

1 Monday, 3 June 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: Good morning, everyone.

7 Madam Court Officer, please call the case.

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

12 PRESIDING JUDGE SMITH: I note the accused are all present in
13 court except Mr. Krasniqi, who is appearing via videolink with
14 permission.

15 Today we will start hearing the presentation of Prosecution
16 evidence on Witness W03170.

17 Please bring us into private session, Mr. Court Officer.

18 [Private session]

19 [Private session text removed]

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1 [Private session text removed]

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13 [Open session]

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

15 Thank you.

16 [The witness entered court]

17 PRESIDING JUDGE SMITH: Witness, you will need to stand.

18 Good morning, Witness.

19 THE WITNESS: [Interpretation] Good morning.

20 PRESIDING JUDGE SMITH: The Court Usher will now provide you
21 with the text of the solemn declaration which you are asked to take
22 pursuant to Rule 141 of the Rules.

23 I will read it to you. I will read it to you, and then I'll ask
24 you to agree to it at the end if you do. So you repeat after me the
25 parts that I say to you now.

Witness: W03170 (Open Session)
Procedural Matters

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1 Conscious of the significance of my testimony.

2 THE WITNESS: [Interpretation] Conscious of the significance of
3 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] And nothing but the truth.

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

16 THE WITNESS: [Interpretation] And that I shall not withhold
17 anything which has come to my knowledge.

18 WITNESS: W03170

19 [The witness testified through interpreter]

20 PRESIDING JUDGE SMITH: Thank you, Witness. You may sit down
21 now.

22 Did you understand the declaration that you just took?

23 THE WITNESS: [Interpretation] I did.

24 PRESIDING JUDGE SMITH: And do you agree to it?

25 THE WITNESS: [Interpretation] I do.

1 PRESIDING JUDGE SMITH: Thank you.

2 We begin now with your testimony. We will start with the
3 Prosecution's testimony. But before I start, I have a few general
4 comments on rules that I want to state for your help in going through
5 this examination.

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

11 The Prosecution estimate for your examination is 1.5 hours.
12 Victims' Counsel will take approximately 15 minutes for questions.
13 The Defence estimates that it will need five and a half hours for
14 their cross-examination. As regards each estimate, we hope that the
15 counsel will be judicious in their use of their time. The Panel may
16 allow redirect examination by the Prosecution if conditions for it
17 are met.

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

22 Also, please try to indicate the basis of your knowledge of
23 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 a
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 the
5 interpreters can catch up.

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

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

13 If you feel the need to take a break, please let us know and we
14 will accommodate you.

15 Do you understand all of that?

16 THE WITNESS: [Interpretation] Yes, I do.

17 PRESIDING JUDGE SMITH: So now we begin with the Prosecution to
18 your left. They will ask you some questions. Please give them your
19 attention.

20 You have the floor.

21 MR. PACE: Thank you, Your Honour.

22 Examination by Mr. Pace:

23 Q. And good morning, Witness. We have met before, but I'll
24 introduce myself again. I'm James Pace, a Prosecutor at the SPO, and
25 I'll be asking you some questions for the next hour and a half or so.

1 Before I ask the Judge to move into private session to elicit
2 some of your personal details, I note that, as I explained during
3 your witness preparation session last week, rather than asking you
4 questions about everything or every relevant issue you may have
5 information about, it may be possible to admit some of your prior
6 statements containing such information into evidence. And in order
7 to do so, there are a number of procedural steps to follow which I'll
8 turn to after we establish your identity.

9 MR. PACE: And, Your Honour, we would need to move into private
10 session for a minute in view of the witness's in-court protective
11 measures, please.

12 PRESIDING JUDGE SMITH: Into private session, please,
13 Mr. Court Officer.

14 [Private session]

15 [Private session text removed]

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Witness: W03170 (Private Session)

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Examination by Mr. Pace

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15 [Open session]

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

17 Thank you.

18 PRESIDING JUDGE SMITH: Thank you.

19 You may proceed, Mr. Pace.

20 MR. PACE: Thank you, Your Honour. And just to note that the
21 items I'll be asking to be shown today are not for public broadcast.

22 I'd like to first start with showing the witness 051775 to
23 051780 RED2, the first page side by side with, from the exact same
24 item, page 051777, please.

25 Q. Witness, do you see two documents on the screen in front of you,

1 on the left in Albanian and on the right in English?

2 A. Yes.

3 Q. Now, the documents refer to an UNMIK interview with you on the
4 date indicated at the top over there. Do you recall attending such
5 an interview with UNMIK?

6 A. If I did give it to them, I don't see any reason to mention
7 *[REDACTED] Pursuant to In-Court Redaction Order F2356RED.* because
8 they were not activists. I didn't
9 know them. I wouldn't have any reason to mention their names.

10 Q. Okay, Witness. I'd like you to focus for now on only the
11 question I'm asking, and all I'm asking is whether you remember
12 giving an interview to UNMIK in 2000. You don't need to comment on
13 anything else for the moment.

14 A. Yes.

15 Q. And on the Albanian version on the left of your screen, I see
16 two signatures. Do you see those two signatures and are they yours?

17 A. Yes, this is my signature.

18 MR. PACE: And could we please turn on the item on the left in
19 Albanian to the next page, 051776; and on the item on the right in
20 English to the last page, 051780. And to scroll down to the bottom
21 of the Albanian page, please.

22 Q. And, Witness, here, these are other pages from the same
23 statement. And the only question I'd like you to answer is whether
24 on the left of your screen you recognise the signature on the bottom
25 left corner as your own?

26 A. Yes, yes.

1 MR. PACE: Court Officer, I'd next like to show the witness
2 051765 to 051770 RED3, and we'll start with the first page of that
3 item. And side by side with that, I'd like to call up 051765 to
4 051770-ET RED3. Again the first page, please.

5 Q. Witness, once again do you see two different documents on the
6 screen in front of you now, on the left in Albanian and on the right
7 in English?

8 A. Yes, I do see them.

9 Q. Now, as you can see, the documents refer to an SPRK interview on
10 the date indicated in the document. Do you remember giving an
11 interview to the SPRK?

12 A. Yes, I do remember that I gave an interview.

13 MR. PACE: And if we could please zoom out a little bit and then
14 focus in on the bottom half of the pages, Court Officer. Thank you.

15 Q. And, Witness, on the left of your screen, do you see a signature
16 underneath your name and do you recognise that signature as your own?

17 A. Yes, yes.

18 Q. Thank you.

19 MR. PACE: I'd like to turn to the last page of both documents,
20 and that's pages 051770, please. Thank you.

21 Q. Witness, again, these are pages from the same interview we were
22 just looking at, and the only question I'd like you to answer for now
23 is whether you recognise the signature on the bottom right of your
24 screen in the Albanian as your own? We see two signatures, the one
25 under your name.

1 A. Yes, yes. Yes, that's my name and my signature.

2 MR. PACE: And, Court Officer, I'd next like to show the witness
3 053191-TR-AT Part 1 Revised RED3 side by side with 053191-TR-ET
4 Part 1 RED3, and the first page of both, please. Thank you,
5 Court Officer.

6 Q. Witness, on your screen now are two other documents. The one on
7 the left again in Albanian; the one on the right in English. And
8 they refer to an interview with the SPO on the date indicated.

9 And, for now, I'd only like you to answer whether you recall
10 meeting with the SPO on the month and date indicated?

11 A. Yes, I recall it. We met.

12 Q. And, Witness, do you remember -- here we only see reference to
13 one date in that month. Do you remember meeting the SPO on multiple
14 days that same month and that year?

15 A. Yes, yes.

16 MR. PACE: And, Your Honour, unless you'd like me to, I don't
17 intend to show the witness the other SPO interview since he confirmed
18 that he recalls meeting the SPO multiple times the same month.

19 PRESIDING JUDGE SMITH: Just go ahead.

20 MR. PACE: Court Officer, we can take the documents down.

21 Q. Witness, do you recall being provided with an opportunity to
22 provide clarifications in relation to your prior statements last
23 week?

24 A. Yes, yes, I recall it. And I'm grateful to you for that.

25 Q. And do you recall that you made a number of clarifications to

1 your prior statements last week?

2 A. Yes.

3 Q. And do you recall these clarifications and some corrections
4 being included in a note which was read back to you?

5 A. Yes.

6 Q. Subject to the corrections set out in the note, is the
7 information in the documents I referred you to today and your other
8 SPO interviews accurate and truthful to the best of your knowledge
9 and belief?

10 A. They should, yes.

11 Q. And, again, subject to the corrections set out in the note which
12 I referred to, do the documents I referred you to today and your
13 other SPO interviews accurately reflect what you would say if you
14 were examined about the events recorded in them?

15 A. Yes, yes.

16 MR. PACE: And, Your Honour, I'd like to seek admission of the
17 prior statements and associated exhibits. The relevant ERNs are set
18 out in Annex 1 of Preparation Note 1 as well as footnote 47 of Panel
19 decision F01901. We also seek admission of Preparation Note 1 which
20 is 121195-121205. We note that two or three of the items since the
21 Panel's decision have already been admitted, and they, of course,
22 don't need to be re-admitted or assigned a different exhibit number.

23 PRESIDING JUDGE SMITH: Any objection?

24 MR. MISETIC: We have no additional objection other than what
25 was in our Rule 154 response. I do wish to note for the record that

1 our position with respect to any inconsistencies between statements
2 is that the most recent statement is what the witness would say in
3 court, and therefore his -- that should be deemed his direct
4 testimony unless those consistencies are further clarified in direct
5 examination. Thank you.

6 PRESIDING JUDGE SMITH: The same ruling as to your previous
7 objection. It's overruled.

8 Nothing?

9 MR. TULLY: Nothing to add, Your Honour.

10 MR. ELLIS: Nothing beyond those previously notified in --

11 PRESIDING JUDGE SMITH: Thank you.

12 MR. ELLIS: -- our 154 response.

13 PRESIDING JUDGE SMITH: 051775 to 051780 RED2 plus English is
14 admitted.

15 THE COURT OFFICER: And will be assigned Exhibit P01238.

16 PRESIDING JUDGE SMITH: 051765 to 051770 RED3 plus English is
17 admitted.

18 THE COURT OFFICER: And will be assigned Exhibit P01239. Thank
19 you, Your Honours.

20 PRESIDING JUDGE SMITH: 053191-TR-AT Revised RED3 plus English
21 is admitted.

22 THE COURT OFFICER: And will be assigned Exhibit P01240.

23 I note, Your Honours, there are seven parts of this exhibit now.
24 So 053191 Part 1 will be assigned -- for both English and Albanian,
25 will be assigned Exhibit P01240.1. The Part 2 of the same will be

1 assigned Exhibit P01240.2. Part 3 will be assigned Exhibit P01240.3.
2 Part 4 will be assigned Exhibit P01240.4. Part 5 will be assigned
3 Exhibit P01240.5. Part 6 will be assigned Exhibit P01240.6. And
4 Part 7 will be assigned Exhibit P01240.7. Thank you, Your Honours.

5 PRESIDING JUDGE SMITH: The associated -- I'm sorry. Note 1,
6 which is 121195 to 121205, is admitted.

7 MR. MISETIC: Mr. President, just for the record, at page 13,
8 line 16, I believe it should say the exhibit is admitted as P01239.
9 Thank you.

10 PRESIDING JUDGE SMITH: 051765, is that the one you're talking
11 about? That is what he said. 1239.

12 MR. MISETIC: Yes, I'm just -- but the transcript says something
13 different.

14 PRESIDING JUDGE SMITH: Oh, oh, I'm sorry.

15 MR. MISETIC: Yes.

16 PRESIDING JUDGE SMITH: Okay. So, yes, it says -- it now
17 says -- mine says 1239.

18 MR. MISETIC: Page 13, line 16.

19 PRESIDING JUDGE SMITH: Oh, I'm sorry. Okay. Correct.

20 The associated exhibits are also admitted.

21 THE COURT OFFICER: Your Honours, I believe that we stopped with
22 the preparation note, which is the ERN 121195 to 121205, which will
23 be assigned Exhibit P01241.

24 If we proceed then with associated exhibits --

25 MR. PACE: Your Honour, sorry, perhaps before we do the

1 associated exhibits, I note that there's two other SPO statements we
2 tendered. They're in the annex to the preparation note and also in
3 your decision. As I mentioned, I didn't refer him specifically to
4 them because they're from the same month. Those are 053343 Parts 1
5 to 4 and 053372 Parts 1 to 3 in English and Albanian.

6 PRESIDING JUDGE SMITH: Any objection to those -- that tender?

7 MR. MISETIC: No objection.

8 MR. TULLY: None.

9 PRESIDING JUDGE SMITH: No objection. Those exhibits will be
10 admitted and be granted a number.

11 THE COURT OFFICER: The exhibit number 053343-TR-ET, and I note
12 there are four parts of this ERN, will be assigned -- the Part 1 will
13 be assigned Exhibit P01242.1. Part 2 will be assigned
14 Exhibit P01242.2. Part 3 will be assigned Exhibit P01242.3. And
15 Part 4 will be assigned Exhibit P01242.4.

16 The ERN 053372-TR-ET, and I note, Your Honours, there are three
17 parts of this ERN, in both English and Albanian, Part 1 will be
18 assigned Exhibit P01243.1. Part 2 will be assigned Exhibit P01243.2.
19 And Part 3 will be assigned Exhibit P01243.3.

20 Your Honours, should we proceed with the associated exhibits?

21 PRESIDING JUDGE SMITH: Yes.

22 THE COURT OFFICER: Thank you. The ERN SPOE00126366 to 00126366
23 will be assigned Exhibit P01244.

24 The ERN SPOE00126367 to 00126368 will be assigned Exhibit P1245.

25 As for the 043862 to 043862, we note, Your Honours -- ET Revised

1 1, page 2, we note, Your Honours, that this ERN was already assigned
2 Exhibit P00303-ET. However, the Albanian version, which is
3 SPOE00126369 to 00126369 hasn't been assigned. Therefore, it will be
4 assigned P00303.1.

5 Then the next ERN, which is SPOE00126307 to SPOE00126370 in both
6 English and Albanian, will be assigned Exhibit P01246.

7 ERN 055840 to 055840-ET, in both English and Albanian -- and the
8 corresponding Albanian, will be assigned Exhibit P01247.

9 As for the next ERN, which is 055928-01-TR, in both English and
10 Albanian, we note, Your Honours, that this ERN was already assigned
11 Exhibit P00844-ET.

12 As for the SITF00316652 to 00316655, page SITF00316652 and the
13 corresponding Albanian, it will be assigned Exhibit P01248.

14 And the last associated exhibit, which is ERN SPOE00126373 to
15 SPOE00126373, will be assigned Exhibit 1249.

16 And all exhibits assigned -- read on the record are classified
17 as confidential currently. Thank you, Your Honours.

18 PRESIDING JUDGE SMITH: Thank you.

19 And just so the record is complete, I believe I failed to state
20 an admission ruling on Note 1, which is 121195 and now has a exhibit
21 number of P01241. That note is admitted, and there was no objection.

22 Go ahead, Mr. Pace.

23 MR. PACE: Thank you, Your Honour.

24 On 30 May, we sent a proposed summary for this witness's
25 evidence. There's been no objection, so I propose to read it now in

Witness: W03170 (Private Session)

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Examination by Mr. Pace

1 open session.

2 PRESIDING JUDGE SMITH: You may read the summary.

3 MR. PACE: The following is a summary of the prior statements
4 admitted for this witness.

5 W03170 was an LDK member who was arrested together with another
6 person. During the transfer to one of the locations where they were
7 detained, W03170's and the other person's hands were bound and they
8 were threatened and beaten.

9 That concludes the summary. And for the rest of my questions,
10 Your Honour, we would need to move into private session in view of
11 the witness's in-court protective measures.

12 PRESIDING JUDGE SMITH: For the protection of the witness, we
13 will move into private session.

14 [Private session]

15 [Private session text removed]

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Examination by Mr. Pace

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Examination by Mr. Pace

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Examination by Mr. Pace

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10 [Open session]

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

12 PRESIDING JUDGE SMITH: We're adjourned until 10.10.

13 --- Break taken at 10.03 a.m.

14 --- On resuming at 10.11 a.m.

15 PRESIDING JUDGE SMITH: Please bring the witness in.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: All right. Witness, we will continue
18 now. I remind you that we will take another break at 11.00, so you
19 know it's coming.

20 Go ahead, Mr. Pace.

21 MR. PACE: Thank you, Your Honour. And in view of the witness's
22 in-court protective measures, we would need to move into private
23 sessions for my next set of questions, please.

24 PRESIDING JUDGE SMITH: Private session, please, for the
25 protection of the witness, Mr. Court Officer.

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Examination by Mr. Pace

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Questioned by Victims' Counsel

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Cross-examination by Mr. Misetić

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18 [Open session]

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

20 Thank you.

21 PRESIDING JUDGE SMITH: Yes, Mr. Emmerson.

22 MR. EMMERSON: Your Honours, purely for planning purposes, and
23 I've notified those further down the list than I would be, we have
24 already revised downwards our estimate of time. It may well be that
25 it will be revised further downwards.

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Cross-examination by Mr. Misetić

1 PRESIDING JUDGE SMITH: Thank you.

2 MR. TULLY: Similarly for the Selimi Defence, Your Honour.

3 PRESIDING JUDGE SMITH: Thank you.

4 We will be adjourned until 11.30.

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

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

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

9 MR. PACE: Your Honour, if I may, while that happens, just to
10 note that the SPO is joined by Sean Monkhouse. I'm stating that
11 because it's his first appearance in this case.

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: Back into private session, please,
14 Mr. Court Officer.

15 [Private session]

16 [Private session text removed]

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Misetić

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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17 [Open session]

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

19 Thank you.

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

21 2.30.

22 --- Luncheon recess taken at 12.59 p.m.

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

24 PRESIDING JUDGE SMITH: Concerning the next witness, 4410,

25 there's a request by the SPO to add to their exhibit list and/or

1 presentation queue, and you ask -- at least, you asked to be heard on
2 the matter before, so now is probably a good time if you're ready.

3 MR. MISETIC: Mr. President, I'm not -- as far as I understand
4 it, they have actually not yet moved to add it to their exhibit list.

5 PRESIDING JUDGE SMITH: Have you or haven't you?

6 MR. PACE: We have not, Your Honour. All we were doing is
7 providing notice that that may be possible, and the reason
8 *inter partes* we raised that is for there to be notice, and that's
9 also why we said we don't need to litigate it now because we can
10 cross that bridge when we come to it, in terms of if during the
11 examination it becomes apparent there is a need to do that, we will
12 make an application.

13 PRESIDING JUDGE SMITH: And when do you plan to do that since we
14 may start with this witness quite quickly?

15 MR. PACE: To be clear, Your Honours, we are only providing it
16 as a possibility. Whether we do seek to add it or not will depend on
17 the witness's answers. So it's just to provide notice. We're not
18 going to make an application now because we don't know if we need to.
19 Once we need to, we'll make the application and we can litigate.

20 PRESIDING JUDGE SMITH: Do you want to be heard on that
21 procedure?

22 MR. MISETIC: Sure. We do object to it being put to him in
23 direct first, and the reason is that the SPO had this document, chose
24 not to put it to him in the proofing session, and so it appears to us
25 that he's being set up for an impeachment. The SPO puts documents to

1 witnesses that they have no knowledge of frequently in proofing
2 sessions. For some reason that was not done with this witness. It
3 could have refreshed his recollection, and there would be no issue at
4 the moment.

5 Secondly, procedurally, then it puts us in the posture of
6 they're trying to impeach their own witness by setting him up for
7 impeachment, and then it becomes procedurally a question of are you
8 allowed on direct to set up your own witness for impeachment,
9 particularly on matters that he has not made a previous statement on.

10 So we would say that under 143 it couldn't come in and that the
11 witness should have been given an opportunity to see the document. I
12 don't understand why it wasn't put to him in prep. And then he could
13 say whether it's his document or not document.

14 But right now, they can't add it to the exhibit list unless they
15 get him to say something that they can then claim they're using it to
16 impeach him with. Otherwise, it wouldn't be -- at least, you know,
17 it would be a late addition to the exhibit list without
18 justification.

19 PRESIDING JUDGE SMITH: So we will hold off making a ruling, but
20 we need to have some time to get this material submitted to us.

21 MR. PACE: Yes, Your Honour, and we would invite you to make the
22 ruling if this becomes an issue. All we're doing was being
23 transparent about a possible application. We don't need a ruling now
24 because we're not seeking to add it at the moment.

25 PRESIDING JUDGE SMITH: It has -- Mr. Pace, it has an impact on

Witness: W03170 (Private Session)
Procedural Matters

Page 16520

1 the progress of this case, so we may have to make you do it a little
2 earlier than you want to.

3 [Trial Panel confers]

4 PRESIDING JUDGE SMITH: All right. If you want to have this
5 considered, it should be on file. The request should be on file
6 prior to the commencement of your examination of the witness, number
7 one. Number two, you indicated that this witness wanted to bring
8 some notes and have them with him at the table that he had prepared.
9 That will not happen. There's no need for him to do that. If you
10 have to -- want to refresh his memory, you do it with the documents
11 you have.

12 You may bring the witness in.

13 Can we take the video off the screen?

14 MR. MISETIC: [Microphone not activated].

15 PRESIDING JUDGE SMITH: Okay. Mr. Court Officer, you can remove
16 this current video. Thank you.

17 [Microphone not activated].

18 [The witness takes the stand]

19 [Private session]

20 [Private session text removed]

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Miletic

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Page 16534

Cross-examination by Mr. Miletic

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Cross-examination by Mr. Miletic

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Cross-examination by Mr. Ellis

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Cross-examination by Mr. Ellis

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Cross-examination by Mr. Ellis

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Cross-examination by Mr. Ellis

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Witness: W03170 (Private Session)

Page 16540

Cross-examination by Mr. Ellis

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03170 (Private Session)

Page 16542

Cross-examination by Mr. Ellis

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03170 (Private Session)

Page 16544

Cross-examination by Mr. Ellis

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Witness: W03170 (Private Session)

Page 16545

Cross-examination by Mr. Ellis

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Witness: W03170 (Private Session)

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Cross-examination by Mr. Ellis

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Witness: W03170 (Private Session)

Page 16548

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Witness: W03170 (Private Session)

Page 16554

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Witness: W03170 (Private Session)

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Witness: W03170 (Private Session)

Page 16556

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Witness: W03170 (Private Session)

Page 16557

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Witness: W03170 (Private Session)

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Witness: W03170 (Private Session)

Page 16559

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Witness: W03170 (Private Session)

Page 16560

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Witness: W03170 (Private Session)

Page 16561

Questioned by the Trial Panel

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24 [Open session]

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

1 Thank you.

2 PRESIDING JUDGE SMITH: Thank you.

3 We're adjourned until 9.00 a.m., Tuesday.

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

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