

1 Thursday, 20 April 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

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

6 PRESIDING JUDGE SMITH: Good morning, everyone.

7 Madam Court Officer, please call the case.

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

11 PRESIDING JUDGE SMITH: Today we will start hearing the evidence  
12 of Prosecution Witness 4421.

13 And for the record, I note that Mr. Krasniqi is attending today  
14 via videolink.

15 Before we begin, I have an oral order in response to the  
16 questions and comments on Judges' questions that came up at the end  
17 of yesterday's hearing.

18 MR. KEHOE: Excuse me, Judge. Before Your Honour has an oral  
19 order on that score, we had asked -- we would ask for permission to  
20 brief this completely and then ask for oral argument with the Court  
21 before any decision is rendered. This is an issue that involves  
22 virtually all of the witnesses but certainly the *viva voce* witnesses  
23 that are coming up.

24 I do believe we have an extensive *viva voce* witness coming up at  
25 the beginning of the next session. It's an extremely important issue

1 for all of the Defence teams, and we would like the opportunity to  
2 file a joint application to the Chamber and then ask for oral  
3 argument with the Chamber.

4 [Trial Panel confers]

5 PRESIDING JUDGE SMITH: [Microphone not activated]

6 MR. KEHOE: I have one other issue. Very minor, Judge.

7 I just want to introduce one of my colleagues, Jordan Behlman.  
8 It is his first time before the Chamber. Obviously, we gave the  
9 notification but we just wanted to introduce him to the Trial  
10 Chamber.

11 PRESIDING JUDGE SMITH: All right. Thank you very much.

12 We will proceed with the oral order. We will not wait for  
13 briefing. We've fully understood the circumstances yesterday, and we  
14 are ready to issue our oral order.

15 The Panel heard submissions by the Thaci Defence and the Selimi  
16 Defence yesterday concerning the extent of the Panel's discretion to  
17 put questions to a witness on the basis of prior statements of the  
18 witness or documents which have not been admitted in evidence during  
19 the direct, cross or re-examination of the witness.

20 The Defence argued that it is incumbent on the Prosecutor to  
21 lead the evidence of a witness *viva voce* if the Prosecutor thinks it  
22 is relevant, and that the Defence's cross-examination will generally  
23 be limited to the evidence elicited by the Prosecutor. The Defence  
24 submitted that if the Bench can ask questions on any item that the  
25 SPO puts in its presentation queue, the Defence would have to

1 cross-examine on everything in the SPO presentation queue. It argued  
2 that cross-examining in this way, and recommencing cross-examination  
3 after judicial questioning, would lead to excessive delay, and might  
4 force cross-examination estimates to triple or quadruple. The  
5 Defence argued that it is not appropriate for Judges to look into  
6 unadmitted statements of a witness to "fish out new lines of  
7 inquiry."

8 The Defence submitted that the Court of Appeals of Kosovo had  
9 found that one document which was discussed with the witness by the  
10 Panel was unauthentic. It also argued that the Defence should have  
11 the right to reopen their examination on the basis of questions put  
12 to witnesses.

13 The SPO argued that the prior statement of the witness and the  
14 document which formed the basis of questions by the Panel were listed  
15 on the presentation queues for the witness. The SPO also pointed to  
16 paragraph 112 of the Order on the Conduct of Proceedings, permitting  
17 parties and participants to seek leave to put questions to a witness  
18 after the Panel has finished its questions, and the rule that the  
19 Panel can ask any question it wishes.

20 The Panel first recalls that the Specialist Chambers operates  
21 within the Kosovo justice system. The Panel is required to  
22 adjudicate and function in accordance with the Constitution of the  
23 Republic of Kosovo, the Law on the Specialist Chambers, and other  
24 sources of law set out in Article 3 of that Law. The Panel does not  
25 conduct trials before a jury. The Panel is the finder of both fact

1 and law. It is composed of professional judges who, in order to make  
2 accurate factual findings, are required to take the steps they  
3 consider necessary for the determination of the truth.

4 To do so, the Panel may, under Article 40(6)(e) of the Law,  
5 order the production of evidence in addition to that already  
6 collected prior to the trial or presented during the trial of the  
7 parties.

8 This reflects Article 329(4) of the Criminal Procedure Code of  
9 Kosovo, which states that "in addition to the evidence proposed by  
10 the parties or the injured party, the trial panel shall have the  
11 authority to collect evidence that it considers necessary for the  
12 fair and complete determination of the case." As the commentary to  
13 that provision states: "Adversarial proceedings and equality of arms  
14 does not mean that the judge is only a passive adjudicator, but may  
15 seek additional information after the prosecution and defence present  
16 their cases."

17 The Court of Appeals of Kosovo noted in the Ivanovic et al  
18 judgment of 19 December 2016 that:

19 "The obligation of the Court under Article 7(1) of the [Criminal  
20 Procedure Code] to truthfully and completely establish the facts  
21 which are important for rendering a lawful decision under Article  
22 329(4) ... entrust the Court to search for the truth but only within  
23 the limits of the procedure for gathering evidence. These provisions  
24 do not entrust the Court with the power to search for the truth  
25 breaching the rules for the gathering of evidence. In this

1 particular case, the provisions of the CPC are more than clear -  
2 during the main trial the pre-trial interview can be used as a tool  
3 for cross-examination."

4 Rules 132 and 137(1) of the Kosovo Specialist Chambers Rules of  
5 Procedure and Evidence recognise that "a Panel may order the  
6 submission of or call evidence that it considers necessary for the  
7 determination of the truth." Under Rule 132, the Panel may, after  
8 hearing the parties and, where applicable, Victims' Counsel, "invite  
9 the submission of or *proprio motu* call additional evidence not  
10 produced by the Parties, including expert evidence, where it  
11 considers it necessary for the determination of the truth."

12 The Panel questioned the witness yesterday on portions of a  
13 transcript of an interview of the witness with the SPO which the SPO  
14 had listed on its presentation queue and/or which had been used on a  
15 number of occasions by the Defence in its cross-examination of the  
16 witness. Furthermore, the Panel put questions to the witness on a  
17 document which was also listed in the SPO's presentation queue. The  
18 Defence was therefore, on clear notice of the relevance of these  
19 documents to the evidence of the witness concerned and knew that such  
20 documents might be discussed with the witness. No prejudice was  
21 caused, and the defendants were in a position well before the witness  
22 even started testifying to prepare for questions on the basis of  
23 those documents if they had any questions for this witness.

24 The Panel is not limited to questioning witnesses on the basis  
25 of material listed in the presentation queue of the calling party.

1 The scope of judicial questioning is broad and is not constrained by  
2 any consideration of subject or substance. Under Rule 127(3): "A  
3 Judge may at any stage put any question to the witness." This  
4 provision reflects provisions and practices in force at jurisdictions  
5 which had adopted a generally similar evidential regime. It is  
6 identical, for instance, to Rule 85(B) of the ICTY Rules of Procedure  
7 and Evidence. The ICTY Hadzihasanovic Trial Chamber, in a December  
8 14, 2005, decision, cited as authority by the ICTY Appeals Chamber in  
9 the Popovic judgment, upheld the broad scope of judicial questioning,  
10 noting that "the procedure followed before the Tribunal is a *sui*  
11 *generis* procedure combining elements from the adversarial and  
12 inquisitorial systems" and that "the Chamber is fully entitled to put  
13 questions to witnesses in order to fulfil its duty in truth-finding  
14 process."

15 At the ICC, the Judges of the Trial Chamber in Lubanga held in a  
16 decision of 18 March 2010 that "there is no foundation in the Rome  
17 Statute framework or in any relevant jurisprudence of the Court, or  
18 otherwise, for the suggestion that the Bench is unable to ask  
19 questions about facts and issues that have been ignored, or  
20 inadequately dealt with, by counsel." The judges in that trial  
21 decided to "ask questions whenever [they] consider it appropriate,  
22 ensuring that the defence rights under Rule 140(2)(d) of the ICC  
23 Rules of Procedure and Evidence are respected, and that the parties  
24 generally have the opportunity to explore any new issues to the  
25 extent that is necessary."

1           The Panel notes that the Defence has the right to reopen their  
2 examination on the basis of questions put to witnesses by the Panel.  
3 Paragraph 112 of the Order on Conduct of Proceedings provided:

4           "Where questions put to a witness by a Trial Panel after  
5 cross-examination and redirect examination raise entirely new  
6 matters, any party may orally apply for leave to further examine the  
7 witness on those matters."

8           This provision was circulated in substantively identical form,  
9 in advance of its adoption, to all the parties and participants for  
10 comments. The Panel did not receive any request for modification or  
11 amendment of this paragraph. The Panel included the safeguards set  
12 out in paragraph 112 to guard against unfair prejudice against any  
13 party or participant arising out of Judges' questions. It applied  
14 paragraph 112 in permitting, on request by the Defence, further  
15 questioning of the witnesses following yesterday's judicial  
16 questioning. Defence counsel have, therefore, already made use of  
17 that possibility where they considered it relevant to their case to  
18 ask follow-up questions to those asked by the Judges.

19           The Panel is required, in accordance with Rule 137(2), to assess  
20 freely all evidence submitted in order to determine its admissibility  
21 and weight at the conclusion of trial. The parties are cautioned not  
22 to assume that the Panel has made any prejudgment or determination on  
23 any issue on the basis of what questions the Panel asks, nor how the  
24 Panel frames questions to a witness, in fulfilling its responsibility  
25 to establish the truth.

1 In respect of authenticity, the Panel is required under Rule 138  
2 to ensure that any evidence admitted is authentic. Paragraph 47 of  
3 the Order on the Conduct provides:

4 "A Party which objects to an exhibit shall make its objection  
5 clear prior to or at the time that the exhibit is tendered for  
6 admission in evidence."

7 The Panel will consider and rule upon any challenge by the  
8 Defence to any document which is submitted on the basis of  
9 authenticity. It will in due course rule on the challenge by Defence  
10 to the authenticity of the document put to the witness by the Panel.

11 Finally, the Panel recalls its duty to ensure that the trial is  
12 fair and expeditious. The Panel has ensured and will continue to  
13 ensure that there is no unfair prejudice to any party caused by the  
14 method of questioning of witnesses by any party, participant, or the  
15 Panel itself.

16 This ends the oral order.

17 So, Madam Court Usher, you may bring the witness in.

18 MS. D'ASCOLI: Your Honours, excuse me. Before the witness is  
19 brought in, I have two matters.

20 First of all, I would like to do two introductions. It's my  
21 first time appearing before the Panel, Silvia D'Ascoli for the Office  
22 of the Prosecutor, and my colleague, Viki Andrys, Associate Legal  
23 Officer.

24 And then I also wish to ask for a ruling on the requests that we  
25 forwarded via e-mail yesterday. The witness wishes to have



1 available, in case of need, a binder with the hard copies of  
[REDACTED] Pursuant to In-Court Redaction Order F1472.

2 [REDACTED] Pursuant to In-Court Redaction Order F1472. We would give  
this to the Court Usher and, of course,

3 the colleagues from Defence can review it, and it will be used only  
4 in case the witness requests it. Thank you.

5 PRESIDING JUDGE SMITH: Any objection to that request?

6 MR. EMMERSON: We'd like to see the file if and when the witness  
7 requests it.

8 MR. MISETIC: As long as we follow the same procedure with the  
9 first witness, meaning she doesn't get to review it on her own. She  
10 has to asked permission, et cetera.

11 PRESIDING JUDGE SMITH: Understood.

12 MS. D'ASCOLI: Yes. The request was indicated in the witness  
13 log and e-mail that was sent yesterday morning before 9, 19 April.

14 PRESIDING JUDGE SMITH: Thank you.

15 Today's session is to be in closed session by prior order. So  
16 from this point on, this will be a closed session.

17 Now, Madam Usher, you may bring the witness in.

18 [Closed session]

19 [Closed session text removed]

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3271

Procedural Matters

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3272

Procedural Matters

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3273

Procedural Matters

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3274

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3275

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3276

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3277

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3278

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3279

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3280

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3281

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3282

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3283

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3284

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3285

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3286

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3287

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3288

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3289

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3290

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3291

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3292

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3293

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3294

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3295

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3296

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3297

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3298

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3299

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3300

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3301

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3302

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3303

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3304

Questioned by Mr. Laws

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3305

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3306

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3307

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3308

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3309

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3310

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3311

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3312

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3313

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3314

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3315

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3316

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3317

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3318

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3319

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3320

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3321

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8 [Open session]

9 THE COURT OFFICER: Your Honours, we are now in public session.

10 PRESIDING JUDGE SMITH: Thank you.

11 So we will take our morning break. We will reconvene at 11.30.

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

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

14 PRESIDING JUDGE SMITH: We will go back into closed session, and  
15 the Court Usher can bring the witness in.

16 [Closed session]

17 [Closed session text removed]

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3322

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3323

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3324

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3325

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3326

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3327

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3328

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3329

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3330

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3331

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3332

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3333

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3334

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3335

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3336

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3337

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3338

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3339

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3340

Cross-examination by Mr. Tully

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3341

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3342

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3343

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3344

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3345

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3346

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3347

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3348

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3349

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3350

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3351

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3352

Cross-examination by Mr. Misetic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3353

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3354

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3355

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3356

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3357

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3358

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3359

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3360

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3361

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3362

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3363

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3364

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3365

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3366

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3367

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3368

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3369

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3370

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3371

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3372

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3373

Cross-examination by Mr. Misetić

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19 [Open session]

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

21 PRESIDING JUDGE SMITH: Mr. Kehoe.

22 MR. KEHOE: Yes, Your Honour. Just one request before we break  
23 for lunch of my colleagues across the well.

24 Previously, we were advised that W02161 had been moved to  
[REDACTED] Pursuant to In-Court Redaction Order F1472.,

25 and I just want to ask counsel to verify that over the lunch hour,



1 that that witness has, in fact, been moved to [REDACTED] Pursuant to  
In-Court Redaction Order F1472. Apparently

2 W02161 has -- the witness has its own [REDACTED] Pursuant to In-Court  
Redaction Order F1472., and we

3 were advised of that. I just want to make sure that we are  
4 continuing in that vein.

5 MS. D'ASCOLI: Yes, we'll do that.

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 --- Luncheon recess taken at 1.06 p.m.

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

9 PRESIDING JUDGE SMITH: All right, Mr. Misetic. Oh, are you  
10 finished? Oh, I'm sorry.

11 Once again, please bring in the witness.

12 And we can go into closed session again.

13 MR. KEHOE: Sorry, just to confirm, if we have any additional  
14 information on W021 --

15 MS. D'ASCOLI: Yes, I'll wait until we're in closed session.

16 MR. KEHOE: I'm sorry?

17 MS. D'ASCOLI: I'll wait until we are in closed session and then  
18 I'll answer.

19 MR. KEHOE: Oh, okay.

20 [Closed session]

21 [Closed session text removed]

22

23

24

25

Witness: W04421 (Closed Session)

Page 3375

Procedural Matters

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3376

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3377

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3378

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3379

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3380

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3381

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3382

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3383

Cross-examination by Mr. Miletic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3384

Questioned by the Trial Panel

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)  
Questioned by the Trial Panel

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3386

Questioned by the Trial Panel

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3387

Questioned by the Trial Panel

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3388

Further Cross-examination by Mr. Misetic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04421 (Closed Session)

Page 3389

Further Cross-examination by Mr. Misetic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Witness: W04421 (Closed Session)

Page 3390

Further Cross-examination by Mr. Misetic

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Closed session text removed]

2

3

4

5

6

7

8

9

10

11

12

13 [Open session]

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

15 [Trial Panel and Court Officer confers]

16 PRESIDING JUDGE SMITH: We will be adjourned until 10 May at  
17 9.00 a.m., and we will see you all then. Thank you for your time and  
18 attendance, and we'll see you in a couple of weeks.

19 --- Whereupon the hearing adjourned at 3.13 p.m.

20

21

22

23

24

25