

1 Tuesday, 29 August 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

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

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

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

11 PRESIDING JUDGE SMITH: Thank you.

12 I note that, except for Mr. Krasniqi, who is following the
13 hearing on videolink, the accused are all present in court today.

14 As stated yesterday, there is a matter regarding the
15 presentation queue that the Panel will address before the Defence
16 continues with the cross-examination of the witness.

17 The Panel recalls that on 16 and 17 August 2023, issues were
18 raised about whether a Defence team had to upload to its presentation
19 queue items that were already on another Defence team's presentation
20 queue.

21 The SPO objected to such a procedure, arguing that it had no
22 notice of any items that the Veseli Defence intended to use in their
23 examination of the witness.

24 On August 17th, 2023, the SPO filed a filing on the same issue,
25 namely, F01724.

1 On 27 August 2023, the Panel heard further submissions on the
2 same issue.

3 The Panel recalls that pursuant to paragraph 83 of the Order on
4 Conduct of the Proceedings, a presentation queue listing all
5 documents or other material to be used by the cross-examining party
6 must be released to the Trial Panel and other parties and
7 participants immediately upon the completion of the direct
8 examination of that witness at the latest.

9 On 13 April 2023, the Panel, upon the parties' suggestion,
10 amended this paragraph by ordering the parties and participants to
11 only upload material additional to the calling party's list to their
12 presentation queues. This amendment was sought and granted only
13 insofar as it dispensed the cross-examining party from having to
14 place on its presentation queue documents and exhibits that already
15 appear on the presentation queue of the calling party.

16 The amendment was not intended to dispense with the need for
17 each cross-examining party to identify, in its own queue, what
18 documents and exhibits it plans to use for its cross-examination of a
19 witness.

20 The Panel, therefore, clarifies that the amendment to the Order
21 on Conduct of Proceedings only dispensed with the requirement for the
22 parties and participants to upload material from the calling party's
23 presentation queue. This means that if an item is not on the calling
24 party's presentation queue, and a cross-examining party intends to
25 use it for cross-examination, it must include it on its presentation

1 queue irrespective of whether it also appears on the presentation
2 queue of the other cross-examining parties.

3 Therefore, in the current circumstance, each Defence team shall
4 list on its presentation queue those documents which it intends to
5 use in cross-examination unless it is already listed on the SPO's
6 presentation queue. While this will result in a degree of overlap
7 between the presentation queues of the Defence teams, the Panel
8 considers it will best serve the need to have a clear notice of the
9 nature and scope of the intended cross-examination by each Defence
10 team. The Panel is also satisfied that such a procedure will not
11 unduly burden the Defence teams.

12 The Panel notes, however, that the absence of a document from a
13 presentation queue of a cross-examining party will not, in principle,
14 prevent it from cross-examining a witness in relation to such a
15 document. Where a cross-examining party has formed the view that it
16 should ask a question in relation to an item not yet appearing on its
17 presentation queue, it shall give prompt notice via e-mail or other
18 means to the other parties or participants of its intention to use
19 such an item and amend its presentation queue accordingly.

20 Any objection based on the belatedness or unfairness of
21 last-minute notice of that sort will be addressed by the Panel if and
22 when such instances arise.

23 The Panel reiterates the principle stated in paragraph 83 of its
24 Order on the Conduct of Proceedings; namely, that notice of documents
25 or other materials to be used in cross-examination shall, in

1 principle, be given immediately upon the completion of the direct
2 examination of the witness.

3 The Panel accordingly grants F01724.

4 This concludes the oral order.

5 Now, we'll continue hearing the evidence of Prosecution
6 Witness W03832.

7 For the protection of the witness, please bring us into private
8 session.

9 [Private session]

10 [Private session text removed]

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Witness: W03832 (Resumed) (Private Session)

Page 6866

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6868

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6875

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6876

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6882

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6883

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6884

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6885

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6886

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6887

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6888

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6889

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6890

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6891

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6892

Cross-examination by Mr. Ellis

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Witness: W03832 (Resumed) (Private Session)

Page 6893

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6894

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6895

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6896

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6897

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6898

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6899

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6901

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6902

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6903

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6904

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6905

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6906

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6907

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6908

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6909

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6910

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6911

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6912

Re-examination by Ms. Clanton

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6 [Open session]

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

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

9 --- Recess taken at 11.01 a.m.

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

11 PRESIDING JUDGE SMITH: All right. Into private session,
12 please.

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Witness: W03832 (Resumed) (Private Session)

Page 6913

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6914

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6915

Re-examination by Ms. Clanton

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Witness: W03832 (Resumed) (Private Session)

Page 6916

Questioned by the Trial Panel

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Witness: W03832 (Resumed) (Private Session)

Page 6917

Questioned by the Trial Panel

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Witness: W03832 (Resumed) (Private Session)

Page 6918

Questioned by the Trial Panel

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Witness: W03832 (Resumed) (Private Session)

Page 6919

Questioned by the Trial Panel

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Witness: W03832 (Resumed) (Private Session)

Page 6920

Questioned by the Trial Panel

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Witness: W03832 (Resumed) (Private Session)

Page 6921

Questioned by the Trial Panel

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Witness: W03832 (Resumed) (Private Session)

Page 6922

Questioned by the Trial Panel

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Witness: W03832 (Resumed) (Private Session)

Page 6923

Questioned by the Trial Panel

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Witness: W03832 (Resumed) (Private Session)

Page 6924

Questioned by the Trial Panel

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Witness: W03832 (Resumed) (Private Session)

Page 6925

Questioned by the Trial Panel

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Witness: W03832 (Resumed) (Private Session)

Page 6926

Further Cross-examination by Mr. Misetic

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Witness: W03832 (Resumed) (Private Session)

Page 6927

Further Cross-examination by Mr. Misetic

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Witness: W03832 (Resumed) (Private Session)

Page 6928

Further Cross-examination by Mr. Misetic

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Witness: W03832 (Resumed) (Private Session)

Page 6929

Further Cross-examination by Mr. Misetic

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Witness: W03832 (Resumed) (Private Session)

Page 6930

Further Cross-examination by Mr. Misetic

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Witness: W03832 (Resumed) (Private Session)

Page 6931

Further Cross-examination by Mr. Misetic

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1 [Private session text removed]

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17 [Open session]

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

19 PRESIDING JUDGE SMITH: [Microphone not activated] Five to
20 ten-minute break to allow everybody to get set up for the next
21 witness and so that the witness is ready to go. So let's just say
22 12.30 to be back. We're adjourned until then.

23 --- Break taken at 12.20 p.m.

24 --- On resuming at 12.30 p.m.

25 PRESIDING JUDGE SMITH: Before we begin, Madam Court Officer,

1 please bring us into private session to protect the identity of the
2 witness and others.

3 [Private session]

4 [Private session text removed]

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Witness: W04566 (Private Session)

Page 6935

Procedural Matters

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Witness: W04566 (Private Session)

Page 6936

Procedural Matters

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Witness: W04566 (Private Session)

Page 6937

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6938

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6939

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6940

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6941

Examination by Mr. Halling

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9 [Open session]

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

11 PRESIDING JUDGE SMITH: [Microphone not activated]

12 MR. HALLING: Thank you, Your Honour. For the benefit of the
13 public, we'll read a short summary of this witness's testimony.

14 W04566's family member went to Drenoc in 1998 where he was
15 detained. Other family members of the detainee went to Drenoc to
16 find out about his fate but were not allowed to see him. W04566's
17 family member disappeared.

18 W04566 and other family members made several inquiries to find
19 out about the detainee's fate without success.

20 The detainee's partial remains were found years later.

21 Your Honour, that concludes the summary.

22 For the supplemental direct, we'd ask to go back in private
23 session.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 [Private session]

Witness: W04566 (Private Session)

Page 6942

Examination by Mr. Halling

1 [Private session text removed]

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Witness: W04566 (Private Session)

Page 6943

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6944

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6945

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6946

Examination by Mr. Halling

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22 [Open session]

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

24 PRESIDING JUDGE SMITH: All right. We are adjourned until 2.30.

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

Witness: W04566 (Private Session)

Page 6947

Examination by Mr. Halling

1 --- On resuming at 2.32 p.m.

2 PRESIDING JUDGE SMITH: Anything before we begin?

3 Madam Usher, you may call the witness in.

4 We should be in private session, too.

5 [Private session]

6 [Private session text removed]

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Witness: W04566 (Private Session)

Page 6948

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6949

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6950

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6951

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6952

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6953

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6954

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6955

Examination by Mr. Halling

1 [Private session text removed]

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Witness: W04566 (Private Session)

Page 6956

Examination by Mr. Halling

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Witness: W04566 (Private Session)

Page 6957

Examination by Mr. Halling

1 [Private session text removed]

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Witness: W04566 (Private Session)

Page 6958

Questioned by Victims' Counsel

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Witness: W04566 (Private Session)

Page 6959

Questioned by Victims' Counsel

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Witness: W04566 (Private Session)

Page 6960

Questioned by Victims' Counsel

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Witness: W04566 (Private Session)

Page 6961

Questioned by Victims' Counsel

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Witness: W04566 (Private Session)

Page 6962

Questioned by Victims' Counsel

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1 [Open session]

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

3 PRESIDING JUDGE SMITH: All right. We're adjourned for ten
4 minutes.

5 --- Break taken at 3.13 p.m.

6 --- On resuming at 3.25 p.m.

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

9 Back into private session, please.

10 Do you have a time estimate, Mr. Misetic?

11 [Private session]

12 [Private session text removed]

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Witness: W04566 (Private Session)

Page 6964

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6965

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6966

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6967

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6968

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6969

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6970

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6971

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6972

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6973

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6974

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6975

Cross-examination by Mr. Misetic

1 [Private session text removed]

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Witness: W04566 (Private Session)

Page 6976

Cross-examination by Mr. Misetic

1 [Private session text removed]

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Witness: W04566 (Private Session)

Page 6977

Cross-examination by Mr. Misetic

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Witness: W04566 (Private Session)

Page 6978

Cross-examination by Mr. Misetic

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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 9.00 tomorrow.

9 --- Whereupon the hearing adjourned at 4.01 p.m.

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