakove in August 1998.

4 W03865 proposed to release Latife and Rushe Kololli or send them
5 to the brigade.

6 Agim Zyba and Naim Kadolli told W03865 that they transferred
7 Latife and Rushe Kololli to the brigade. Another detainee was also
8 sent there.

9 W03865 also provides information relevant to the detention of
10 two Serbian men in Budakove and to the detention of another person
11 whom W03865 questioned after having been asked to do so by Sadik
12 Halitjaha in another location.

13 Court Officer, I'd like to show on the screen P00712-ET side by
14 side with P00712, please. If you'd like me to read the full ERN, I'm
15 happy to do so.

16 THE WITNESS: [Interpretation] Your Honour.

17 PRESIDING JUDGE SMITH: Yes?

18 THE WITNESS: [Interpretation] I have something to say regarding
19 the reading of my statement. He often referred to "prisoner." I
20 never mentioned the word "prisoner." I don't know where he got that
21 from.

22 MR. PACE: Your Honour, I note that in English I did not use the
23 term "prisoner." I used the term "detainee," and the context is
24 clear on the record.

25 PRESIDING JUDGE SMITH: Go ahead.

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1 MR. PACE:

2 Q. Witness, there are two documents on your screen, on the left in
3 Albanian and on the right in English. Had you seen this document
4 before I showed it to you last week?

5 A. No.

6 MR. PACE: And, Court Officer, in both I'd like to turn to the
7 third page of each, and that is SPOE00209330, please. That's the
8 third page of each one. So the ERN is SPOE00209330. Yes, that's
9 correct in the English. And in Albanian as well. Thank you.

10 We could zoom out on both of them so we can see the entire
11 structure. That's good. And the Albanian can stay as it is.
12 Perfect. Thank you. And if we could zoom out in the English, or
13 scroll down. Thank you, Court Officer.

14 Q. Witness, is it correct that, as depicted in this organigramme,
15 you were the legal adviser of the Pashtrik operational zone?

16 A. Yes.

17 Q. And, Witness, could you remind the Judges, that was from March
18 or April 1999 until the end of the war; is that right?

19 A. Yes, this is what I think. I don't know how true that is.

20 Q. Witness, the question related to you, did you serve as legal
21 adviser in the Pashtrik operational zone from March or April 1999
22 until the end of the war? Did you or did you not?

23 A. Yes. I said yes.

24 Q. And we see on this organigramme that Tahir Sinani is indicated
25 as the commander of the zone; is that correct to your recollection?

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1 A. Yes, that's correct.

2 Q. Do you know when he started to serve in that role?

3 A. After the new year. Maybe February or March, to my knowledge.

4 Q. And we see on this organigramme Sadik Halitjaha listed as the
5 deputy commander of the zone. Is that correct to your knowledge?

6 A. Yes.

7 Q. And was Mr. Halitjaha already occupying that position at the
8 time you took up your role as legal adviser in that zone?

9 A. Yes.

10 Q. To your recollection, was Nexhmi Krasniqi the military police
11 commander of the Pashtrik operational zone?

12 A. To my knowledge, yes.

13 Q. And to your knowledge, was Nezir Kryeziu in the Eye of the Eagle
14 Unit?

15 A. To my recollection, yes.

16 Q. Focusing now on the middle half of the page. To your knowledge,
17 was Halil Qadraku the G2 within the Pashtrik operational zone?

18 A. Yes.

19 Q. And, similarly, was Sabaudin Cena the G5 within the Pashtrik
20 operational zone?

21 A. Yes.

22 Q. Did you meet him while you were both members of the Pashtrik
23 operational zone in 1999?

24 A. Sabaudin you mean?

25 Q. Yes.

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1 A. Yes, yes.

2 Q. And now I'm focusing on the lower level there. To your
3 recollection, is it correct, as indicated here, that Haxhi Shala was
4 the commander of Brigade 121?

5 A. I never knew Haxhi Shala. I saw him on television after the
6 war. I don't know if he was or not. He should know that.

7 Q. Did you yourself at any time ever hear that Haxhi Shala was the
8 commander of Brigade 121?

9 A. Soldiers spoke about that, but I never knew it.

10 Q. So could you clarify to the Judges, are you saying that KLA
11 soldiers told you at some point that Haxhi Shala was the commander of
12 Brigade 121 or are you saying something else?

13 A. I think he was, but that is my belief. But I never stayed with
14 him and never saw him during the war, so I cannot say for sure.

15 Q. And to your knowledge, Witness, was Vllaznim Kryeziu the
16 commander of Brigade 122?

17 A. I don't know.

18 Q. Similarly, did you ever hear that Vllaznim Kryeziu was the
19 commander of Brigade 122, Witness?

20 A. There were rumours to that effect, but how true they are, I
21 can't say.

22 Q. And Brigade 123, here we have Gezim Azroli listed there.
23 Witness, can you remind me, was the battalion in Budakove you were in
24 part of Brigade 123?

25 A. Yes.

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1 Q. And do you recall whether when you joined the Pashtrik staff in
2 1999, the commander of that brigade that you were formally in was
3 then Gezim Azroli as indicated here?

4 A. Yes.

5 Q. And we see Skender Hoxha listed as Brigade 124 commander. Did
6 you have information as to whether that was correct?

7 A. I believe so, but I don't know him. Skender Hoxha, that is. I
8 never knew him.

9 Q. And Nehat Basha, to your recollection, was he the commander of
10 Brigade 125 as indicated here?

11 A. I didn't know him. Even now I don't know him. I am saying I
12 wasn't involved in those structures to know or appoint such people.
13 So they would know better. I didn't have any contacts with them.

14 Q. And to be clear, Witness, at the moment I'm not asking about
15 contacts. I'm asking if you knew. If you knew could be either you
16 knew directly or you heard from someone else. You're always free to
17 clarify in your answer or I will ask you to do so myself.

18 Similarly, in relation to Brigade 128, we see Ruzhdi Saramati
19 here listed as the commander. To your knowledge, did he ever occupy
20 that position?

21 A. I don't know.

22 MR. PACE: We can take those two documents down, Court Officer.

23 Q. Witness, do you recall that at the end of your 2020 SPO
24 interview, you stated that you would not change anything in your
25 UNMIK statements?

1 A. Yes, I recall that, but that day I wasn't -- we didn't read the
2 statement. You only asked me whether the signature was mine. We
3 couldn't read the statements, as we already said a week ago.

4 Q. Do you recall being asked questions about certain parts of those
5 UNMIK statements during your 2020 SPO interview?

6 A. What exactly do you mean? I don't know what you mean.

7 Q. I mean what I asked, which is, during your SPO interview, do you
8 remember that you were asked questions certain things you said in
9 your UNMIK interviews? Do you remember that or not?

10 A. Yes, there were questions.

11 Q. And do you recall that at the end of your 2020 SPO interview,
12 you confirmed that what you said during that SPO interview was true
13 and accurate to the best of your knowledge and belief?

14 A. Yes.

15 Q. Now, Witness, we know that you are practicing as a lawyer and
16 that you were a judge for many years. So it's correct that you
17 understand the importance of providing truthful statements; right?

18 A. Yes, I do. Certainly.

19 Q. Now, during your witness preparation session last week, you
20 stated that after you had a conversation with Latife and Rushe
21 Kololli in Budakove in your capacity as legal adviser, you determined
22 they had nothing to do with espionage or collaboration, and your
23 opinion was that they should be released. You stated that you made
24 the proposal to Agim Zyba and Naim Kadolli to release Latife and
25 Rushe Kololli or to take them to the brigade, and that Zyba and

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1 Kadolli then transferred them away from Budakove.

2 You also said that you never spoke to Sadik Halitjaha about
3 Latife and Rushe Kololli.

4 Is what I just summarised now correct, Witness?

5 A. Yes, I said that they should be released, but it was not in my
6 power to issue any orders where they should go. I merely said they
7 should be released because they have nothing to do with espionage.
8 From what I understood from my conversation with them, they were, you
9 know, low motives.

10 Q. And, Witness, to be clear, when you are saying that you said
11 they should be released, you are telling the Judges that the people
12 you said that to were Agim Zyba and Naim Kadolli; right?

13 A. To Kadolli, yes.

14 Q. And Agim Zyba or only to Naim Kadolli?

15 A. I don't remember, but I think to both.

16 Q. Now, Witness, that is a summary of what you said on this subject
17 during witness preparation, which you have said is the correct -- was
18 correctly stated.

19 Now, Witness, you previously stated four separate times,
20 initially to UNMIK in 2002, and then again to the SPO in 2020, that
21 you made the proposal to release Latife and Rushe Kololli or to send
22 them to the brigade to Sadik Halitjaha. And my question, Witness, is
23 whether you have an explanation as to why you're now changing that
24 evidence?

25 A. I am not changing my evidence. We already said a week ago that

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1 I meant the staff of the battalion. I said that I proposed that
2 these -- the two names you mentioned be released. Then as to who
3 they did discuss this, I don't know and there was no way I could find
4 out.

5 Q. Am I understanding correctly that you are saying you yourself
6 proposed the release or transfer to the brigade of these two women to
7 members of the staff of the battalion?

8 A. No, I proposed that to Agim Zyba and Naim Kadolli, because I
9 dealt with them, not with anyone else.

10 Q. Now, Witness, as I just said a moment ago, you have stated four
11 separate times to UNMIK and the SPO that you made the proposal to
12 release Latife and Rushe Kololli or send them to the brigade to Sadik
13 Halitjaha. Could you tell the Judges now whether you are denying
14 ever have said that on all four occasions?

15 A. I said that I alluded to the staff of the battalion, not to the
16 concrete persons. I discussed this with Agim Zyba and Agim Kadolli
17 [as interpreted]. Those two were the ones that discussed it or not.
18 I don't know. My opinion was firm. Those two should be released
19 because there was nothing dangerous. These two persons didn't pose
20 any danger.

21 Q. Witness, to be clear, because it's important to be clear, are
22 you denying that you previously stated multiple times that you made
23 that proposal to Sadik Halitjaha?

24 MR. MISETIC: Objection. Mr. President, it appears we're going
25 through impeachment of a Rule 154 statement, which puts us in a very

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1 precarious procedure now.

2 By tendering the 154 statement with corrections, the Prosecution
3 has certified that they do not know the 154 testimony to be false.
4 So you can't impeach a statement that you tender for the truth of its
5 contents into evidence. That's Article 14(3) of the Code of
6 Professional Conduct. So if the Prosecution believed that portions
7 of his statement were not true and so important to the case that they
8 would impeach him on it, then I submit they were under an obligation
9 to withdraw the Rule 154 and to proceed *viva voce*. But you can't put
10 forward a 154 for the truth of its contents and then proceed to
11 impeach it.

12 MR. EMMERSON: Since we've landed on the issue that, in fact, I
13 was going -- can Your Honours hear me?

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 MR. EMMERSON: Pardon me?

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MR. EMMERSON: Sorry, yes, I can hardly hear myself.

18 Since we've now landed on the issue that I was reconsidering
19 raising at the outset, can I draw your attention to paragraph 5 of
20 the witness's first preparation note, which is now P1137. And about
21 or just around the -- if you have it, it's about two-thirds of the
22 way down, there is a sentence beginning:

23 "Pace noted W03865 seemed to be providing information
24 inconsistent with his prior statements, in particular in relation to
25 Sadik Halitjaha. During readback, [the witness] stated that every

1 time he and others referred to Sadik Halitjaha, they meant to refer
2 to the battalion's staff, that Halitjaha symbolised the staff, and
3 there was no doubt that he was the battalion commander ..."

4 Well, now, there's been pre-court correspondence inviting
5 Mr. Pace to withdraw the paragraph of what is a tendered statement in
6 which he expresses his own opinion in a document put forward as
7 evidence. And the witness gave there the very answer that he's given
8 to Mr. Pace today three times. The question is being repeated over
9 and over again, where Mr. Pace knows full well the answer, has
10 tendered the witness statement with his own inadmissible comments on
11 it, and is harassing the witness to try and humiliate him in front of
12 the Court. It ought to be, in our respect, handled, whether it's
13 through the objection raised just a moment ago or whether it's
14 through a guidance to the Prosecutor to stop asking a question that's
15 been asked and answered in his own proofing note and yet being
16 repeated for some entirely theatrical reasons as far as one can tell
17 in front of the Court.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. PACE: Yes. First of all, Your Honour, I note that both
20 submissions should have been made in the absence of the witness, but
21 that ship has sailed now. I take issue with Mr. Emmerson's
22 characterisation of my conduct. I am doing this very fairly and
23 squarely and transparently before you.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 THE INTERPRETER: Microphone, please.

1 MR. PACE: Yes, Your Honour, I will certainly address the issue,
2 but when you're accused of harassment and humiliation, the SPO does
3 not take those lightly.

4 Nevertheless, Your Honours have heard nothing from either
5 counsel as to anything untoward being done. The witness has
6 confirmed his Rule 154 statement. It has been tendered with the
7 clarifications the witness made therein, and that is why Your Honours
8 have in front of you all the relevant information. What I am doing
9 now - and, again, I've heard and neither have you heard anything as
10 to why I should not be allowed to do so - is clarifying the correct
11 position and seeking an explanation as to why at one point the
12 witness said one thing and is now saying another.

13 It's our role, and even more so the Judges' role as finders of
14 truth and fact, to establish which is correct and why if there is a
15 reason for this change. There's nothing untoward going on here.

16 And I can also, in support of that, cite your own -- this
17 Panel's decision, F02117, paragraph 15, in terms of what we are not
18 allowed to do and the ethical obligations of tendering statements
19 even when the SPO believes that perhaps a witness is changing or
20 altering part of the evidence.

21 PRESIDING JUDGE SMITH: That question has been asked and
22 answered several times. You just don't like the answer. So I would
23 suggest you just move on. You've made your point.

24 MR. PACE: Certainly, Your Honour.

25 Actually, Your Honour, can I make a submission in the absence of

1 the witness, please?

2 PRESIDING JUDGE SMITH: You what?

3 MR. PACE: Can I make a submission in the absence of the
4 witness, please?

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 THE INTERPRETER: Microphone.

7 PRESIDING JUDGE SMITH: You'll have to take the witness out,
8 please.

9 [The witness stands down]

10 PRESIDING JUDGE SMITH: Go ahead, Mr. Pace.

11 MR. PACE: Thank you, Your Honour. Only to say that what I was
12 planning on doing next, I wanted to check with you because you feel
13 this way, but to my knowledge, the witness hasn't denied that he has
14 said on multiple previous occasions that he made his proposal to
15 Sadik Halitjaha.

16 Now I said in my paraphrasing that he did this on four previous
17 occasions. My intention was now to take him to each of those
18 occasions to see whether that refreshes his recollection or whether
19 he wants to explain to Your Honours what he did mean rather than what
20 is there.

21 I'm entirely in your hands, Your Honour. If you don't think
22 that that is necessary or conducive to the finding of truth, I am
23 totally in your hands as to whether that's appropriate or necessary.

24 [Trial Panel confers]

25 PRESIDING JUDGE SMITH: [Microphone not activated] Without going

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1 through another question of the same manner. You've already
2 established that he is disagreeing with his prior statement. You may
3 ask him if he wants to explain the difference, but we're not going to
4 go through item by item, as you suggested, on this particular issue.
5 Okay?

6 MR. PACE: Certainly, Your Honour.

7 PRESIDING JUDGE SMITH: That will be the ruling of the Court.
8 You may bring the witness back in.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: All right. Witness, Mr. Pace has more
11 questions for you and has one specific question right now considering
12 what you just were testifying to.

13 MR. PACE:

14 Q. Witness, yes. My question is whether you want to explain why,
15 in your UNMIK and SPO statement, you talked about making a proposal
16 about the release or transfer of Latife and Rushe Kololli to the
17 brigade to Sadik Halitjaha, but you are now, in your prep note and
18 before the Judges today, saying that you instead made that proposal
19 to Naim Kadolli and Agim Zyba.

20 So the question is do you want to explain that difference to the
21 Judges?

22 A. I already said everything that is linked to Budakove battalion
23 relates to the staff. That's why I said that. Otherwise, Sadik
24 Halitjaha was a person that I didn't see for weeks because he had his
25 military and political duties, and I was not at the level that I

1 could talk to them and could discuss with them such issues. So I
2 talked with Agim and Naim. Those, then I don't know to whom they --
3 with whom they discussed. To these two persons I said there are
4 nothing -- there is nothing dangerous in these two females. That's
5 the answer. And they should be released.

6 Q. And, Witness, during your SPO interview, you stated it wasn't
7 within your authority to take a decision as to whether to release
8 Latife and Rushe Kololli or not. Do you recall stating that?

9 A. Yes, I only made a proposal. I proposed. I didn't decide. It
10 wasn't up to me to decide, neither then or now.

11 Q. And, Witness, do you recall in your SPO interview also stating
12 that Sadik Halitjaha was the only one who could make such a decision
13 to release or to transfer the two women to the brigade?

14 A. I think that the brigade staff was the one.

15 Q. And, Witness, with respect, you haven't answered my question.
16 My question was specifically do you recall stating in your SPO
17 interview that Sadik Halitjaha was the only one who could make such a
18 decision? Do you remember saying that or you don't remember?

19 A. I don't remember that. But it was the staff that could take the
20 decision, and head of the staff was Halitjaha. Sadik Halitjaha.

21 Q. Witness, in your prior statements, you said that while you were
22 a KLA member in Budakove, you had conversations with or asked
23 questions to Latife Kololli, Rushe Kololli, and an Albanian man. And
24 on a prior occasion, you spoke to a Serbian man who was in Budakove
25 with someone who looked like a child. And you also stated that you

1 had an interview with or a discussion with a man in Volljake, during
2 which conversation Ilaz Kadolli may also have been present.

3 Now my question in relation to this, Witness, is whether any KLA
4 member ever spoke to or asked you questions about what happened to
5 these people that you had conversation with or that you had
6 questioned?

7 A. I don't know who is Nazmi Kadolli. It's not clear to me. It is
8 true, though, that with the Serb, as I stated a week earlier with
9 you, I was not there when they were brought in. When they entered in
10 the area of war, the Serb was with a minor child who, in my opinion,
11 was 12 or 13 years old. He was carrying a hunting rifle, and he had
12 a handgun. We called it *kobure*, an old handgun that is loaded
13 through the barrel.

14 Q. Witness, I'm going to stop you because you're just repeating
15 what is already in your statement, and you're not responding to my
16 question, so I will ask it again. It was a long question and I'll
17 take it incident by incident.

18 In relation to these two Serbian persons you're talking about,
19 my question is specifically whether any member of the KLA ever spoke
20 to you or questioned you about what happened to those two Serbian
21 persons?

22 A. There was no one to ask me about this because this was a public
23 event in the centre of Budakove. Everybody had discussed with them.
24 Ise Morina had talked to them, and then they called on the OSCE who
25 took them over. They had been identified and the case was over.

1 They were taken over by the OSCE and that was it.

2 PRESIDING JUDGE SMITH: Mr. Pace, we need to give the witness a
3 break for ten minutes.

4 Witness, we'll take a ten-minute break for you. Please go with
5 the Court Usher to leave the room. We'll be back in ten minutes.

6 [The witness stands down]

7 MR. MISETIC: Mr. President, I did want to put something on the
8 record before cross-examination starts, which is the Prosecution
9 cited your filing F02117 at paragraph 15 related to the ethical issue
10 I raised.

11 We agree with the Court's finding there, which is that the
12 Prosecution cannot do this -- or can do this if it makes clear that
13 it will not seek to rely on one or more of these accounts for the
14 truth of its content but for credibility. Meaning, we need to know
15 from the Prosecution now whether the Prosecution is intending to rely
16 on the uncorrected 154 statements for the truth of its contents and
17 what was put to him or just for credibility. Because if it's for the
18 truth of its content, then there is an ethical issue that arises.

19 MR. PACE: Your Honour, I don't quite follow those submissions.
20 I certainly heard nothing about what obliges us to say now what we're
21 going to rely on. We're here to explore the evidence the witness is
22 giving, and then based on that and on all other evidence we will make
23 our final submissions. We're not, to my knowledge, submitting our
24 final trial brief today or tomorrow.

25 MR. MISETIC: Mr. President, the Defence is entitled to know

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1 what is the Prosecution case with this witness. They've submitted a
2 154 statement with corrections which, under Article 14 of the Code of
3 Professional Conduct, means that they're saying that that submission,
4 they do not know it to be false, and then we have to respond.

5 Now, in cross-examination we have to determine which version are
6 we responding to. And if it's their intention at the end of the case
7 to say, "Wait a minute, we weren't relying on the 154 for the truth
8 of its contents as corrected but, rather, the uncorrected version,"
9 then we're entitled to know that before cross-examination starts.

10 PRESIDING JUDGE SMITH: We'll take that under advisement and
11 come back to you on that.

12 We're adjourned for ten minutes. Let's make it till quarter of
13 4.00.

14 --- Recess taken at 3.35 p.m.

15 --- On resuming at 3.46 p.m.

16 PRESIDING JUDGE SMITH: Please bring the witness in.

17 [The witness takes the stand]

18 PRESIDING JUDGE SMITH: Mr. Pace, in connection with the
19 previous objection, we believe you should state your case clearly as
20 to this particular information. Is it being offered to attack
21 credibility or is it being offered for the truth of the statement
22 made? It has to be one way or the other.

23 MR. PACE: If you would allow me a second -- a moment to confer.

24 PRESIDING JUDGE SMITH: Yes.

25 [Specialist Prosecutors confer]

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1 MR. PACE: Thank you, Your Honour. I believe the way we've
2 conducted ourselves today, we've made it clear that we believe that
3 the original version of what the witness said in the UNMIK statement
4 and SPO is the true version, and we were trying to seek information
5 from the witness as to why that has changed.

6 So to answer your question, our version is that we are relying
7 on what the witness said in his Rule 154 statement as the correct
8 version or what we will be arguing. And, of course, we met our
9 obligations by tendering the subsequent version or the different
10 version as contained in Preparation Note 1, and it's now the version
11 that the witness insists on.

12 PRESIDING JUDGE SMITH: Yes, Mr. Misetic.

13 MR. MISETIC: I disagree with the submission there. The 154
14 statement is the as corrected version, right? That's what the 154
15 process is supposed to be about, including under the Order on Conduct
16 of Proceedings. So it's actually impeaching with -- or at least an
17 attempt to impeach with a prior inconsistent statement even though
18 the statement has been admitted into evidence as corrected. And we
19 do submit that that is an issue under Article 14(3) of the Code of
20 Professional Conduct because you've tendered the as corrected
21 statement for the truth of its contents.

22 PRESIDING JUDGE SMITH: What are you asking?

23 MR. MISETIC: Well, I'm asking that they be either precluded
24 from relying on the uncorrected version of the 154 for the truth of
25 its contents because it would be unethical to do so, or they would

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1 have to withdraw the 154 statement and proceed *viva voce*.

2 MR. PACE: Your Honour, can we have a basis for these proposals
3 which, to us, seem to have no basis in anything that we're dealing
4 with. This is not the first time that a witness says something in a
5 154 statement and then clarifies it or changes it in a preparation
6 note.

7 The important thing here is that Your Honours have all of that
8 information as does the Defence. We as also finders of fact are
9 entitled to seek to establish the truth of that. Your Honour asked
10 me and I told you which one we're relying on and why, for the truth
11 of its contents, the 154 statement, but I don't see what prejudice
12 this is causing to the Defence or what problems with the examination,
13 noting they are fully aware of our charges in this case and that here
14 we are discussing changes to a witness's evidence, which, again, are
15 all available to the Panel and to the parties.

16 MR. MISETIC: Mr. President, if I may? Briefly. Our basis is,
17 as I said, Article 14(3) of the Code of Professional Conduct but also
18 the submission that the Prosecution itself cited, F02117, paragraph
19 15. The Panel made clear that you cannot do this for the truth of
20 its content. So there's even prior notice which the SPO was aware
21 of.

22 MR. EMMERSON: And may I add, as a matter of fact, that we have
23 had correspondence directly with Mr. Pace over a period of days,
24 proposing that that passage of the Preparation Note 2 in which he
25 contains and expresses his own opinion about what he believes to be

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1 the position and the response be struck from the 154 which is being
2 tendered as evidence of truth at a time when the very issue we're
3 concerned about is counsel's statements of opinion being treated and
4 smuggled into a statement that's supposed to be being put forward as
5 evidence of truth.

6 So we asked for it to be redacted in advance, but we were
7 refused.

8 PRESIDING JUDGE SMITH: I can't hear the last part.

9 MR. EMMERSON: We have been in correspondence for several days
10 with the SPO --

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. EMMERSON: Oh, I'm just saying we'd asked for those passages
13 to be redacted, but that has not -- has been refused.

14 MR. PACE: Your Honour, if I may briefly.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 [Trial Panel confers]

17 PRESIDING JUDGE SMITH: We will take under advisement
18 Mr. Emmerson's suggestion of redaction, and we will rule on that as
19 soon as we've had a chance to think about it. We will proceed onward
20 at this point.

21 Mr. Pace, the last witness that we had was a good example of
22 when you have some contrary information, it would have been better
23 probably to call this witness as a live witness. I appreciate the
24 efforts to try to shorten things up, but it's very difficult to go
25 through this type of a situation with a 154 witness. It's difficult

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1 to even explain.

2 So bear that in mind for the future, and we will try to
3 straighten this out having considered the requests.

4 Let's move on from this particular bit of testimony. I think
5 it's fairly clear up to this point what the situation is.

6 You may proceed.

7 MR. PACE: Thank you, Your Honour.

8 Q. Witness, in your prior statements, you said that while you were
9 a KLA member in Budakove, you had conversations with or asked
10 questions to Latife Kololli, Rushe Kololli, and an Albanian man
11 around the same time. My question is whether any KLA member ever
12 spoke to you or questioned you about what happened to these people I
13 just mentioned.

14 A. Yes, people asked what happened to them. I said that they're
15 innocent, they have done nothing wrong, and that I had proposed for
16 them to be released.

17 Q. In your answer you said "people asked what happened to them."
18 Were these people who asked you what happened to Latife Kololli,
19 Rushe Kololli, and the Albanian man KLA members or not?

20 A. Yes, KLA soldiers. Soldiers.

21 Q. Do you recall the names of any soldiers who asked you about what
22 happened to these three persons I was just referring to?

23 A. I was not interested to remember them. They were just ordinary
24 soldiers just like I was and we were.

25 Q. Do I understand that then to mean that nobody, for example, from

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1 the battalion staff asked you what happened to these three
2 individuals?

3 A. I said yes, but I don't remember who exactly asked many
4 questions, and I don't think it's worth commenting on them.

5 Q. No, Witness, I'm seeking clarity, because you referred to "they
6 were just ordinary soldiers," the ones who asked you what happened to
7 these three individuals. When you say "ordinary soldiers," do I take
8 that to mean they were not members of the staff of the battalion you
9 were a part of?

10 A. Everybody, 750 members were members of the battalion.

11 Q. Sadik Halitjaha was the commander of the battalion; right?

12 A. Yes.

13 Q. How many other members of the battalion staff? Who was in
14 charge of the battalion? How many others were there? Were all 750
15 members in charge of the battalion staff or another number?

16 A. I don't understand your question. Are you referring to members
17 of the battalion or soldiers?

18 Q. Witness, you were a soldier within the battalion in Budakove,
19 right? A soldier. You were not a member of the staff of the
20 battalion; is that correct?

21 A. Yes.

22 Q. Now, did any people who were members of the staff of the
23 battalion ask you what happened to Latife Kololli, Rushe Kololli, or
24 the Albanian man who was detained around the same time?

25 A. No, I was not in contact with them.

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1 Q. Did anyone in the staff ask you what happened to the person whom
2 you say you discussed with or had a conversation with in Volljake in
3 the presence of Ilaz Kadolli?

4 A. What persons? I again don't understand the question.

5 Q. Do you recall in your statement you refer to yourself having an
6 interview or a discussion with a person which you say took place in
7 Volljake and at which Ilaz Kadolli may also have been present. Do
8 you remember that?

9 A. Yes, yes.

10 Q. Now, in relation to that incident, did any member of the staff
11 of your battalion ask you what happened to that person or any member
12 of the Pashtrik zone ask you what happened to that person?

13 A. They asked what happened because there was a problem here, as I
14 mentioned earlier, about food supplies that were brought from the
15 Mother Teresa Foundation, and there was -- it was suspected that they
16 were being misused, and they were not distributed equally to the
17 civilians who were displaced and who were in need to receive food
18 from the army. And it was thought that the person in question whom
19 you mentioned was not conducting a fair distribution of the food, and
20 this is the occasion when we had the conversation with Ilaz Kadolli.

21 Q. Now, Witness, after you had the conversation that you just
22 described, did any KLA member ask you, "Witness, Mr. Abazi, what
23 happened to that person that you questioned?" Did anyone in the KLA
24 ask you that or not?

25 A. They asked but they didn't know, because this was outside

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1 Budakove. It was far away. Not all of them could have known. Very
2 few people knew. Volljake is 50 kilometres from Budakove or even
3 more.

4 Q. Do you recall who from the KLA asked you what happened with this
5 person that we're talking about?

6 A. I don't see the importance of this.

7 Q. Could you tell the Judges, if you know, the name of the person
8 or persons who asked you what happened with this person that we're
9 talking about?

10 A. I don't remember. Only -- unless you want me to give just
11 random names, I don't recall them.

12 MR. PACE: No further questions, Your Honour.

13 PRESIDING JUDGE SMITH: Thank you.

14 Mr. Misetic.

15 MR. MISETIC: Thank you, Mr. President.

16 Cross-examination by Mr. Misetic:

17 Q. Witness, good afternoon. My name is Luka Misetic. I am counsel
18 for Hashim --

19 A. Good afternoon.

20 Q. -- Thaci. I want to ask you can some questions, first of all,
21 about your knowledge of the KLA's organisation and structure. Is it
22 correct that you joined the KLA in June 1998?

23 A. Yes.

24 Q. And around the time you decided to join, Albanians had started
25 getting together in reaction to recent developments such as the

1 killing of the Jashari family and the teacher in Llaushe; is that
2 correct?

3 A. Yes, correct.

4 Q. And is it correct, as you say in your statement, that it was the
5 impact of these events that led you to decide to join the KLA?

6 A. These events and prior events. Not only these two.

7 Q. What prior events?

8 A. There had been demonstrations, killings, killings of soldiers.
9 There had been massacres committed even before the war started.
10 Maltreatments, imprisonment. We suffered an ordeal inflicted to us
11 by the invader, unscrupulous, and oppressor.

12 Q. And as a result, you decided to go check if there was some sort
13 of organisation of the KLA in your village; is that correct?

14 A. Yes.

15 Q. And it turned out that a fellow villager named Sadik Halitjaha
16 had started gathering people in your village; is that correct?

17 A. Sadik Halitjaha came from Switzerland. He had started
18 organising earlier on, but obviously he also organised the war.

19 Q. Yes, but he had -- he was organising your village to make a KLA
20 formation; is that correct?

21 A. Correct.

22 Q. So in June 1998, is it correct that the KLA, as far as you knew,
23 was a local organisation of fellow villagers trying to join?

24 A. Yes, it was a mass organisation. Not only within my village but
25 it was Kosovo-wide.

1 Q. And there was no official conscription process; is that correct?

2 A. No, this was entirely voluntary. This was the only army in the
3 world that was organised on a voluntary basis. No one could be
4 forced to join the army. Only those who felt they wanted and they
5 were willing to defend their country, they would join. Those who
6 didn't feel that way or didn't want to join did not join and could
7 not be forced to join. So this was all done on a voluntary basis.

8 Q. And when people joined, they had to buy their own uniforms and
9 weapons; is that correct?

10 A. The majority, yes.

11 Q. Now, you told the SPO that the uniforms that people were wearing
12 were German military uniforms and American ones; is that correct?

13 A. Correct. Correct.

14 Q. And you said there were also civilians without uniform; correct?

15 A. Correct.

16 Q. When you said that, did you mean that there were KLA members
17 without uniforms or were you referring to civilians who were not part
18 of the KLA?

19 A. KLA members who did not have uniforms, who did not even have
20 weapons. We would wait for a soldier to be killed to take his
21 weapon. Two or three people would only have one weapon.

22 Q. And when you joined, did you sign or receive any decision
23 appointing you to a specific post?

24 A. Yes, we registered initially. There was a notebook where
25 entries were about people who were joining the KLA.

1 Q. Okay. But you've testified in your statements that you were the
2 legal adviser. Was that a written appointment or were you just told
3 that you were the legal adviser verbally?

4 A. There was something in writing, but I -- there was a written
5 decision appointing me legal adviser, but all documents were burned,
6 our houses and our people were burned, so ...

7 Q. And who appointed you? Who signed the appointment?

8 A. Sadik Halitjaha.

9 Q. And do you recall when he signed it?

10 A. When we organised. When we joined the war effort. Slightly
11 later on, two or three months later.

12 Q. So if you joined in June, two or three months later would be
13 August or September when you received this appointment?

14 A. Correct. Slightly before that, because September was the main
15 offensive when we were completely dispersed and defeated.

16 Q. What were your tasks as the legal adviser?

17 A. My tasks were to advise soldiers, how to behave amongst them,
18 how to behave with -- to conduct themselves with civilians, to avoid
19 making mistakes. These kind of things.

20 Q. And do you recall what specific advice you gave soldiers in
21 terms of how to deal with civilians?

22 A. Human decent relationships for a soldier, decency of a soldier,
23 to avoid drinking alcohol and doing anything that was not advisable
24 to do.

25 Q. You yourself had done military service in the Yugoslav Army; is

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1 that correct?

2 A. Yes.

3 Q. And that was the mandatory service in the Yugoslav Army?

4 A. Mandatory, yes.

5 Q. And with respect to the other soldiers, had they received
6 military training beyond their mandatory service in the Yugoslav
7 Army?

8 A. No, sir. Merely they were young people. Our army was composed
9 of young people. Not many had military training. There were a few
10 of us who had already done military training. The others were from
11 18 years upwards. Recently, we boycotted the Yugoslav military
12 service, so we opposed that and boycotted the conscription. So most
13 of the soldiers were inexperienced, young. They had never laid hands
14 on a weapon before.

15 Q. Okay. And most of these young people did not receive training
16 when they joined the KLA; is that correct?

17 A. That's correct.

18 Q. When you joined in June 1998, is it correct that the battalion
19 in Budakove was still in the making?

20 A. Yes.

21 Q. And to best of your knowledge, that was the first battalion in
22 the area; is that correct?

23 A. Yes, sir.

24 Q. And given the size of this battalion and that you were still
25 gearing up, is it correct, as you said in your statement, that there

1 could be no talk of a brigade or a larger structure at that time?

2 A. In the meantime, brigades had started to form, but the brigades
3 were -- ours was in Suhareke. It was formed almost parallel.

4 Q. So was there a brigade at the time you joined in June 1998 or
5 was it just a battalion?

6 A. First we went there, at least this is what I know, and then the
7 brigade was formed, to my knowledge.

8 Q. Do you recall how soon after you joined the KLA the brigade was
9 formed?

10 A. Maybe a month or so, in my opinion.

11 Q. So sometime in July or maybe August; is that correct?

12 A. Yeah, something like that.

13 Q. Turning to your role as legal adviser. You started off first as
14 an ordinary soldier; is that correct?

15 A. Correct.

16 Q. Your role as legal adviser, was that only for your battalion in
17 Budakove or was it beyond the battalion?

18 A. Only for the battalion.

19 Q. And at the time you joined the KLA, you had already graduated
20 from the law faculty at the University of Prishtine; is that correct?

21 A. I finished in 1980.

22 Q. And you had not been practicing law before you joined the KLA;
23 is that correct?

24 A. No.

25 Q. No, you weren't practicing law; or, no, that's not correct?

1 A. No, I wasn't practicing my profession because it was impossible
2 for us. The state didn't allow us to do that. It persecuted us,
3 imprisoned us. We were undesirable there.

4 Q. What kind of training did you have in the laws of war or
5 humanitarian law?

6 A. We didn't have any training per se but what we learned in the
7 school, in the faculty. We had a special subject, international law
8 as such.

9 Q. So it was in the law school that you learned some of the basics
10 of the laws of war?

11 A. Yes, we were taught that. The basic knowledge.

12 Q. Did you have written materials to hand out to soldiers in the
13 battalion concerning the laws of war?

14 A. No, we didn't.

15 Q. Was there ever a point in 1998 or 1999 that you did prepare
16 written materials, including regulations?

17 A. Yes, we prepared a regulation together with Sadik. It served as
18 a kind of instruction, so to say.

19 Q. And when was that?

20 A. In 1999.

21 Q. Do you recall the month?

22 A. No, I don't.

23 Q. When you say it was done with Sadik, does that mean it was done
24 at the brigade level or the zone level in 1999?

25 A. At the zone level.

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1 Q. Now, from January to April 1999, where were you?

2 A. During that time, we were engaged in organisation because we
3 were routed because of the numerous offensives, so we had to get
4 ourselves together and organised, in neighbourhoods, in homes, until
5 we united and started a regular activity.

6 Q. When were you routed by the Serbs? When did the Serb offensive
7 take place?

8 A. There were ongoing offensives, but the September one was the
9 most destructive for Kosovo in 1998.

10 Q. And it was in September where your brigade and battalion were
11 routed; is that correct?

12 A. Yes.

13 Q. And what did you do from September to the end of December?

14 A. We returned to our places because we returned illegally, let's
15 say, to burn down places which were torched by the Serb police and
16 army. We were trying to reorganise ourselves.

17 Q. And who reorganised the brigade?

18 A. Everyone did their bit. There wasn't a specific person
19 entrusted to do that. All of us contributed in our own ways.

20 Q. When did you learn that the brigade had been reconstituted?

21 A. After January, it was February, March when the reorganisation
22 started, because people were keeping a low profile after the
23 destructions. They couldn't -- didn't dare come out publicly.

24 Q. Okay. Well, where were you physically in January, February, and
25 March?

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1 A. During that period, I was at the KLA cells contributing to the
2 reorganisation for future battles.

3 Q. And where exactly was the KLA cell that you were in?

4 A. There were groups everywhere. We didn't dare concentrate our
5 forces in one place because that was dangerous.

6 Q. I'm just interested in your physical location in January,
7 February, and March. Just you. Where were you physically?

8 A. I was in Greikoc, Gjinoc villages, Sallagrazhde, sometimes in
9 Budakove, sometimes in Meciteve, in all these villages. We had to
10 organise ourselves to reach the soldiers who had spread out all over,
11 some of whom never returned.

12 Q. Okay. At some point you joined -- you rejoined the Pashtrik
13 zone in Kosterc; is that correct?

14 A. Yes.

15 Q. And when was that?

16 A. That was in March, April.

17 Q. And at this time you again served as legal adviser?

18 A. Yes.

19 Q. To whom were you reporting?

20 A. Usually to Tahir Sinani, who was the commander of the zone
21 staff.

22 Q. When you rejoined, did you get a letter of appointment from
23 Tahir Sinani?

24 A. Yes, I did.

25 Q. Did your tasks as legal adviser beginning in April differ from

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1 your tasks as legal adviser prior to the end of September?

2 A. No, I had the same tasks.

3 Q. Now, you were not aware of what was happening in terms of the
4 setting up of the Pashtrik zone before April 1999; is that correct?

5 A. No, I wasn't.

6 Q. Were you part of the structures of the headquarters of the
7 Pashtrik zone?

8 A. No, no, sir. I wasn't part of any military or political
9 structures. I was only adviser. I didn't have any decision-making
10 powers. I only gave advice, and I was a soldier. First of all, I
11 was a soldier, then a legal adviser.

12 Q. Well, you say you weren't part of military structures. Do you
13 recall the Prosecutor at the beginning showed you a chart?

14 A. Yes.

15 Q. And it has your name in a box there; is that correct?

16 A. Yes, in the organigramme it existed, but the problem is that it
17 didn't function. It was difficult for it to function. Because on
18 paper it looks very nice, perfect, the organigramme, but in real
19 terms, contacts among different persons were very difficult to
20 maintain. We were concentrated on certain places. It's like the
21 leopard skin with spots. Somewhere were we, somewhere were the Serb
22 forces stationed. So communication was very difficult between the
23 zones and let alone the battalions. On paper, they look very nice,
24 but in real terms, they didn't function, sometimes not at all.
25 Because to get a news or to receive a news, you have to send a

1 courier. The courier had to pass through several dangerous
2 checkpoints to be able to deliver the message. So sometimes it was
3 impossible, quite impossible to do that.

4 Q. Well, in terms of the structure, were you -- who were you
5 advising?

6 A. In the locality in the place where we operated. We couldn't go
7 somewhere else like to the brigade. Only when we had some minor
8 issue. We tried to reprimand the soldiers if he had made a mistake,
9 to assign an extra guard, because we had the organisation of guards.
10 If, you know, for a minor infraction, we sent him twice to do guard
11 duty instead of once, for example, as a kind of punishment, in order
12 to ensure a certain rule.

13 We couldn't do much because it was a voluntary army. We
14 couldn't exert pressure on them. We didn't have mechanisms to deter
15 or to force them to do something. Everything was of a voluntary
16 nature. Nobody could dictate their will on someone. Someone who
17 didn't like to stay could leave. It was a very specific kind of
18 army.

19 Q. But in terms of these now discipline that you're talking about,
20 at what level were you advising on discipline? At the zone level?
21 Across the zone? Across the brigade? Across the battalion? At what
22 level were you giving advice on discipline?

23 A. At the level of zone was my task, but we never managed to
24 operate on a zone level because the Pashtrik zone was one of the
25 largest in Kosovo, and we could never reach the last soldier or the

1 last battalion. So we were focused on the locality where we were
2 stationed.

3 Q. So if you're at the zone level and you have to give advice on a
4 potential disciplinary measure, who would you tell? Who would you
5 give your advice to at the zone level to give discipline?

6 A. There were soldiers at the level of the zones. The army who had
7 taken up positions there. I was one of them, too.

8 Q. I'm asking did you advise Tahir Sinani directly to say: My
9 advice is you should do this?

10 A. No, no, I didn't have that power. That applied to soldiers, not
11 to the superiors.

12 Q. I'm not asking if you disciplined Tahir Sinani. I'm saying
13 somebody had to discipline soldiers; right?

14 A. Yes.

15 Q. So some commander is disciplining a soldier; right?

16 A. Yes, the commanders disciplined the soldiers. I advised them
17 not to make mistakes. That would be very bad. That shouldn't
18 happen. That was my role.

19 Q. And so my question is which commanders did you advise this? Can
20 you remember the names of the commanders?

21 A. I didn't advise commanders. I'm repeating. I meant the
22 soldiers, rank and file soldiers, the soldiers that participated in
23 war.

24 MR. MISETIĆ: Mr. President, I see the time.

25 PRESIDING JUDGE SMITH: Witness, that's the end of our time in

1 the courtroom today. We will begin again tomorrow with you at 9.00.
2 Please remember not to speak to anybody about your testimony outside
3 of the courtroom. If anyone tries to contact you about your
4 testimony, please let us know. And we'll see you tomorrow.

5 THE WITNESS: [Interpretation] Okay.

6 [The witness stands down]

7 PRESIDING JUDGE SMITH: This is going a little faster than I
8 thought. Do you have a reserve witness this week available to you?

9 MR. PACE: So after this witness, we have one more who would be
10 ready to start testimony tomorrow. After that, no, and it's
11 precisely because of what you just said, Your Honour, that this is
12 going a lot faster than anybody thought.

13 PRESIDING JUDGE SMITH: Can we move one up from next week?

14 MR. PACE: No. The witness who will be the first witness next
15 week starts prep tomorrow. On the estimates received, that seemed
16 like a logical thing to do in order not to have witnesses held over.
17 That witness will not be able to start this week. So one witness
18 available after this one for this week.

19 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.
20 tomorrow.

21 --- Whereupon the hearing adjourned at 4.30 p.m.

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