

1 Wednesday, 20 October 2021

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.30 a.m.

5 PRESIDING JUDGE SMITH: Good morning, everyone.

6 Mr. Court Officer, please call the case.

7 THE COURT OFFICER: Your Honours, this is file number
8 KSC-BC-2020-07, The Specialist Prosecutor versus Hysni Gucati and
9 Nasim Haradinaj.

10 PRESIDING JUDGE SMITH: Thank you.

11 I see no material change in the composition.

12 Do you have a change, Mr. Cadman?

13 MR. CADMAN: One addition this morning, Mr. Jonathan Worboys is
14 joining Mr. Haradinaj's team.

15 PRESIDING JUDGE SMITH: All right. Thank you.

16 And I do notice, for the record, that Mr. Gucati and
17 Mr. Haradinaj are present in the courtroom.

18 Yesterday, the SPO finished their direct examination of
19 Ms. Pumper and the Defence has started its cross-examination.

20 Now, before we bring back the witness, the Panel will address
21 some preliminary matters.

22 First, in relation to the so-called associated exhibits. The
23 Panel notes that the Prosecution filed in F367 two lists of exhibits
24 that it links to the witness's declarations on 29 October 2020 and
25 17 February 2021. These two lists are now marked as P127 MFI.

1 The Panel first notes that Rule 154 of the Rules concerns
2 admission of written statements or transcripts of evidence of a
3 witness and not exhibits associated with statements or transcripts.
4 The Panel prefers to verify the admissibility of each of the
5 associated exhibits before deciding on whether to admit them.

6 It is also noted that two of these exhibits have already been
7 admitted as P57 and P124, and an excerpt of another exhibit was
8 admitted as P125. Another exhibit has been marked for identification
9 as P99 MFI.

10 The SPO used some of the other exhibits or their excerpts with
11 the witness without requesting their admission at that time. The
12 Panel understands that the SPO did so on the assumption that there
13 was a standing request to tender all of those associated exhibits.
14 The SPO has made no legal submissions to support its view that
15 associated exhibits are admissible under Rule 154.

16 For purposes of clarity, the Panel orders the SPO to file, by
17 Monday, 25 October, a table listing the exhibits or MFI number, if
18 one has been assigned, or the ERN, if no number or MFI number has
19 been assigned, of the associated exhibits that the SPO seeks to have
20 admitted through Witness Pumper. The SPO shall identify whether each
21 such exhibit or part thereof was shown to the witness during her
22 evidence. The SPO shall file with that list a brief legal submission
23 outlining the rule or rules which govern the admissibility of those
24 exhibits.

25 The Panel orders the Defence to indicate orally or in writing

1 which of those exhibits it objects to by close of cross-examination.

2 And that concludes the notice of the associated exhibits.

3 I might add that we re-emphasise the fact that was stated in our
4 order for the conduct of the proceedings, that we use the P number or
5 the P number MFI on any document that has that indication. It makes
6 it much easier for everybody.

7 Now preliminary matters concerning cross-examination.

8 First, the Panel notes that only one Defence queue of
9 cross-examination documents has been released.

10 I check with Mr. Haradinaj Defence whether this means that they
11 are not planning to cross-examine Ms. Pumper or that they intend to
12 stand by one cross-examination handled by Mr. Rees, or if they intend
13 to rely on the same set of documents as released by the Gucati
14 Defence.

15 Mr. Cadman.

16 MR. CADMAN: Thank you, Your Honour.

17 Having discussed it with CMU this morning, we are just notifying
18 the Court that we will be accessing the same presentation queue that
19 the Defence for Mr. Gucati has.

20 PRESIDING JUDGE SMITH: So no new possible exhibits?

21 MR. CADMAN: No.

22 PRESIDING JUDGE SMITH: Thank you very much.

23 Secondly, I promised Mr. Rees yesterday that the Panel will
24 confer regarding the parameters of cross-examination on some of the
25 matters touched upon yesterday, so here is the Panel's oral order.

1 The Defence may ask questions to the witness about her knowledge
2 on whether any current or former member of the SPO or any private
3 party acting under the instructions or control of the SPO delivered
4 or provided material in question to the War Veterans Association.

5 So general questions about Ms. Pumper's knowledge regarding any
6 involvement of the SPO staff in the delivery of the materials or
7 steps taken by the SPO to investigate the entrapment allegations may
8 be asked. However, these questions cannot turn into a fishing
9 expedition regarding the SPO's general investigation on the
10 provenance and delivery of the batches.

11 Also, cross-examination involves putting questions to the
12 witness in respect of what the witness knows about a particular
13 matter. It is not a means to circumvent rules on disclosure or
14 investigation.

15 Therefore, the Defence will not be permitted to ask Ms. Pumper
16 in relation to the matter to -- in the matter to conduct further
17 investigation or review of documents on its own behalf or on its
18 behalf. It is for the Defence to conduct its own investigation and,
19 as the case may be, to make disclosure requests to the Prosecution of
20 information thought relevant to the case.

21 Furthermore, questioning on these matters may be stopped by the
22 Panel if it goes into the area covered by the ongoing Rule 102(3)
23 litigation. The Panel recalls the indication it gave on 18 October
24 that "should any of the material concerned by the Rule 102(3)
25 applications be subject to a disclosure order, the Defence could

1 request that either or both witnesses be re-called for further
2 cross-examination in relation to that material." Should the Panel
3 have to stop cross-examination on that basis, it might revisit its
4 position and offer counter-balancing measures at a later stage once
5 the issue of the pending 102(3) applications has been fully
6 elucidated.

7 This concludes the oral order on the parameters of
8 cross-examination.

9 The Panel further notes an issue that came up regarding the tab
10 numbers used with Ms. Pumper to direct her to a specific item.

11 The Panel found it difficult to follow these directions as it
12 does not have the same tab numbers. We understand that the SPO also
13 provided, on each occasion, the ERN number. But for the examination
14 of all future witnesses, the Panel prefers that the tab number
15 coincides with the item number on the exhibit list.

16 Also, the Panel reminds the parties of its direction in the
17 order on the Conduct of Proceedings to use the assigned exhibit
18 numbers. Please keep this in mind in relation to MFI exhibits. Once
19 they are assigned a number, please use it when referring to that
20 exhibit.

21 That concludes the notice on tab numbers.

22 In addition, in response to Mr. Cadman's comment about the SPO's
23 use of private sessions yesterday, the Panel agrees with you,
24 Mr. Cadman, that the Prosecutor could have made more limited use of
25 private sessions by organising its questions differently.

1 However, in the circumstances, and in the light of the fact that
2 this did not cause prejudice and was only limited in scope, the Panel
3 will refrain, for this one time, to order the reclassification of
4 this part of the transcript.

5 The Panel directs the parties, however, to organise their
6 questioning in such a manner as to limit the need for private and
7 closed session to the maximum extent possible.

8 This concludes the notice on the use of the private and closed
9 sessions by the parties.

10 MR. REES: Your Honour, just briefly.

11 PRESIDING JUDGE SMITH: Yes.

12 MR. REES: Can I say this. Obviously, the Trial Panel has given
13 some detailed guidance there in relation to the parameters of
14 cross-examination and also reminded, quite properly, the parties of
15 the -- to use the P numbers or MFI numbers.

16 Can I ask for the Panel's indulgence during the course of today.
17 If I stray outside those parameters, no doubt the Trial Panel will
18 stop me, but there is no discourtesy intended because, of course, I
19 prepared my cross-examination without the assistance of that oral
20 order. And, likewise, I've prepared my cross-examination by
21 reference to the ERN numbers which were being used by the Prosecution
22 during the course of direct examination.

23 So, again, no discourtesy intended. And if there is any
24 difficulty that arises, perhaps if I could be allowed an opportunity
25 to reflect on it. But I hope that if we can proceed, the Trial Panel

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1 can then intervene as and when necessary.

2 PRESIDING JUDGE SMITH: Just don't stray too far.

3 MR. REES: I will do my best.

4 PRESIDING JUDGE SMITH: All right.

5 MR. REES: I will do my best, Your Honour.

6 PRESIDING JUDGE SMITH: Yes, we'll be watching.

7 You can call in the witness at this time.

8 [The witness takes the stand]

9 PRESIDING JUDGE SMITH: Ms. Pumper, you can be seated.

10 THE WITNESS: Thank you. Good morning.

11 PRESIDING JUDGE SMITH: Before we continue with Ms. Pumper, I
12 just want to put on the record that upon her request, parts of
13 yesterday's transcript containing Mr. Rees' questions regarding
14 persons in charge of the SPO investigation were provided to the
15 witness.

16 Mr. Rees, you may have the floor.

17 WITNESS: ZDENKA PUMPER [Resumed]

18 Cross-examination by Mr. Rees: [Continued]

19 Q. [Microphone not activated] ... for you to settle there.

20 So we will begin today, I think, with the declaration that you
21 made, which is ERN 084015 to 084026.

22 MR. REES: And the first page of that declaration, please,
23 Mr. Court Officer.

24 And if we can adjust the height for the screen, please. Thank
25 you. And just in general, Mr. Court Officer, if we can adjust it so

1 that we can see the full page because, although, there are some pages
2 where, obviously, there are parts of the text more important than
3 others, there are other documents where we will look very closely at
4 both the top and the bottom of the page.

5 Q. So this is the first page of your declaration, beginning
6 ERN 084015. And, Ms. Pumper, you also have a document that you -- a
7 version of this that you annotated with some red notes; is that
8 right?

9 A. That is correct.

10 Q. So, Ms. Pumper, can I ask if you have your annotated version
11 available to you as well, please?

12 A. Yes, I do.

13 Q. Now, you have set out at paragraph 2 of that declaration some
14 background into your experience, and you have gone through that
15 orally with us also. And at paragraph 3, you identify that your
16 duties include, "among other tasks, analysing and reporting on
17 evidence." And part of your tasks involved in this case have been
18 preparing an analysis, have they not, on Batches 1, 2, and 3 as you
19 have described them?

20 A. That is correct.

21 Q. In paragraph 4, you said in preparing this declaration you
22 reviewed SPO documents and correspondence and obtained information
23 from colleagues within the SPO.

24 Can I ask you this: Did you make any contemporaneous notes
25 while you were undertaking your review?

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1 A. Yes, I did.

2 Q. And where are those?

3 A. In the office.

4 Q. The notes that you made on this declaration, your, as you
5 described it, the annotated declaration, when did you make those red
6 notes?

7 A. I made them in preparation for my testimony.

8 Q. So when was that?

9 A. I believe maybe two weeks before my first day of testifying I
10 started doing that, making these notes.

11 Q. So the beginning of October?

12 A. It was, like, a couple of weeks before, I believe.

13 Q. A couple of weeks before the beginning of October?

14 A. Before my testimony.

15 Q. Okay. So are we talking about the first week of October?

16 A. I'm sorry, I cannot recall, because I took two weeks' leave. So
17 I -- I believe that after that I started making these specific notes.
18 But if not that week, it was the week before I took my two weeks'
19 leave.

20 Q. And did you prepare the annotated version of this declaration in
21 late September, early October at the request of any specific
22 individual? Were you asked to make an annotated declaration?

23 A. No, I was not.

24 Q. Did you have your contemporaneous notes to hand while you made
25 the annotated declaration?

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1 A. Yes, I did.

2 Q. Do those notes set out the information from colleagues that you
3 obtained and used in the course of your analysis?

4 A. No, they do not.

5 Q. Do they identify which colleagues you spoke to?

6 A. No, they do not.

7 Q. Did you record anywhere the information that you obtained from
8 colleagues that you used in your analysis?

9 A. I relied on the Official Note and, in passing, asked clarifying
10 questions, but each -- the questions I did not document.

11 Q. So you relied on some conversation with colleagues?

12 A. Yeah.

13 Q. Did you make any note of that conversation?

14 A. I did not.

15 Q. Can you say now what conversation from colleagues you relied on
16 when preparing your analysis?

17 A. The conversations with my colleagues were very limited. I
18 believe that I asked one officer in relation to -- in relation to
19 Batch 1 seizure, and then I asked investigator in relation to the
20 seizure of Batch 2 and Batch 3.

21 Q. You say in the annotated version of paragraph 4 that you
22 reviewed the batches and media publications, but you also accessed
23 ZyLAB, DT, CaseMap, and GWL. What is ZyLAB, please?

24 A. ZyLAB is our database which -- in which our evidence is
25 contained. Any document which we provide an ERN submitted into

1 evidence is there.

2 Q. So it's a document that is identified as having some evidential
3 worth which is submitted to ZyLAB and given an ERN?

4 A. Yes, I think so.

5 Q. And that process involves submission to the Case and Evidence
6 Management Unit?

7 A. Yes, it does.

8 Q. And once that document is provided to the Case and Evidence
9 Management Unit, the process of scanning the document, attributing an
10 ERN is a matter for CEMU, as it's known by its acronym?

11 A. That is correct.

12 Q. What is DT, please?

13 A. DT is also a database which we have which searches -- in which
14 searches of the internal system can be conducted. That is, in
15 addition to ZyLAB.

16 Q. What does DT stand for?

17 A. Actually, that is a good question. I don't know.

18 Q. All right. And so ZyLAB for evidence, DT a separate system.
19 And what other -- what is the criteria for submission of a document
20 to DT then?

21 A. In the DT you have -- there is a folder system. So we have a
22 folder system where you have drafts, where you have work in progress.
23 In the DT you will find documents which do not bear an ERN number.

24 Q. CaseMap? What is CaseMap, please?

25 A. CaseMap also contains evidence which contains material which has

1 been ERN'd. It's -- there are two databases which we work with
2 evidence -- evidence is in CaseMap as well as in ZyLAB.

3 Q. So what is the purpose of ZyLAB and what is the purpose of
4 CaseMap?

5 A. I -- if I can explain that. In CaseMap, I access the global
6 witness list, and the purpose of that is that we register witnesses
7 and give them an individual number. That is what I accessed in
8 CaseMap. But my -- the main review, other than that, was in ZyLAB.

9 Q. I follow that. And we will come onto the methodology of your
10 specific analysis of the batches. But just so we have an overall
11 understanding of the way in which the SPO processes information,
12 which the relevance will become clear, if it's not clear already, why
13 is there -- what is the distinction between ZyLAB and CaseMap? Why
14 would you use ZyLAB and why would you use CaseMap if they both record
15 evidence?

16 A. To be clear, I don't know why we have two systems. I know that
17 we have two systems and I search both systems.

18 Q. What about GWL?

19 A. That is the acronym to the -- for global witness list.

20 Q. And that is to be found in CaseMap, is it?

21 A. Yes.

22 Q. Not in ZyLAB?

23 A. No.

24 Q. And the global witness list, that, accordingly, would not have
25 an ERN?

1 A. No, that is a system where we register --

2 Q. Yes. So that wouldn't have an ERN --

3 A. No.

4 Q. -- and the information in it wouldn't?

5 A. No.

6 Q. Can I ask you about some of the ERNs. We know from the material
7 that Ms. Bolici has taken you through that the majority of ERNs
8 consist of a straightforward number with no letters. So, for
9 example, we have seen the SPO delivery document relating to documents
10 seized from the KLA WVA on 8 September 2020, and that has an ERN
11 080449-080449.

12 Some documents that we've looked at, however, have a reference
13 number that begins SPOE. What is the distinction?

14 A. To my understanding, it is if you do not have an SPOE or an
15 SITF, the letters before, just a number, these documents have been
16 manually stamped when they were submitted. As opposed to when you
17 have a combination of letters and numbers, these documents have been
18 stamped electronically.

19 Q. So where we see SPOE, the reference number is applied
20 electronically to the document?

21 A. That is my understanding.

22 Q. Is that when the document, if it's a hard copy document, is
23 scanned into the system?

24 A. Can I put it this way: If I submit an Official Note in hard
25 copy with my submission, it will be stamped manually and it won't

1 have letters. If I submit any evidence, an Official Note, with a
2 DVD, that DVD, the contents of this DVD will be electronically
3 stamped and it will have an SITF number.

4 So if the CEMU, which I am not privy to, I assume if they scan
5 something, maybe -- maybe they didn't stamp it manually -- or they
6 stamp it manually before and then they upload it into the database,
7 and then you can see the abbreviation without letters. But if
8 they -- if they upload it electronically, it will be provided the ERN
9 with letters, and that is the electronically stamped, if that makes
10 sense.

11 Q. And the difference between the SPOE numbers and the SITF
12 numbers, what does that indicate to us, if anything?

13 A. For me, that indicates or that says that the SITF numbers, they
14 were stamped during the period of the SITF, and the SPOE were stamped
15 during the period of the SPO.

16 Q. Does the indication of SITF at the start of a number indicate
17 that the SITF electronically stamped the document or not? Or do you
18 not know?

19 A. I -- I am not sure. I have spent five months in the SITF, so I
20 really don't recall that. But I assume that is the case.

21 Q. So the SITF ran a different document registration system to the
22 SPO?

23 A. No, they did not.

24 Q. So I'll ask again: Does the presence of the letters SITF
25 indicate that the SITF applied that stamp electronically or not, or

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1 do you not know?

2 A. Actually, thinking about it, yes, it does. It does indicate
3 that it has been stamped electronically.

4 MR. REES: Can we look, please, at SPOE00220920.

5 THE COURT OFFICER: For the purpose of the record, that is
6 P106 MFI, Your Honours. And the earlier document was marked as
7 P86 MFI.

8 MR. REES: Thank you, Mr. Court Officer.

9 PRESIDING JUDGE SMITH: Thank you.

10 MR. REES: Can you fit height to page? Thank you.

11 Q. This is a page that you say comes from Batch 3; yes?

12 A. Yes.

13 Q. At the bottom of the page, we see a reference number
14 SPOE00220920. That document, was that document submitted
15 electronically, then, for process by the CEMU?

16 A. This document was stamped electronically. And there are two
17 options, that it was submitted in hard copy and CEMU scanned it on a
18 DVD and electronically stamped it, I believe, to recall, this is how
19 this was done here.

20 Q. So some hard copy documents are not stamped manually; some are
21 scanned and then an electronic stamp applied to it?

22 A. That is correct.

23 Q. When that happens, what happens to the hard copy document that
24 was scanned before the electronic stamp was applied to the scanned
25 document? Or do you not know?

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1 A. It is placed into the evidence room.

2 Q. What if it is not evidence?

3 A. My understanding is that everything which we -- actually, I
4 would refer you to the CEMU.

5 Q. All right. That's candid. If you can't answer, please let us
6 know that rather than, perhaps, try to guess. Please, if I ask a
7 question and you don't know the answer, just say that. Okay?

8 A. I will.

9 Q. Thank you.

10 MR. REES: Can we have a look, please, at 08344-01-TR-AT
11 Revised 1.

12 THE COURT OFFICER: Your Honours, we're having some difficulties
13 locating this document in the presentation queue.

14 MR. REES: It is -- can you access the Prosecution's
15 presentation queue? We have tried to include even duplicates in our
16 presentation queue of documents submitted in the Prosecution's
17 presentation queue, but you'll understand that sometimes a question
18 and answer will lead to a reference back to the Prosecution's queue.

19 PRESIDING JUDGE SMITH: I don't know how complicated that is.

20 THE COURT OFFICER: Could Specialist Counsel please repeat the
21 ERN number?

22 MR. REES: 081344-01-TR-AT Revised 1.

23 THE COURT OFFICER: And for the purposes of the record, that's
24 P1, Your Honours.

25 MR. REES: This is a document that we don't need to see the full

1 page on because I'm concentrating on the header, the stamp.

2 Q. This is a document where we have a more conventional ERN number,
3 and so not an SPOE number or an SITF number, but it is not manually
4 imposed on the document. It has been typed onto the document. So is
5 it the case that not all electronic documents have a manual ERN
6 number stamped on them?

7 Sorry, that's my fault. I'll rephrase it. Is it the case that
8 not all electronic documents have an SPOE number attached to them?

9 A. This specific ERN refers to videos.

10 Q. It does?

11 A. Videos are stamped like that.

12 Q. How is the video stamped?

13 A. Like how, the technicality of it, I don't know.

14 Q. So the video must be, what, allocated a number? It can't be
15 stamped, can it?

16 A. What -- what I have seen is that the videos, they receive a
17 surrogate sheet, and on that surrogate sheet there is this number
18 which accounts for the video which is uploaded in the database.

19 Q. Yes. So a surrogate sheet is used. The exhibit itself has no
20 ERN stamp in those circumstances.

21 A. I would refer you to CEMU.

22 MR. REES: Can we revert then, please, to the declaration
23 beginning 084015.

24 THE COURT OFFICER: And that is P86 MFI, Your Honours, for the
25 record.

1 MR. REES: Thank you.

2 PRESIDING JUDGE SMITH: Thank you.

3 MR. REES:

4 Q. At paragraph 5 you explain that you conducted the review of
5 documents you have labelled as Batch 1. Those documents, you assert,
6 were seized by the SPO at the KLA War Veterans Association on
7 8 September 2020. And in direct examination, you referred to the
8 delivery document which has the stamp 080449.

9 MR. REES: Can we put that on the screen, please. Thank you.

10 Q. You did not attend the KLA WVA yourself on 8 September; is that
11 right?

12 A. That is correct.

13 Q. This delivery document has the date 8 September 2020 written in
14 hand on it; yes?

15 A. Correct.

16 Q. There is an ERN number stamped at the top. That ERN number
17 would have been added at some point after the attendance at the KLA
18 War Veterans Association on that day. Do you agree?

19 A. It was added when it was submitted at ZyLAB, obviously after.

20 Q. Do we have a date for that?

21 A. We do, but I cannot recall.

22 Q. So what we do have, in court, is this document which did not
23 have an ERN number on it at the time of the visit to the KLA WVA;
24 yes? Yes?

25 A. Yes, yeah, sorry.

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1 Q. And the other information we have, what is the item described as
2 under across in the row marked "Ref"?

3 A. Shall I read it out?

4 Q. Please.

5 A. It states: "Documents delivered to KLA WVA."

6 Q. And the full extent of the description of the content as of this
7 note?

8 A. "1 stack of documents, printed."

9 Q. And no further information; do you agree?

10 A. I agree.

11 Q. We don't know how many pages from that document?

12 A. No, we don't.

13 Q. We don't know how big the stack was.

14 A. No, we don't.

15 Q. We don't know what the documents contained at all?

16 A. No, we don't.

17 Q. And do we see any reference to, for example, an evidence bag
18 number on that delivery document?

19 A. No, we don't.

20 Q. So if they were put into a bag on 8 September at the KLA WVA,
21 the delivery document that we have doesn't help us with what bag that
22 was?

23 A. That is correct.

24 Q. Of the documents that you reviewed --

25 MR. REES: And we can revert, please, to the declaration,

1 Mr. Court Officer. Thank you.

2 Q. Of the documents that you reviewed and labelled Batch 1, then,
3 when did you conduct your review of those documents?

4 A. I have conducted this review sometime after the search at the
5 War Veterans Association.

6 Q. Well, I'm grateful for that. But can you be more specific?
7 When did you conduct your review of the documents you have labelled
8 Batch 1?

9 A. I cannot recall the exact date, but it was very close. I
10 started the review very closely after the search at the War Veterans
11 Association.

12 Q. When you say "the search," you are referring to the search that
13 you conducted on 25 September?

14 A. That is correct.

15 Q. So it was at some point after 25 September; yes?

16 A. That is correct.

17 Q. Can you give an indication in terms of days or weeks or months?
18 How long after 25 September?

19 A. It was not months.

20 Q. Did you record the date of your review on your contemporaneous
21 notes?

22 A. Can you repeat, please?

23 Q. Did you record the date that you conducted your review of the
24 documents you have labelled Batch 1 in your contemporaneous notes?

25 A. I think, for clarification, this review was work in process --

1 in progress. So I reviewed in more detail as I drafted the
2 declarations. And in anticipation of the testimony today, I also
3 went back to my prep work in order to better familiarise myself or to
4 recall the methodology, how I came to these findings.

5 Q. So your review commenced at some date, you think, soon after
6 25 September but continued right up until two weeks before you
7 started giving evidence?

8 A. On and off.

9 Q. Can you tell us the days on which you engaged in your review of
10 the documents you labelled Batch 1?

11 A. No, I cannot.

12 Q. Would your contemporaneous notes have assisted with recording
13 those dates?

14 A. Maybe time stamps.

15 Q. So the answer is yes?

16 A. Yes.

17 Q. Had you seen any of the documents contained in what you label as
18 Batch 1 before you commenced your review shortly after 25 September?

19 A. No, I have not.

20 Q. Not a single document?

21 A. I don't think so.

22 Q. In paragraph 6 of the declaration, you described Batch 1 as
23 counting 891 pages with documents in English, Serbian, and German.
24 You speak very good English. I assume you speak German. Do you
25 speak Serbian or did you have assistance with a translation of

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1 Serbian?

2 A. Both.

3 Q. When you sought the assistance of translation, was any record
4 kept of the translation?

5 A. Yes, there was.

6 Q. And where is that?

7 A. It's in the database.

8 Q. Any particular database? ZyLAB? DT? Case Map?

9 A. It is in the internal database in the -- you would find it with
10 DT, not in ZyLAB.

11 Q. So a document not submitted for evidential purposes?

12 A. That is correct.

13 Q. No stamp on it therefore?

14 A. That is correct.

15 Q. But, nevertheless, retained within the SPO's recordkeeping
16 system; yes?

17 A. That is correct.

18 Q. You, in paragraph 7, assert that Batch 1 includes confidential
19 requests for assistance; yes?

20 A. Correct.

21 Q. Did you mean to assert that those requests for assistance were
22 confidential?

23 A. Yes, they were confidential requests.

24 Q. If that is what you meant, let me ask you to assist us with your
25 understanding of what confidentiality involves. Did you consider,

1 when making that assertion that the requests were confidential, the
2 extent to which it was necessary for those requests to be classified
3 as confidential or not?

4 MS. BOLICI: There is an objection, Your Honour. It's the same
5 line of questioning that the counsel posed yesterday that was already
6 overruled.

7 PRESIDING JUDGE SMITH: Do you wish to respond?

8 MR. REES: I did lay the groundwork. I did ask her if she meant
9 to assert that the requests were confidential. She has maintained
10 that that is her assertion. In assessing that, we need to understand
11 from her what factors she took into account or did not take into
12 account when reaching that conclusion.

13 PRESIDING JUDGE SMITH: But are you suggesting that she is
14 responsible for deciding what is and is not confidential? Because if
15 she isn't, that's an improper question.

16 MR. REES: I do not assert that she is responsible for deciding
17 what is confidential and what isn't. That can only be the
18 Trial Panel's prerogative.

19 PRESIDING JUDGE SMITH: You might want to ask her if it is
20 within her scope of authority to make a decision on what is or is not
21 confidential, because that's what you're asking her. You're asking
22 her to decide -- to tell us, to describe to us the necessary elements
23 to make something confidential, and I don't know that she has that
24 ability.

25 MR. REES: No. And I, with respect, adopt the concise

1 formulation that Your Honour has suggested to me, and I will put that
2 to the witness.

3 PRESIDING JUDGE SMITH: All right.

4 MR. REES: But that --

5 PRESIDING JUDGE SMITH: All right. I'll overrule your objection
6 at this time. He can ask that question. I don't know how much
7 farther it can go, though. It depends on her answer.

8 MR. REES: Well, I would like to return to that if I may. And
9 perhaps I can ask the question and then return to it or we can return
10 to it at a different time.

11 But, of course, Your Honour will understand that we are in an
12 unusual environment where the Prosecution are relying upon the
13 analysis, as she has described it, of documents that you will not see
14 and we have not seen, and the identification by her of the relevant
15 features of it. So I will -- let me ask the question.

16 PRESIDING JUDGE SMITH: Yes, I think I fully understand your
17 position on that, but I have a problem with what you're going to ask
18 her and how far it goes.

19 In the meantime, Judge Mettraux has a question for you.

20 THE INTERPRETER: Microphone, please.

21 JUDGE METTRAUX: Thank you, Judge Smith.

22 It's more a suggestion and not a question. It's, of course, one
23 you are free to take or not to take, but why not ask her what factors
24 she took into account to determine that something was confidential.
25 Was it markings? Was it the content? I think it would go much

1 faster if she lays the ground for what factors she took into account
2 for the purpose of determining whether something was or wasn't
3 confidential, rather than asking her whether something is relevant in
4 the abstract or in theory. She did not make that determination. She
5 took into account, as we understand, factors, and you can ask her
6 what those factors are.

7 MR. REES: I'm grateful.

8 Q. First question: Do you regard yourself as having the authority
9 to classify documents as confidential or not?

10 A. I do not.

11 Q. The second question then is: What factors did you take into
12 account when you conducted your review when you were looking for
13 features that pointed towards confidentiality and pointed away from
14 confidentiality?

15 A. I make reference to my declaration, 9 May 2021, the annex to the
16 column indicia suggesting confidentiality. I have made this
17 assessment based on what I have written in this column.

18 Q. And we will look at those charts. I am conscious that you
19 haven't been asked to yet by the Specialist Prosecutor. But before
20 we do so, keeping it general, can you assist us now with what
21 features you took into account which you thought pointed towards
22 confidentiality and what features you considered might point away
23 from confidentiality.

24 A. I have reviewed document by document, and I have listed for each
25 document features which I believed indicated confidentiality such as

1 that it is specifically stated on the document that it is
2 confidential; that the document, for instance, had a case number, was
3 issued by the War Crimes Prosecutor of Serbia, the police of Serbia,
4 or by the SITF; that the document contained information about crimes;
5 that the document contained details of individuals, witnesses or
6 potential witnesses, personal details; that the document contained
7 narratives or information about crimes.

8 Q. So you did not consider whether, for example, any claim for
9 confidentiality was with authority?

10 A. Would you please rephrase that?

11 Q. So you did not consider where, for example, you saw the word
12 "confidential" attached to a document, whether there was proper
13 authority to classify the document as confidential?

14 A. No, I did not.

15 Q. Or whether that, the process of classification, was lawful?

16 A. No, I did not.

17 Q. Or whether classification of confidentiality was necessary?

18 A. No, I did not.

19 Q. Or whether it was being used to conceal abuse of authority, for
20 example?

21 MS. BOLICI: Objection, Your Honour. The witness already stated
22 the factors that she took into consideration. This is a suggestive
23 line of questioning that the witness --

24 PRESIDING JUDGE SMITH: [Microphone not activated] Sustained.

25 Your question is --

1 THE INTERPRETER: Microphone for Your Honour, please.

2 PRESIDING JUDGE SMITH: I'll sustain the objection. The
3 questions have already been asked and answered. You're trying to add
4 addition to her testimony that she is not willing to make.

5 MR. REES:

6 Q. Well, can I make it clear, Ms. Pumper, that I -- of course, I
7 can only ask the questions. Your testimony comes from your answers,
8 and you answer how you see fit; okay?

9 A. Okay.

10 Q. You talked, in paragraph 7 of your declaration, about competent
11 Serbian authorities. Which were the competent Serbian authorities
12 you refer to?

13 A. What I referred here is the Serbian War Crimes Prosecution
14 Office.

15 Q. And what was competent about that office?

16 A. I think what I tried to say in this -- using this word, it was
17 our counterpart, our appropriate counterpart to address these
18 requests.

19 Q. And what was appropriate about that counterpart?

20 A. Maybe I don't engage in conversation about using the proper
21 word. What I'm trying -- what I said -- what I wanted to say with
22 this sentence is that the SITF addressed the Serbian War Crimes
23 Prosecution Office as our counterpart who we were supposed to address
24 this to.

25 Q. Paragraph 7 refers to authorities, Serbian authorities, not just

1 the Serbian war crimes office. Which other Serbian authorities were
2 you referring to?

3 A. The Serbian authorities I referred to -- here I refer to the
4 Serbian War Crimes Prosecution Office as well as the Serbian police.

5 Q. Do you use "the Serbian police" as a broad term to cover other
6 agencies or is that a specific term? Which agencies of Serbia are
7 you referring to?

8 A. The Serbian police.

9 Q. And what was competent about the Serbian police?

10 A. I prefer not to engage in further conversations about the word
11 "competent."

12 Q. Well, it's your word. It's from your declaration. This is the
13 evidence that the SPO apply to adduce, in written form, and that's
14 the word you've used. So what is competent, please, about the
15 Serbian police force?

16 MS. BOLICI: There is an objection. The witness already
17 answered this question. She explained what she meant by the word
18 "competent," as the authorities that were addressed.

19 PRESIDING JUDGE SMITH: She did. The question's been asked and
20 answered. Maybe you're not satisfied with the answer, but it is her
21 answer.

22 MR. REES: I do, of course, understand Your Honours' position
23 there, but part of cross-examination is an exercise in testing the
24 evidence. And just so I understand the ground rules, I do not take
25 it that the Trial Panel expect counsel not to be able to probe an

1 answer.

2 PRESIDING JUDGE SMITH: You can certainly probe an answer, but
3 hers was quite definite.

4 MR. REES: Your Honour.

5 Q. And you talked about Serbian authorities designating documents
6 as confidential; yes? You said that earlier to me?

7 A. Mm-hmm, correct.

8 Q. And who were the persons designating documents in Serbia as
9 confidential?

10 A. I do not know who the persons were. I reviewed the documents
11 which had these designations, and they were offered, what appeared,
12 by Serbian institutions.

13 Q. Did you check the authority of such persons to designate
14 documents in Serbia as confidential?

15 A. No, I have not.

16 Q. Did you check whether, for example, appropriate delegations had
17 been made in Serbia for documents, Serbian documents to be classified
18 as confidential?

19 A. No, I have not.

20 Q. You refer to the presence of SITF logos.

21 A. Correct.

22 Q. There is nothing confidential about the SITF logo. It's a
23 public logo. Do you agree?

24 A. It is also a public logo, yes.

25 Q. When you began your review, you were aware, were you not, that

1 the origin, authenticity of these documents were very much in issue?

2 A. No, I was not.

3 MR. REES: Can you, Mr. Court Officer, please pull up
4 081358-01-TR-ET Revised, which should be in the Defence presentation
5 queue. And go, please, to page 4, line 21.

6 Q. This is a transcript of an interview on 8 September, 8 September
7 2020, so shortly after the first disclosure, if I can use that
8 phrase. Obviously, you were aware that there was significant press
9 interest into the events on 7 September? Do you accept that? There
10 was significant press interest.

11 A. Do you mean at the time?

12 Q. At the time, yes.

13 A. I did not pay much attention to this at the time because I was
14 involved in other line of work.

15 Q. Right. So you didn't become aware of newspaper reports or TV
16 programmes covering the events of 7 September until much later; is
17 that -- are you saying that?

18 A. Yeah, that is -- I mean, I did not pay attention to them. I,
19 obviously, heard about it, but I did not research it.

20 MR. REES: So can we leave the document on the screen there,
21 please.

22 Q. So we can see there the newscaster, he was interviewing
23 Mr. Gucati, he asked, and we've got the video of this:

24 "... are there any signatures, are there any official stamps?
25 Are they originals?"

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1 Mr. Gucati says: "No, they are copies ..."

2 The newscaster asks: "Are they fake?"

3 Mr. Gucati goes on to say:

4 "... everything is possible, they could be fake, they could
5 be ..."

6 And if you go on, please, to page 6 of line 2, at the top of the
7 page, again, Mr. Gucati says:

8 "... we haven't verified them, officially we cannot say whether
9 they are fake or genuine."

10 And if we go on now, please, to page 7, line 24:

11 "We haven't looked," Mr. Gucati says, "and checked the whole
12 documents which are shown are on the screen. There were a lot, over
13 4000. We only looked into some documents and checked them, and at a
14 certain point, lists - different ones - appeared, that were within
15 the bundles ... normally, the Kosovo Prosecutors Office should do the
16 verification ... and determine if they're fake or genuine."

17 So are you saying that you weren't aware when you were
18 undertaking your review that whether the documents were fake or
19 genuine was an issue?

20 A. I don't recall knowing that that was an issue.

21 MR. REES: And can we look, please, at item ERN 082106-01-TR-ET.

22 THE INTERPRETER: Interpreter's note --

23 THE COURT OFFICER: And for the purposes of the record,

24 Your Honours, that's P28.

25 MR. REES:

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1 Q. And this is an interview from 22 September now, so the end of
2 the period --

3 THE INTERPRETER: Interpreter's note: We kindly ask the speaker
4 to read slowly when quoting. Thank you.

5 PRESIDING JUDGE SMITH: Please slow down a little bit, Mr. Rees.

6 MR. REES: Thank you, Your Honour.

7 Can we go to page 10, please, line 26.

8 Q. Mr. Gucati -- so we've heard him raise the origin, authenticity
9 of the documents on 8 September. Now, at the end of the period in
10 September they were concerned with, he's interviewed again, and he
11 says:

12 "... as we have said, we have invited the Kosovo Prosecutor's
13 Office and Kosovo's investigators, but also the foreigners, the Court
14 and ... such bodies ... who leaked these files? Was it the Serbs or
15 were they brought from somebody from the Prosecution or whoever, or
16 are they fake or what? It would be helpful if they are investigating
17 this case and bring it to a conclusion."

18 So back to the declaration, please. Again, you weren't aware
19 when you were undertaking your review that the authenticity of the
20 documents was in issue?

21 A. I'm not -- I don't remember whether I was aware when I wrote
22 this specific -- the 29 October declaration. I don't remember. That
23 is my answer.

24 Q. When you were -- well, how did it come about that you commenced
25 your review? Were you asked to do it or did you do it through your

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1 own initiative?

2 A. I was tasked to do it.

3 Q. Were you tasked by document or by conversation with a colleague?

4 A. I don't think I received a document. It was a verbal
5 conversation.

6 Q. Was that verbal conversation subsequently minuted?

7 A. Not to my knowledge.

8 Q. Did you send an e-mail back to the person confirming,
9 informally, what you had been asked to do?

10 A. Not that I recall.

11 Q. Is that usual operating procedure for the SPO?

12 A. Yes, it is.

13 Q. So the normal operating procedure within the SPO is that you
14 would be tasked to undertake actions verbally without any record
15 being kept of what you're asked to do?

16 A. That is correct, yes.

17 Q. And the SPO has been operating since 2015?

18 A. '16, June, I believe.

19 Q. 2016. It's not exactly an organisation that could still claim
20 to be going through teething --

21 MS. BOLICI: Objection, Your Honour. It's a comment from the
22 counsel, not a question.

23 PRESIDING JUDGE SMITH: Sustained.

24 MR. REES:

25 Q. Who verbally tasked you to undertake this review?

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1 A. Ms. Bolici.

2 Q. What did she ask you to do?

3 A. I don't recall the details.

4 Q. Hmm. That is why written action would be a useful document to
5 have, would it not?

6 MS. BOLICI: It's another comment. Your Honour, there is
7 another objection.

8 PRESIDING JUDGE SMITH: Sustained.

9 Just ask questions.

10 MR. REES:

11 Q. When did Ms. Bolici verbally ask you to undertake the review?

12 A. I don't recall the date.

13 Q. And that's not recorded anywhere either?

14 A. I can't confirm in the positive, neither in the negative.

15 Q. Did she explain to you what she envisaged the purpose to be?

16 A. Yes, she did.

17 Q. What did she say?

18 A. I don't recall the details.

19 Q. Right. Okay. Let's do it as generally as you can to begin
20 with. Did she say why you had to undertake the review?

21 A. I don't remember.

22 Q. Well, how many times have you spoken to Ms. Bolici about your
23 review that continued from sometime, we don't know when, after
24 25 September up until about two weeks ago, again, we don't know
25 exactly when?

1 A. There were numerous conversations in due course of these --
2 these reviews.

3 Q. How many?

4 A. I don't remember.

5 Q. When you spoke to Ms. Bolici about your ongoing review, after
6 the first unrecorded conversation in which you were tasked to begin
7 it, did you make a record of subsequent conversations with her?

8 A. I did not make a record of verbal conversation, but there is
9 some record of e-mails going back and forward.

10 Q. How many?

11 A. I don't remember.

12 Q. Have you reviewed them recently?

13 A. No, I have not.

14 Q. During your subsequent conversations with Ms. Bolici about your
15 review, when did she raise that the authenticity and origin of these
16 documents were an issue in the case?

17 A. I don't recall.

18 Q. Did she ever raise with you that the authenticity and origin of
19 these documents were an issue in the case?

20 A. I don't remember that, but I remember that I did check
21 authenticity.

22 Q. In your declaration, though, none of the declarations, do you, I
23 think, address authenticity; is that right?

24 A. That is correct, yes.

25 Q. Right. So you're saying that you did consider authenticity, but

1 you didn't record your findings or consideration and what you did to
2 consider authenticity anywhere in a formal declaration.

3 A. The authenticity review started later to my recollection. And
4 as I went and did the review for the purpose of writing this
5 declaration, authenticity question was answered as I went ahead.

6 Q. Where do we find that in one of your declarations that have been
7 served setting out the scope of your evidence?

8 A. I have not completed the review of authenticity to this date.

9 Q. It's ongoing?

10 A. I have not completed it. Meaning, I have not checked every
11 single document whether it is authentic.

12 Q. Meaning, your review of authenticity is ongoing. Do you agree
13 with that?

14 A. Meaning that I have not continued my review of authenticity, and
15 I'm not tasked to continue.

16 Q. Have you been asked to stop it?

17 A. I've not been specifically asked to stop it, but I stopped it
18 when I stopped reviewing the material.

19 Q. Can you clarify this because -- I'll rephrase. Can you clarify
20 this: Were you ever specifically tasked to review authenticity then?

21 A. I believe I was at a later stage.

22 Q. When?

23 A. I don't remember.

24 Q. In writing?

25 A. No.

1 Q. By who?

2 A. I believe, to recall, it was a conversation with Ms. Bolici.

3 Q. Can you tell us roughly how long ago that was?

4 A. I cannot be certain.

5 Q. As part of your review of these documents, did you carry out
6 yourself or ask anyone else to carry out any forensic science
7 examination? So, for example, any fingerprint analysis?

8 A. I have not done it myself, and I've not asked anyone to do it.

9 Q. Are you aware if anyone else within the SPO has been asked to
10 conduct or to put in place a forensic science examination of the
11 documents, such as fingerprint analysis?

12 A. I have no information about that.

13 Q. The documents you saw and you have labelled as Batch 1, they
14 were original documents or they were copies? Or could you not say?

15 A. They were copies.

16 Q. So, for example, you never saw any wet signature on any of the
17 documents contained within Batch 1?

18 A. I did not.

19 Q. Can I ask about the process for classification of
20 confidentiality within the SPO. Are there designated persons with
21 the authority to make such classification?

22 A. I don't know that.

23 Q. You do not know?

24 A. No.

25 Q. Is there -- and, again, tell me if you do not know. But if you

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1 do know, can you help: Is there a process for the consideration of
2 confidentiality?

3 A. If there is, I'm not involved in this process.

4 Q. So you cannot help us with whether there is a process by which
5 an evaluation of the necessity of classification --

6 MS. BOLICI: Objection, Your Honour.

7 MR. REES:

8 Q. -- takes place --

9 PRESIDING JUDGE SMITH: Let him finish the question.

10 MR. REES:

11 Q. You're not aware of whether there is a specific process through
12 which an evaluation of necessity takes place before confidentiality
13 is designated?

14 MS. BOLICI: Objection. The question has already been answered
15 by the witness. She's said she's unaware.

16 PRESIDING JUDGE SMITH: I'll allow that one more question about
17 it.

18 You may answer that.

19 THE WITNESS: I'm not involved in this process and I'm not aware
20 of it.

21 MR. REES: Can I ask one further question? It's about the
22 direct knowledge --

23 PRESIDING JUDGE SMITH: She already told you has --

24 MR. REES: And I've got no doubt Your Honour will stop me or at
25 least stop the witness from answering if I ask it and --

1 PRESIDING JUDGE SMITH: Go ahead.

2 MR. REES: -- Your Honour thinks it's going too far.

3 Q. But have you ever seen a document within the SPO recording the
4 reasons for designation of another document as classified?

5 A. I don't recall.

6 Q. Does that mean that you have or may have but don't remember, or
7 does it mean you have never seen such a document?

8 MS. BOLICI: Your Honour, she said that -- objection, that she
9 does not recall.

10 PRESIDING JUDGE SMITH: Yes. And you said one more question
11 and --

12 MR. REES: [Overlapping speakers] ...

13 PRESIDING JUDGE SMITH: -- you asked it and you got the same
14 answer and you're going to get another one just like it so --

15 MR. REES: I was simply seeking to clarify whether she meant she
16 didn't recall whether she's seen such a document or she did not
17 recall such a document.

18 PRESIDING JUDGE SMITH: Madam, answer the question.

19 THE WITNESS: I don't recall having seen any documents. I don't
20 know whether such a document exists.

21 PRESIDING JUDGE SMITH: Okay.

22 MR. REES:

23 Q. I'm grateful. That is clear. Thank you.

24 It's slightly early, but that is a convenient moment in terms of
25 topics to break for the break.

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1 PRESIDING JUDGE SMITH: Oh. All right. Okay.

2 Ms. Pumper, you will be escorted from the room. And please be
3 back, Ms. Pumper, at 11.30.

4 THE WITNESS: Thank you.

5 PRESIDING JUDGE SMITH: And do not speak about your testimony
6 with anyone else.

7 THE WITNESS: Yes, I won't.

8 [The witness stands down]

9 PRESIDING JUDGE SMITH: And, Mr. Cadman, just as soon as she's
10 gone and the door is shut, we will recognise you.

11 MR. CADMAN: Your Honours, nothing related to this witness.
12 Just to respond. The SPO quite properly pointed out this morning
13 that in relation to our expert witness, Witness 17, the instructions
14 have not been provided. They will be provided, filed today. It was
15 clearly an oversight that it wasn't, because it was in the order,
16 and, of course, those instructions will be provided.

17 The second point is just for a point of clarification. We
18 intend to call a second expert witness that has largely come from
19 necessity from this witness's testimony over the last couple of days.
20 It was really to provide guidance on whether I will be required to
21 make an application to add an additional witness or whether
22 Your Honours want to give a direction to the timeline in serving a
23 further expert report.

24 PRESIDING JUDGE SMITH: Just go through the regular procedure.
25 All right.

1 We are adjourned. We will be back here at 11.30.

2 --- Recess taken at 10.56 a.m.

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

4 PRESIDING JUDGE SMITH: Please bring in the witness.

5 [The witness takes the stand]

6 PRESIDING JUDGE SMITH: Be seated.

7 THE WITNESS: Thank you.

8 PRESIDING JUDGE SMITH: Mr. Rees, you have the floor.

9 MR. REES: Thank you, Your Honour.

10 Q. Ms. Pumper, paragraph 7 of your declaration beginning 084015
11 summarises the documents you labelled Batch 1 as including requests
12 for assistance dating between 2013 and 2015. As part of your review,
13 did you ever consider the term or duration of any classification of
14 confidentiality?

15 A. No, I did not.

16 Q. Or did you consider whether steps had been taken to declassify
17 or reclassify?

18 A. No, I did not.

19 Q. And you told us that all the signatures you saw were copies.
20 There was never a wet, original signature. And that you were not
21 aware of any forensic science examination of the documents such as
22 the examination for fingerprints. Is the answer the same in relation
23 to, for example, any forensic inquiry into the authenticity of
24 signatures represented in the documents?

25 A. I am not privy to any inquiry other than the one which I have

1 done.

2 Q. We may come back to that. Paragraph 7 continues referring to
3 the SITF logo. You refer to the SITF address. An address of the
4 SITF, that wasn't confidential?

5 PRESIDING JUDGE SMITH: Is that a question?

6 MR. REES: That is a question.

7 Q. Nothing confidential in the address?

8 A. I have stated what I considered could indicate confidentiality
9 when I listed the indicia.

10 Q. But the address of the SITF, where it was based, that was
11 publicly known knowledge?

12 A. It was also public knowledge.

13 Q. Thank you.

14 A. Yes.

15 Q. And the contact e-mail for the SITF, again, publicly available
16 knowledge?

17 A. I believe so, yes.

18 Q. And the web site address of the SITF, publicly available --

19 A. I believe so, yes.

20 Q. -- knowledge? At paragraph 8 you assert that most of the
21 requests included in the documents you labelled Batch 1 were composed
22 of a cover letter and annexes.

23 Now, just pausing there. Clearly you are dealing with the
24 general position in this first declaration; yes?

25 A. Yes.

1 Q. And in general, it's right, isn't it, that the cover letters
2 that you refer to, those letters themselves were not marked as
3 confidential?

4 A. I would refer to the annex which I created. There it's
5 explicitly written whether a cover letter is marked confidential.

6 Q. Well, as I say, we will reach those charts in due course. But,
7 in fact, the charts do not explicitly mark whether or not the letter
8 was confidential, so I'm asking you, because you've seen the
9 documents, you say, to confirm that, in general, the cover letters
10 are not claimed to be confidential.

11 MS. BOLICI: Your Honour, I would like to ask the counsel to
12 specify to which assertion of the witness he's referring and also she
13 already answered this question.

14 PRESIDING JUDGE SMITH: Please try to comply with the short
15 inquiry from the Prosecution. It could elucidate your question a
16 bit.

17 MR. REES: Okay.

18 Q. Your answer to my previous question, Ms. Pumper, was that you
19 would refer to the chart which set out whether the cover letter was
20 expressly marked as confidential or not. And I explained that we
21 would reach your charts in due course. When we do, we will see that
22 they do not set out, in fact, whether the cover letter is marked as
23 confidential or not.

24 So I will ask you again: In general terms, as you have
25 approached paragraph 8 of this declaration, the cover letters in

1 general do not mark themselves as confidential, do they?

2 A. If I can state, I have said --

3 MS. BOLICI: If I may object, sorry. I'm not sure what the
4 counsel is referring to when he says that the witness says that the
5 cover letters, in general, are not marked as confidential.

6 PRESIDING JUDGE SMITH: I understand the question. Your
7 objection is overruled.

8 Answer the question as directly as you can.

9 THE WITNESS: I have written that it included such documents,
10 that Batch 1 include -- that most requests included in Batch 1 are
11 composed of cover letters and annexes.

12 PRESIDING JUDGE SMITH: That's not the question.

13 THE WITNESS: Can you repeat the question, please?

14 MR. REES:

15 Q. The cover letters themselves are not marked as confidential, are
16 they?

17 A. The majority not, I -- yes.

18 Q. Thank you. There are markings you have recorded in your charts,
19 and referred to at paragraph 8, where the cover letter refers to an
20 annex as being confidential; yes?

21 A. That is correct.

22 Q. The cover letter, again, we're dealing in general terms, may or
23 may not be signed; yes?

24 A. The cover letter is signed.

25 Q. But the annexes are not?

1 A. That is correct.

2 Q. And what you describe in paragraph 8 is the SITF revealing the
3 names of witnesses or potential witnesses to Serbian authorities;
4 yes?

5 A. That is correct.

6 Q. So even on the face of your review of these documents, we have
7 the SITF sharing the names and personal details of witnesses or
8 potential witnesses to a third party outside, external to, the SITF?

9 A. That is correct.

10 Q. What do you mean, just so we understand your evidence, when you
11 refer to a witness?

12 A. When I spoke about a witness, it's a person the SPO expects
13 to -- a potential witness the SPO expects to receive information
14 from. And a witness is someone who has been met or who has given an
15 interview to the SITF, SPO or another organisation. More or less,
16 that's it.

17 Q. The SITF may expect to receive information from anybody that it
18 speaks to; yes?

19 A. Evidence, yes.

20 Q. Right. So we are not dealing with information. Actually, we
21 have clarified it so that when you refer to a witness, you refer to
22 somebody who the SITF expects to obtain evidence from; yes?

23 A. Sorry, I would like to correct. What I mean is that when I
24 speak about witness, potential witnesses, it is that SITF is
25 expecting to obtain information which is relevant to the mandate. We

1 also meet people who are not providing information which is relevant
2 to our mandate to the investigation.

3 Q. We'll explore that a bit further in a moment. But if that's
4 right, what is the distinction you draw between a witness or a
5 potential witness?

6 A. A witness, for this purpose of this review, I consider a witness
7 whom the SITF has met or has obtained an interview or has obtained
8 interviews from other organisations, registered in the global witness
9 list with a witness code.

10 Q. But the SITF must meet hundreds of -- must have met hundreds of
11 people that it would not regard as witnesses. Do you accept that?

12 A. I don't know that.

13 Q. So is your approach, then, to simply list the name of any person
14 the SITF has ever had contact with as a witness or a potential
15 witness?

16 A. In what context? I don't understand now.

17 Q. Well, your answer a moment ago was:

18 "A witness, for the purpose of this review, I consider a witness
19 who the SITF has met or has obtained an interview or has obtained
20 interviews from other organisations, registered in the global witness
21 list with a witness code."

22 So I understand the latter parts of that sentence, but are you
23 asserting there that you consider a witness to be somebody who the
24 SITF has met?

25 A. Someone that -- I consider a witness or a potential witness,

1 someone who the SITF has met. Both.

2 Q. Any person?

3 A. I said someone who the SITF has met and whom we sought to obtain
4 information from which is related to our mandate, to the
5 investigation.

6 Q. Right. So we can exclude persons that a staff member of the
7 SITF has met for purely social reasons. I understand that. So are
8 you saying that you then listed as a witness or potential witness any
9 person whom an officer of the SITF has met in the course of his
10 duties?

11 A. From whom he sought to obtain information which is relevant to
12 our mandate. Yes, that is what I say.

13 Q. And what is the distinction between a witness or a potential
14 witness, then, for the purposes of your review?

15 A. When you look at the SITF requests, anyone listed there by name
16 the SITF sought to obtain different materials, either to obtain
17 previous statements or to have an interview. So someone who has
18 never met would be a potential witness. Someone whom we ask them to
19 identify does this person exist is a potential witness. People whom
20 we had contact, I would understand, or whom we want to contact for
21 interview is a potential witness. Someone we have met from whom we
22 have obtained information in a meeting or someone whom we have
23 formally interviewed I would consider witnesses, for the purpose of
24 this review.

25 Q. Does that include where the information received from the person

1 is negative in the sense that the person says, "I have nothing to
2 say," "I know nothing," or "I'm not going to speak to you"?

3 A. At a certain point of the review, I have excluded individuals,
4 when I did the checks, who have died, who have refused to cooperate
5 with us.

6 Q. When did you do that?

7 A. I did this, to my recollection, after I have written this
8 declaration. Certainly before I have produced the annex of
9 declaration 9 May.

10 Q. Where do we find in your declaration, then, that produced that
11 annex, the details of your review to exclude persons who are dead or
12 provided negative information?

13 A. As you can see in my -- in the annex to the declaration, there
14 is a column which refers to Witnesses Yes/No. And I think I have
15 mentioned yesterday or the day before that I went through the
16 documents and identified in each document at least one individual
17 whom we have -- have met or interviewed and who I there exclude, was
18 not cooperative or had died.

19 Q. One?

20 A. Yes, one. At least one. That was what was done.

21 Q. So I'll repeat the question I asked: Where do we find, in any
22 of your declarations, the details of your review to exclude persons
23 who are dead or provided negative information?

24 A. I have not reported on this in the declarations.

25 Q. What about names of persons that were never located?

Witness: Zdenka Pumper (Resumed) (Open Session)
Cross-examination by Mr. Rees (Continued)

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1 A. They would not be included as a yes in the column.

2 Q. And why is that?

3 A. Because they were never located.

4 Q. The requests appear, on your analysis, to precede the SITF
5 speaking to a witness or potential witness?

6 A. Can you please repeat or rephrase?

7 Q. The requests on your analysis would appear to precede, go
8 before, the SITF actually speaking to the witness or potential
9 witness?

10 A. I cannot be certain because potentially the SITF has met with
11 someone and then had a follow-up request. I cannot exclude that
12 possibility.

13 Q. And on the face of your review, it would appear that there are
14 also communications following up on early requests? Is that the
15 general picture?

16 A. No, what -- I need to clarify, that I looked at each request as
17 an individual paper and I did the research. So I did not investigate
18 this specific request, what happened before, what happened after.

19 Q. And I'm sorry to repeat the question, because I don't think -- I
20 will do, because I don't think you've answered it. What is the
21 distinction you draw between a witness or a potential witness?

22 MS. BOLICI: The question has been answered. There is an
23 objection to that.

24 PRESIDING JUDGE SMITH: [Microphone not activated] Overruled.
25 You may answer the question.

1 I'm sorry, I had my mic off.

2 Overruled. You may answer the question.

3 THE WITNESS: So we have -- I spoke about in the declarations
4 about potential witnesses and witnesses.

5 Potential witnesses are individuals whom we sought information
6 from. Witnesses are individuals whom we have met and obtained
7 information from or witnesses who have been interviewed and witnesses
8 who have provided interviews to other entities.

9 MR. REES:

10 Q. So in the column Names of (Potential) Witnesses Yes/No, where we
11 see "yes," that might only designate that somebody has given an
12 account, given information within the scope of the mandate of the
13 SITF even if that information was given to a completely different
14 organisation?

15 A. I would like to look at it in connection with the fact that
16 someone has given information to a third organisation. That is, for
17 me, a potential witness, because we are interested in locating the
18 person.

19 Q. So, for example, if the SITF saw the name of a person who had
20 given an account to a newspaper that the SITF thought was of
21 interest, you would identify that name as a witness or potential
22 witness in the yes/no column on your chart?

23 A. I didn't have this case, and I believe I would have consulted
24 with the Prosecutor on that question.

25 Q. Are there many rows within your charts where you have consulted

1 with the Prosecutor about the row?

2 A. No, there are not.

3 Q. How many are there?

4 A. There are only two rows in which I consulted the Prosecutor
5 with.

6 Q. Dealing with the chart for Batch 1, which two rows?

7 A. It is the row Description and the row Page Number, I believe.

8 Q. So is it -- do you mean column of the chart --

9 A. I apologise, column, yes.

10 Q. I see. So there are -- you consulted with the Prosecutor the
11 columns Description of Document and Page Number. So we'll leave
12 aside the Page Number for now at least. Are you saying that you
13 consulted with the Prosecutor as to the contents of the column
14 Description of Document for each row?

15 A. No, I did not.

16 Q. Tell us about the consultation you had with the Prosecutor about
17 the Description of Document column.

18 A. After the Pre-Trial Judge ordered that I make this spreadsheet,
19 I started doing it. And then I realised the Defence would most
20 likely struggle to better understand these documents if the column
21 description is missing and the page number, to understand how big the
22 document is. So I went to the Prosecutor and I said I would propose
23 to add those two columns so that the Defence can better understand
24 what this document is about. That was the only conversation I had.

25 Q. And when did you have that conversation with the Prosecutor?

1 A. It was very much at the beginning of my research when I drafted
2 the annex, because I noticed it when I looked at it after a few
3 documents.

4 Q. You mentioned earlier about the provision of information to
5 other organisations. That would include, I take it, the provision of
6 information to Serbian authorities?

7 A. I apologise. I don't know in what context. I don't understand
8 your question.

9 Q. When we were discussing your definition of a witness or
10 potential witness for the purposes of preparation of your chart, you
11 said that you would include a person who had given information to
12 other organisations as a witness or potential witness. Would those
13 other organisations include Serbian authorities?

14 A. Yes.

15 Q. Which Serbian authorities?

16 A. What I have seen is statements given to the police, to the
17 Serbian police.

18 Q. Any other Serbian agencies or just the police?

19 A. I recall only the police. But in any case, it would have been
20 specified in the annex.

21 Q. What other third-party organisations, then, other than the
22 Serbian police, were you referring to?

23 A. For the purpose of this review of Batch 1, to my recollection
24 there were only documents -- only information given to the Serbian
25 institutions. But that is specified in the annex.

1 Q. Again, dealing with the general proposition, as you've spelt out
2 at the end of paragraph 8 of this declaration, the last sentence of
3 paragraph 8, you say that there were requests contained in the
4 documents you label Batch 1 that included correspondence concerning
5 logistical arrangements to carry out interviews and expressly refer
6 to the confidentiality of the SITF investigations.

7 It is right, isn't it, that those letters do not claim
8 themselves that the logistical arrangements to carry out interviews
9 were confidential?

10 A. These are letters which exactly say what I wrote here. They --
11 they include -- they expressly refer to confidentiality of SITF
12 investigations. I think I have provided a sample in the second annex
13 of declaration 9 May which actually contains the exact sentence.

14 Q. And we will look at the sample in due course, but there are, on
15 your account, at least, many, many hundreds of pages that we have not
16 been provided with and we -- the Trial Panel will not be provided
17 with. You say that you have seen them, so I'm asking you about the
18 general picture.

19 It is right, isn't it, that those requests, even if they
20 expressly refer to the confidentiality of the SITF investigations, do
21 not claim that the logistical arrangements to carry out interviews
22 set out were confidential?

23 A. I would have to look at this document, but I don't think -- I
24 wouldn't agree with you. I think they expressly refer to the
25 confidential -- confidentiality of the SITF investigations, and the

1 letters are written in order for the War Crimes Prosecution Office to
2 make arrangements for the SITF to conduct interviews at the premises.

3 Q. Well, we are going to look at a tiny, tiny number of samples,
4 but I'm asking you about the other several hundreds of pages you
5 claim you have seen.

6 Are you saying that you would need to look at those documents
7 again to examine the question that I've asked: Do the requests,
8 whether they refer to the confidentiality of the SITF investigations
9 or not, do they - any of them - not claim that the logistical
10 arrangements to carry out interviews themselves were confidential?
11 Would you need to look at the documents?

12 A. I can confirm that there are only a few, a handful of these kind
13 of documents in the batch. My answer is that they are -- expressly
14 refer to the confidentiality of the SITF investigations. Not the
15 confidentiality of them getting into the building or something. But
16 I'm happy to go to -- go to the document and confirm, but this is
17 what I -- what my statement is.

18 Q. Shall we go to the documents?

19 A. We don't need to if you don't want to.

20 Q. Well, we -- produce the full documents, and we will go to them.
21 Every one of them.

22 MS. BOLICI: Your Honour, it's not a question for the witness.

23 PRESIDING JUDGE SMITH: Sustained.

24 MR. REES:

25 Q. Well, I'm glad that you're happy to go to the documents,

1 Ms. Pumper, but we cannot. So I will move on.

2 At paragraph 9 of the declaration, in the last sentence, you
3 assert that the annexes to the requests name witnesses and potential
4 witnesses who have never been publicly identified by the SITF or the
5 SPO. How do you know they have never been publicly named by the SITF
6 or the SPO?

7 A. To my knowledge, they have not.

8 Q. And your knowledge is based on what?

9 A. I asked the Prosecutor specifically whether she's aware of any
10 of those being publicly identified, and she said no. And from our
11 procedure, we don't tend to identify evidence to the outside world.

12 Q. So it's Ms. Bolici's word we take for that assertion, then?

13 A. I think what I -- what I'm trying to say that, working in this
14 office for a few years, I have not seen that we have publicly
15 disclosed any evidence. We conduct --

16 Q. You don't tend to publicly disclose the names of persons who
17 face an unconfirmed indictment, but you do, don't you?

18 A. Pardon? Say again.

19 Q. I'll ask the question again.

20 MS. BOLICI: Objection to this. It's argumentative.

21 PRESIDING JUDGE SMITH: Ask a straightforward question.

22 I'll repeat that: Ask a straightforward question. My mic was
23 off.

24 MR. REES: I will do my best.

25 Q. You have rules in place that require the names of persons on

1 unconfirmed indictments to be undisclosed; do you agree? You have
2 rules in place not to disclose the names of suspects on unconfirmed
3 indictments; do you agree?

4 A. I have not studied the rules.

5 Q. Right. Well, that's very candid as well, so thank you for that.

6 Right. So moving away from what Ms. Bolici has told you. What
7 about whether witnesses and potential witnesses have been publicly
8 identified by Serbia?

9 A. Are you asking me whether I'm aware of any?

10 Q. Yes.

11 A. I don't know.

12 Q. Thank you. Or made public by the witness themselves?

13 A. I don't know.

14 Q. Thank you. Do the names that you refer to include the name
15 Vladimir Vukcevic?

16 A. I have not stated that in the specific declaration, but I can
17 confirm I have reviewed that.

18 Q. You have included that name?

19 A. I have checked that name, yes.

20 Q. Yes. And you included him, have you, as a potential witness or
21 witness?

22 A. He was not part of the review when I wrote this declaration, so
23 he's not in the spreadsheet. He's not considered in the spreadsheet.

24 Q. I see. So he is not a name that your review regards as a
25 confidential name?

Witness: Zdenka Pumper (Resumed) (Open Session)
Cross-examination by Mr. Rees (Continued)

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1 A. No.

2 Q. And, of course, it is public knowledge, isn't it, that the SITF,
3 at least, has collaborated with Vladimir Vukcevic because the
4 statement of the chief prosecutor of the Special Investigative Task
5 Force has praised him for his assistance?

6 MS. BOLICI: Objection, Your Honour. It's not a question for
7 the witness. It's a statement from the counsel.

8 MR. REES: I'm asking her to confirm that.

9 PRESIDING JUDGE SMITH: [Microphone not activated] Your objection
10 is overruled.

11 Go ahead.

12 THE INTERPRETER: Microphone, please.

13 PRESIDING JUDGE SMITH: Your objection is overruled.

14 MR. REES: Thank you, Your Honour. Apologies for acting too
15 prematurely.

16 Q. You can confirm, can't you, that the chief prosecutor of the
17 SITF has publicly praised Vladimir Vukcevic for the assistance that
18 he has given to the SITF?

19 A. I was unaware of that.

20 Q. You were not aware of the statement from the chief prosecutor
21 dated 29 July 2014?

22 PRESIDING JUDGE SMITH: She's already answered that, counsellor.

23 MR. REES: At this point, can I ask for the assistance of the
24 Trial Panel.

25 You will see, Your Honours, that at paragraph 10 there are four

1 names that are referred to. Our position is that they are publicly
2 available names and they are referred to in publicly available
3 documents. Our position is that these matters should be heard in
4 public. I wish to ask about those names. So I do not invite the
5 Court to go into private session. But I am aware, of course, that it
6 is a matter for the Trial Panel.

7 MS. BOLICI: Your Honour, and the Prosecution position is that
8 this line of questioning should be in private session.

9 [Trial Panel confers]

10 MS. BOLICI: Also, if I may, Your Honour, just that -- yes.

11 PRESIDING JUDGE SMITH: I'm sorry.

12 MS. BOLICI: Just to add that the Panel has authorised
13 redactions on this part for the public available document.

14 PRESIDING JUDGE SMITH: Yes, I understand your point,
15 Ms. Prosecutor, but we do have to get on with the questioning.

16 We don't want those names mentioned aloud. You can certainly
17 show her those names and ask her whatever questions you have about
18 them, but we are not going to repeat the names or any personal
19 detail. Understood?

20 If you want to repeat the names, then we will go into private
21 session.

22 MR. REES: So it's not -- I understand Your Honour's helpful
23 indication about the names, but I do want to ask some questions about
24 it. Whether that is information that is personal detail or not, I'm
25 in your -- the Trial Panel's hands.

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1093
Cross-examination by Mr. Rees (Continued)

1 MR. CADMAN: Just very briefly, Your Honour. Obviously, we
2 renew our objection we made yesterday that you've ruled upon today.
3 The names that are mentioned, that will be mentioned in private
4 session, are names that have been in the public domain for 11,
5 12 years. Mr. Haradinaj wanted to impress upon Your Honours there is
6 no justification for going into private session and this matters
7 should be dealt with in public.

8 I take note that you have ruled upon this already.

9 PRESIDING JUDGE SMITH: I've already ruled on it.

10 All right, Mr. Rees. Please confine this -- [Microphone not
11 activated].

12 THE INTERPRETER: Microphone, please.

13 PRESIDING JUDGE SMITH: Let me know as soon as we're finished
14 with the information that we deem to be confidential so that we can
15 get back out of private session.

16 MR. REES: I will do my best to negotiate my way through the
17 position that's been spelled out. But I won't take anymore
18 trouble -- time to trouble Your Honour with it, but I do -- I have
19 difficulties with it.

20 PRESIDING JUDGE SMITH: Excuse me. We are in private session,
21 you may go ahead and ask the questions you wish to.

22 MR. REES: No, I follow that.

23 PRESIDING JUDGE SMITH: Okay.

24 MR. REES: But just in relation to the general observation that
25 Your Honour made about reverting to public session as quickly as

Witness: Zdenka Pumper (Resumed) (Private Session)
Cross-examination by Mr. Rees (Continued)

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1 possible. I will do my best.

2 PRESIDING JUDGE SMITH: Okay.

3 [Private session]

4 [Private session text removed]

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Reclassified as Public and inserted pursuant to order contained in F611/A3 of 18 May 2022.

10 MS. BOLICI: Your Honour, there is an objection about the
11 relevance of these particular questions.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 THE INTERPRETER: Microphone, please.

14 PRESIDING JUDGE SMITH: Explain the relevance of these
15 questions. This is getting a little far afield from what this trial
16 is about.

17 MR. REES: Well, we have, I had hoped, made it plain that it is
18 front and central to our case that the issue of confidentiality
19 involves an assessment of public interest, and we have made
20 submissions about that. There has been no ruling upon it, but we
21 have made that plain in our pre-trial brief. We've made it in
22 further submissions that the Trial Panel has invited us to assist
23 with, and we've done that.

24 And I want to -- obviously, I can ask the question and she has
25 said she doesn't know it. I will ask further questions about what

Witness: Zdenka Pumper (Resumed) (Private Session)
Cross-examination by Mr. Rees (Continued)

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1 investigations she has done in a moment, but I want to establish,
2 firstly, the level of her knowledge. And if her answer is she
3 doesn't know, then that's her answer. I move on to the next
4 question, Your Honour.

5 PRESIDING JUDGE SMITH: We will go through -- you've done two
6 names. You can ask on the other two names whether she knows anything
7 about it, and then we will stop and consider.

8 MR. REES: Thank you.

9 [Private session]

10 [Private session text removed]

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Witness: Zdenka Pumper (Resumed) (Private Session)
Cross-examination by Mr. Rees (Continued)

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1 [Private session text removed]

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Reclassified as Public and inserted pursuant to order contained in F611/A3 of 18 May 2022.

5 MS. BOLICI: Your Honour, on the ground of relevance. It's not
6 clear what's the relevance of the questions that the Defence is
7 asking to this witness.

8 MR. REES: The relevance --

9 [Trial Panel confers]

10 PRESIDING JUDGE SMITH: The objection is overruled. You may
11 continue.

12 MR. REES:

13 Q. So you've taken no investigative steps to consider the
14 background of the persons that you -- the names that you identified?

15 A. As I said earlier, I did not investigate the names. I did
16 specific checks when I conducted the review of this declaration of
17 the batch.

18 Q. And any consideration of the background of those persons did not
19 form part of your review?

20 MS. BOLICI: The question has been answered already. There is
21 an objection on that.

22 PRESIDING JUDGE SMITH: Overruled.

23 Answer the question.

24 THE WITNESS: Sorry, would you repeat it again now? It was too
25 fast.

Witness: Zdenka Pumper (Resumed) (Private Session)
Cross-examination by Mr. Rees (Continued)

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1 MR. REES:

2 Q. So consideration of the background of the names that you have
3 identified formed no part of your review?

4 A. No.

5 [Private session]

6 [Private session text removed]

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1 [Open session]

2 THE COURT OFFICER: We are in public session, Your Honours.

3 PRESIDING JUDGE SMITH: All right. Now we are back in public
4 session, and you may continue your cross-examination.

5 MR. REES: Thank you. Can we move on to paragraph 13 of this
6 declaration, the declaration beginning 084015. Pause there.

7 Q. As part of your review, you examined public source, publicly
8 available web pages; is that right?

9 A. Articles.

10 Q. Sorry?

11 A. Articles.

12 Q. Articles.

13 A. Mm-hmm.

14 Q. And they were identified by other members of the SPO in the
15 first instance?

16 A. That is correct.

17 Q. And then brought to your attention for your review, and the
18 purpose of it was to look, in particular, at both images of documents
19 published by those news agencies; yes?

20 A. That is correct.

21 Q. And also the content of the articles published by those news
22 agencies; yes?

23 A. Please, if you bear with me a moment, because I have reviewed
24 many. I reviewed the article for the purpose -- for the photographs,
25 not necessarily the content, in the context of the case.

1 Q. But during the course of your review, you saw the content of the
2 articles?

3 A. Yes, some.

4 Q. Yes. Have a look at paragraph 16, for example, where you
5 specifically refer to some of the content. Yes?

6 A. I state the title of the content.

7 Q. Yes, but you also --

8 A. Of the article.

9 Q. -- talk about what the article mentions there, in paragraph 16?

10 A. The names, yes. I apologise. Yes.

11 Q. So go back, please, to paragraph 13. When did you review the
12 article referred to there?

13 A. I reviewed this article for the purpose of writing this
14 declaration.

15 Q. And when did you review that article?

16 A. I don't remember the specific date.

17 MR. REES: The article is at ERN 081364-081368, I hope. So
18 that's the English translation. Can we have a look, just briefly --
19 perhaps keep the English translation up, please, Mr. Court Officer.
20 And if we can produce the original printout, as it were,
21 ERN 081364-081368.

22 THE COURT OFFICER: For the purposes of the record,
23 Your Honours, Specialist Counsel, we only see the English version.

24 MR. REES: Can you look at the Prosecutor's presentation queue.

25 THE COURT OFFICER: Under this ERN range, we only have the

1 English.

2 MR. REES: Well, we will seek to remedy that and, if necessary,
3 revert back to it.

4 Q. But that -- and tell me if you think you can only answer if you
5 see the document.

6 MR. REES: We can take that down for the moment please,
7 Mr. Court Officer, in the circumstances.

8 Q. The article that you refer to in paragraph 13 is published by
9 gazetainfokus.com? Yes?

10 A. Yes.

11 Q. *[REDACTED] Pursuant to instruction from Trial Panel II*

12 *[REDACTED] Pursuant to instruction from Trial Panel II*

13 *[REDACTED] Pursuant to instruction from Trial Panel II*

14 MS. BOLICI: Your Honour, I would like --

15 MR. REES:

16 Q. -- is still publicly available in full, is it not?

17 MS. BOLICI: I would like to ask a clarification, where is the
18 counsel reading from?

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MR. REES: There we are. Thank you very much.

21 PRESIDING JUDGE SMITH: Counsel, will you tell us what you're
22 reading from?

23 MR. REES: Yes. I was reading from my notes there. Can we, I
24 think, go on to 081364. Okay. What we will have to do is we'll have
25 to add this document to the presentation queue.

Witness: Zdenka Pumper (Resumed) (Open Session)
Cross-examination by Mr. Rees (Continued)

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1 PRESIDING JUDGE SMITH: Perhaps you can do that --

2 MR. REES: So we'll move on --

3 PRESIDING JUDGE SMITH: -- during --

4 MR. REES: [Overlapping speakers] ... in the break --

5 PRESIDING JUDGE SMITH: You can do that during the break.

6 MR. REES: -- we will sort that out and we'll revert back to it.

7 So can we have a look at 081364, please. Right. There we are.

8 Thank you very much.

9 Q. There we are. There's the answer. There's the web site. Okay?
10 Now, that is still publicly available, is it not, in full? Can you
11 see it at the top of the page?

12 A. I don't know whether it's currently still available.

13 Q. Right. You haven't checked, have you?

14 A. No, I have not.

15 Q. Has anyone at the SPO bothered?

16 A. Pardon me?

17 Q. Has anyone at the SPO bothered, or can you not answer that
18 question?

19 A. You mean checked for --

20 PRESIDING JUDGE SMITH: Could you use a different phrase than
21 "bothered"?

22 MS. BOLICI: Yes.

23 MR. REES: Thank you.

24 Q. You are not aware of anyone in the SPO asking the Court for an
25 order, for example, to Gazeta inFokus removing that article from the

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1 internet?

2 A. I have not.

3 Q. No. Thank you. And it's authored by -- it was published by
4 Gazeta inFokus and we can see the author is Halil Berisha. Can you
5 see that underneath the first image?

6 A. Yes, I can.

7 Q. Thank you.

8 MR. REES: Can we look please at 081361 to 081363. And here we
9 see -- we can take down the document to the right of the screen,
10 please, now, Mr. Court Officer. And if we can fit to height, please.
11 Thank you.

12 Q. We can see there this is an article, again, gazetainfokus.com?
13 Yes?

14 A. That is correct.

15 Q. Author, Halil Berisha?

16 A. Yes, that is correct.

17 Q. And we can see there a web site web page
18 gazetainfokus.com/eksk --

19 PRESIDING JUDGE SMITH: Go slowly. Slowly, please.

20 MR. REES: Thank you.

21 Q. I'll start again:

22 *[REDACTED] Pursuant to instruction from Trial Panel II*

23 *[REDACTED] Pursuant to instruction from Trial Panel II*

24 *[REDACTED] Pursuant to instruction from Trial Panel II*

25 MS. BOLICI: Your Honour, I'm just wondering if it's possible to

1 refer to the ERN and to the address therein rather than reading each
2 letter of the web site address.

3 PRESIDING JUDGE SMITH: Is there an ERN for it?

4 MS. BOLICI: Yes.

5 PRESIDING JUDGE SMITH: Is there some reason you refer to it by
6 this --

7 MR. REES: Yes.

8 PRESIDING JUDGE SMITH: -- web site rather than by the ERN
9 number?

10 MR. REES: Absolutely.

11 Q. Because I want to ask the next question, which is: And that web
12 page is still publicly available in full, isn't it?

13 A. I don't know.

14 MR. REES: Can we scroll up slightly. Can we reduce to fit to
15 height, please. Thank you.

16 Q. And your declaration provides, at paragraph 15, that you say
17 that document, in the middle of the image -- imposed in the middle of
18 the image appears to depict SITF Coordination Request 112; yes?

19 A. Correct.

20 Q. And you say that you could read that from the article itself?

21 A. No, I enlarged it for the purposes of this review.

22 Q. Okay. So your evidence is that anybody who can enlarge the
23 image, which is quite a straightforward matter for anyone with a
24 computer, could ascertain that that is SITF Coordination Request 112?

25 A. My statement is that I could.

1 Q. Well, it's not. The statement is the picture included in the
2 article appears to depict SITF Coordination Request 112 dated 11 June
3 2015 is how you put it in paragraph 15; yes?

4 A. I would like to be clear. When I write "appears" is, when I
5 look at it like this, I can confirm that when you enlarge it that you
6 can recognise that it's 112.

7 Q. And anyone could recognise it from that publicly available web
8 page published by Gazeta inFokus and authored by Halil Berisha; yes?

9 A. Can you say again, please?

10 Q. And anybody could recognise it from that publicly available web
11 page published by Gazeta inFokus and authored by Halil Berisha; yes?

12 A. I can't --

13 MS. BOLICI: Objection. Yes, objection. The witness can answer
14 about what she can do, not about what everybody else can do.

15 PRESIDING JUDGE SMITH: It's asking for an opinion on her part
16 about this. Obviously not everybody could. Somebody who is blind
17 could not read it. So it's an improper question.

18 MR. REES: I appreciate the caveat that Your Honour adds.
19 Obviously, someone who's blind could not. But anyone who is not
20 blind could.

21 Q. Do you agree with that or not?

22 A. I don't agree with that, actually.

23 Q. Thank you.

24 MR. REES: Can we look, please, at 081362.

25 Q. What about that document?

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1 A. Excuse me, what about it?

2 Q. You could recognise, could you not, member of the public,
3 looking at that, it's a coordination request, 11 June 2015?

4 A. Looking at it, yes, I can.

5 Q. Thank you. And it reads:

6 "Brussels, 11 June 2015

7 "Dear Mr. Vukcevic,

8 "Coordination request number," can't see the number.

9 "Pursuant to ongoing coordination between" --

10 MS. BOLICI: Objection, Your Honour.

11 PRESIDING JUDGE SMITH: [Microphone not activated]. You
12 understand?

13 MR. REES: No, I've referred to Mr. Vukcevic.

14 PRESIDING JUDGE SMITH: Yes.

15 MR. REES: And there's been no direction in relation to
16 Mr. Vukcevic. Indeed, the witness, Ms. Pumper, said there's nothing
17 confidential about Mr. Vukcevic's name.

18 MS. BOLICI: I would ask a clarification about which assertion
19 of the witness the counsel is referring to.

20 MR. REES: Well, if Ms. Bolici wants me to provide a page and
21 line in the draft transcript, I certainly can do with some time.

22 [Trial Panel confers]

23 PRESIDING JUDGE SMITH: We will redact the name and please do
24 not use it in public. You are referring to somebody who is a state
25 official in another -- and we do not want that name repeated in

Witness: Zdenka Pumper (Resumed) (Open Session)
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1 anything but private session.

2 MR. REES: Your Honour, this is the name of someone, as we
3 clarified earlier in open session, who was praised by the chief
4 prosecutor of the Special Investigative Task Force on 29 July 2014 in
5 a public press release for his assistance that he provided to the
6 SITF.

7 [Trial Panel confers]

8 MS. BOLICI: Your Honour, if I may just clarify. There is no
9 objection to mentioning in open session this specific name. There is
10 objection in reading the contents of this document which is still
11 classified as confidential.

12 PRESIDING JUDGE SMITH: Understood.

13 MR. REES: 12:08 in the transcript, in the LiveNote,
14 Your Honour.

15 PRESIDING JUDGE SMITH: The objection is sustained.

16 Go on.

17 MR. REES:

18 Q. So this publicly available document, which is on the internet
19 for anyone to look at, reads:

20 "Brussels, 11 June 2015.

21 "Dear Mr." -- I can't say the name.

22 "Coordination request number," we can't see that because it's
23 covered by the U for the word "inFokus" --

24 MS. BOLICI: To object again.

25 There has been a decision, if I may, Your Honour, in relation

1 the use of this trial as a way of further disseminating confidential
2 information, and for the time being this document is classified as
3 confidential.

4 PRESIDING JUDGE SMITH: If it's confidential, you cannot read it
5 in the courtroom.

6 MR. REES: I don't accept that it is, Your Honour. That's
7 partly the purpose of this trial is because we don't not accept that
8 it is --

9 PRESIDING JUDGE SMITH: I understand.

10 MR. REES: -- and I am not publicly broadcasting this. Gazeta
11 inFokus is, published by Halil Berisha, of which I make no criticism
12 of them for doing so. I make that perfectly clear.

13 PRESIDING JUDGE SMITH: But now you are reading the confidential
14 statement in court, and we will not allow it, and it's sustained. So
15 go on.

16 MR. REES: I do not accept it's confidential. It doesn't claim
17 to be confidential. We can look at the image. It is not claimed to
18 be confidential.

19 PRESIDING JUDGE SMITH: There has been a ruling that it is
20 confidential.

21 MR. REES:

22 Q. On that document, publicly available, published by Gazeta
23 NewBorn, can you see anywhere on there --

24 PRESIDING JUDGE SMITH: Mr. Rees --

25 MR. REES:

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1110
Cross-examination by Mr. Rees (Continued)

1 Q. -- a reference --

2 PRESIDING JUDGE SMITH: Mr. Rees --

3 MR. REES:

4 Q. -- to it being confidential?

5 PRESIDING JUDGE SMITH: Mr. Rees, can I interrupt you.

6 If you would like to go into this, we can go into private
7 session so that you can ask this question, but it's not going to be
8 asked in public session. I'm giving you every opportunity to do
9 that. We are just not going to publicise it.

10 MR. REES: Well, every opportunity, Your Honour, save for making
11 an ex tempore ruling on the status of that document.

12 PRESIDING JUDGE SMITH: [Microphone not activated] Do you want to
13 go into private session?

14 MR. REES: No. But if that is the order of the Court, then that
15 is a matter for the Court. And, of course, we will go into private
16 session in the circumstances.

17 PRESIDING JUDGE SMITH: For purposes of maintaining the
18 confidentiality of this document and the names contained therein in
19 relation thereto, we will go into private session.

20 MR. REES: The claimed confidentiality of the document,
21 Your Honour.

22 ~~(Private session)~~ Reclassified as Public and inserted
pursuant to order contained in F611/A3 of 18 May 2022.

23 THE COURT OFFICER: We are in private session, Your Honours.

24 PRESIDING JUDGE SMITH: All right. Go ahead with your question.
25 You can start over and use the name.

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1111
Cross-examination by Mr. Rees (Continued)

1 MR. REES: Well, thank you very much, Your Honour.

2 Q. "Case no.: ..."

3 [REDACTED] Pursuant to order contained in F611/A3 of 18 May 2022

4 "Dear Mr. Vukcevic" -- who is, is he not, as I thought we
5 clarified earlier, somebody who Clint Williamson, the chief
6 prosecutor of the SITF, publicly praised for his assistance that he
7 provided to the SITF; yes? It's the same Mr. Vukcevic.

8 A. You stated so, yes.

9 Q. And it's the same Mr. Vukcevic, is it not?

10 A. Well, I assume you know.

11 Q. The former chief war crimes prosecutor in the Serbian state.
12 You recognise that name, do you not?

13 A. I recognise it from the coordination request. That was my task.

14 Q. Are you saying you did not know who the -- that Vladimir
15 Vukcevic was the chief war crimes prosecutor in Serbia until you saw
16 his name in these documents?

17 A. I did not. I joined the SITF after. I was with the SITF five
18 months. I had, to my recollection, no interaction. I only started
19 looking at these documents because of this review.

20 Q. And until you started looking at this documents, in your five
21 years working at the SPO, you had no idea that Vladimir Vukcevic was
22 the --

23 MS. BOLICI: Questions has been asked and answered, Your Honour.

24 PRESIDING JUDGE SMITH: Sustained. You are arguing now rather
25 than asking questions.

1 [Private session text removed]

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Witness: Zdenka Pumper (Resumed) (Private Session)
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1 [Private session text removed]

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Reclassified as Public and inserted pursuant to order contained in F611/A3 of 18 May 2022.

13 And you would agree with me, would you not, that it doesn't
14 mention confidentiality anywhere on that page?

15 A. It does not. Yes, I agree.

16 Q. You never saw on any of the pages of what you have labelled
17 Batch 1 a wet signature. Do you know if the SPO -- I'll take it in
18 stages. Do you know if the SITF, firstly, used electronic signatures
19 at all?

20 A. I don't know that.

21 Q. You don't know?

22 A. No.

23 Q. So they may have done, they may not have done. You can't assist
24 on that?

25 A. I really don't know.

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1115
Cross-examination by Mr. Rees (Continued)

1 Q. And the SPO, do they use electronic signatures?

2 A. I believe, yes.

3 MR. REES: Your Honours, we're about to move to a new article.
4 I'll be longer than five minutes.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MR. REES: And we can, of course, go back to open session.

7 PRESIDING JUDGE SMITH: We will go back into open session.

8 [Open session]

9 THE COURT OFFICER: We're in open session, Your Honours.

10 PRESIDING JUDGE SMITH: We are back in open session.

11 The Court Officer may escort the witness from the room.

12 [The witness stands down]

13 PRESIDING JUDGE SMITH: We will break for lunch. We will be
14 back here for 2.30.

15 I want to remind everybody to be careful that when you're off
16 mic to turn your mic off, and I'm as guilty as some of the rest. And
17 I know it's inadvertent, but it's important that we not be
18 broadcasting our aside comments across the spectrum. So thank you.

19 We'll see you at 2.30.

20 --- Luncheon recess taken at 12.57 p.m.

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

22 PRESIDING JUDGE SMITH: Yes, Mr. Cadman.

23 MR. CADMAN: Your Honour, I just had one question on scheduling
24 for tomorrow. Can I assume that the Court will not be sitting
25 tomorrow afternoon due to the order that was passed yesterday?

1 [Trial Panel confers]

2 PRESIDING JUDGE SMITH: We'll be in court through the first --

3 THE INTERPRETER: Microphone, please.

4 PRESIDING JUDGE SMITH: We'll be in court through the first two
5 sessions but not the third session.

6 MR. CADMAN: I'm grateful.

7 PRESIDING JUDGE SMITH: Before we bring the witness in, the
8 Panel wants to remind everyone of an official warning that it issued
9 at the opening of the case on 7 October. It reads as follows:

10 "The material that the accused are said to have unlawfully
11 publicised contain names and details of various individuals who are
12 connected to investigations carried out by the SITF or SPO. Until
13 that time when the Panel determines whether that material was or
14 still is confidential in nature, the Parties are ordered not to make
15 public reference to this information in public hearings.

16 "We, therefore, expect the parties to exercise due diligence in
17 ensuring that the names and details of such individuals are not
18 disclosed in public sessions, whether in their opening statements,
19 questioning of witnesses, or submissions. If necessary, the Parties
20 should request private session if the name or function of any such
21 individual is deemed material to a question they wish to ask or
22 submissions they wish to make."

23 And I indicated:

24 Please consider this an official warning.

25 Parties are required and expected to abide by our orders and not

1 attempt to traverse them. We expect that greater attention will be
2 paid in the future to the order just read out.

3 Mr. Rees, that's what we were dealing with this morning in
4 court. And I personally appreciate your enthusiasm but I would ask
5 you to please temper it just a bit because you were wrong on your
6 assertion. I know you'd like to have these names in public, but
7 they're not going to be. And I ask you again -- I don't ask you, I
8 order you again to resist using those names.

9 And now let's move on. You still have the floor, Mr. Rees.

10 Oh, we need a witness. Will we please bring the witness in.

11 MR. REES: [Microphone not activated].

12 PRESIDING JUDGE SMITH: Pardon me?

13 MR. REES: I was tempering my enthusiasm to wait for the
14 witness.

15 MS. BOLICI: Your Honour, I would just like to note for the
16 record that the Deputy Specialist Prosecutor is not attending this
17 session.

18 PRESIDING JUDGE SMITH: Thank you.

19 I assume that you two have had some discussion during the noon
20 hour? Am I correct with that?

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: Ms. Bolici?

23 MR. REES: Nothing case-related.

24 PRESIDING JUDGE SMITH: Okay. Enthusiasm-related.

25 MR. REES: Enthusiasm-related.

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Cross-examination by Mr. Rees (Continued)

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1 PRESIDING JUDGE SMITH: All right. Thank you.

2 Are you satisfied, Ms. Bolici, to proceed at this time?

3 MS. BOLICI: Nothing be to raised in court, Your Honours. Thank
4 you.

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

6 Ms. Pumper, you may be seated.

7 THE WITNESS: Thank you.

8 PRESIDING JUDGE SMITH: We will continue with your
9 cross-examination, but this is the last session for today. And
10 Mr. Rees will begin.

11 THE WITNESS: Thank you.

12 MR. REES:

13 Q. When an individual's name is confidential, it does not follow
14 that that individual's name cannot appear in any document, does it?

15 MS. BOLICI: Your Honour, he's asking for the witness's opinion
16 and there is an objection to that.

17 PRESIDING JUDGE SMITH: That is a very opinion-based question,
18 and I believe you might want to rephrase it so it doesn't ask her for
19 opinion but what she actually knows.

20 MR. REES:

21 Q. Would you expect, for example, that an individual whose name has
22 been classified as confidential can, for example, have their name on
23 a bank statement?

24 A. You mean confidential in, like, legal proceedings?

25 Q. So I understand the need for clarification. You accept, do you,

1 that the context is important and has a material effect on the use of
2 a name whether it's been classified as confidential or not?

3 A. Yes, I would agree with that statement.

4 Q. So, for example, you agree that you would expect a witness whose
5 name has been designated as confidential to, nevertheless, have his
6 or her name on a bank statement?

7 A. I think that's unavoidable that will take place.

8 Q. Absolutely. On a driving license?

9 A. I assume so.

10 Q. It may appear in a newspaper article?

11 A. Can do.

12 Q. The witness is not stripped of his or her identity because of a
13 designation of confidentiality. Do you agree with that?

14 A. No -- sorry, I agree with you that a person is not stripped of
15 the identity.

16 Q. Thank you. Paragraph 16 of your declaration then beginning
17 084015. At paragraph 16, you recount that you reviewed an article
18 entitled "Other Specialist Chambers' scandal: It cooperated with
19 Serbia army officers, who were also active during the time of
20 Milosevic," published on gazetanewborn.co. When did you review that
21 article?

22 MS. BOLICI: Apologies. There is an objection to the reference
23 to the title of the article as well in relation to the order that was
24 mentioned by the Presiding Judge today.

25 PRESIDING JUDGE SMITH: Your objection is overruled.

Witness: Zdenka Pumper (Resumed) (Open Session)
Cross-examination by Mr. Rees (Continued)

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1 MR. REES:

2 Q. When did you review that article, please?

3 A. I reviewed this article in due course of preparing this
4 declaration.

5 Q. The web page was gaz --

6 MS. BOLICI: Objection, Your Honour, for the same reasons as
7 highlighted before.

8 PRESIDING JUDGE SMITH: Can we just have -- is there an ERN
9 number for this? These long web page -- I'm not sure what your
10 objection is, first of all. Let's deal with that.

11 MS. BOLICI: Yes.

12 PRESIDING JUDGE SMITH: Which one I just did? Which one?

13 MS. BOLICI: It's in relation to reading out the exact web site
14 address in open court.

15 PRESIDING JUDGE SMITH: Go ahead, Mr. Rees.

16 MR. REES: Thank you, Your Honour.

17 Q. *[REDACTED] Pursuant to instruction from Trial Panel II*

18 *[REDACTED] Pursuant to instruction from Trial Panel II*

19 *[REDACTED] Pursuant to instruction from Trial Panel II*

20 *[REDACTED] Pursuant to instruction from Trial Panel II*

21 *[REDACTED] Pursuant to instruction from Trial Panel II*

22 Q. And can you confirm that that web site is still available in
23 full?

24 MS. BOLICI: Your Honour, if I may just --

25 PRESIDING JUDGE SMITH: Yes, you may now.

Witness: Zdenka Pumper (Resumed) (Open Session)
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1 MS. BOLICI: Thank you.

2 I believe, if I'm not mistaken, that there was a redaction order
3 from this morning's session for exactly the same kind of questions
4 and statements from the counsel, and this order has been notified.

5 PRESIDING JUDGE SMITH: Mr. Rees, what is the purpose of reading
6 in this long web site address?

7 MR. REES: Because I want the witness to confirm, if she can,
8 that that web page, in full, is still publicly available, an issue
9 which we say is entirely relevant to the Trial Panel's consideration,
10 in the words that Your Honour reminded us at the outset of this
11 session, as to whether that page is or was or still is confidential.

12 PRESIDING JUDGE SMITH: Is that page, Mr. Court Officer, does it
13 have an ERN number?

14 MR. REES: I'll refer to the ERN in the next question.

15 PRESIDING JUDGE SMITH: Well, okay. I think she could have
16 answered the question either way without reciting that long number.

17 I'll overrule your objection.

18 You can answer, if you know.

19 THE WITNESS: I don't recall this path, what you just read out.

20 MR. REES: The image of the page is at ERN 081915-081916.

21 THE COURT OFFICER: For the purposes of the record, Your Honour,
22 that is P124.

23 PRESIDING JUDGE SMITH: Already admitted?

24 MR. REES: So if you can, please --

25 PRESIDING JUDGE SMITH: Excuse me. Just a second, Mr. Rees.

Witness: Zdenka Pumper (Resumed) (Open Session)
Cross-examination by Mr. Rees (Continued)

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1 Mr. Court Officer, is that admitted as P?

2 THE COURT OFFICER: Yes, Your Honours.

3 PRESIDING JUDGE SMITH: All right.

4 Go ahead.

5 MR. REES: I'm sorry, if we can fit to height, please,

6 Mr. Court Officer. Thank you.

7 Q. Do you recognise -- that's the first page of the article. Do
8 you recognise that?

9 A. I do.

10 MR. REES: And if we can just look quickly at the second page.
11 And then we can see an image.

12 Q. It's got the SITF logo in the top left corner; yes?

13 A. Yes.

14 MR. REES: And if we go to the English translation, please, at
15 081915-081916-ET. So if we can go down to page 81915, please. So if
16 you -- Mr. Court Officer, if you go back to the English translation
17 and do fit to page. So the fit to page logo is the little box --
18 that's it. Thank you. And we can see at the bottom there we've got
19 the reference 081915? Yes. Yeah. So if we can go back to fit to
20 page, please. Thank you.

21 Q. So the article that you reviewed, we've already read the title,
22 the first paragraph reads:

23 "Other documents speak of the cooperation the Specialist
24 Chambers had with Serb officers who were in active duty during the
25 time of the Butcher of Balkans, Slobodan Milosevic."

Witness: Zdenka Pumper (Resumed) (Private Session)
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1 And in accordance with the Trial Panel's ruling, we will now
2 need to go into private session.

3 PRESIDING JUDGE SMITH: You wish to name the other names?

4 MR. REES: I wish to read the article into the record.

5 PRESIDING JUDGE SMITH: In order to protect the other names in
6 the document, we will go into private session.

7 [Private session]

8 [Private session text removed]

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15 [Open session]

16 THE COURT OFFICER: We are in open session --

17 PRESIDING JUDGE SMITH: -- you can handle this as you wish. But
18 that's an admitted exhibit. You merely could have asked her to read
19 the names and not have to announce them.

20 MR. REES: Of course, I have considered that. The fact is that
21 it will become very difficult to continue with cross-examination when
22 we're dealing with -- we don't even have pseudonyms to refer to.

23 PRESIDING JUDGE SMITH: Go ahead.

24 THE COURT OFFICER: We are in open session, Your Honours.

25 PRESIDING JUDGE SMITH: Thank you.

1 MR. REES:

2 Q. "... are two names of Serb officers who were present in some of
3 the macabre massacres committed in Kosovo by the Milosevic regime.

4 "Newborn newspaper obtained the document showing that these Serb
5 officers were contacted by the Specialist Chambers in order to give
6 testimony against KLA and its members."

7 In the final paragraph of the article, it said that:

8 "The Specialist Prosecution Office Deputy Prosecutor
9 Kwai Hong Ip has reassigned after thousands of files, which according
10 to reports contain, among other things, names of witnesses and their
11 testimonies, fell in the hands of KLA veterans."

12 Firstly, can you help us, you may not be able to, but can you
13 help us with whether that is accurate, that Kwai Hong Ip did resign
14 in the wake of the leak?

15 MS. BOLICI: Objection, Your Honour. It's irrelevant to the
16 testimony that the witness gave in examination-in-chief. It's not
17 clear what is the relevance of the counsel's question.

18 PRESIDING JUDGE SMITH: I'm sorry, I will allow it as a relevant
19 article.

20 Go ahead.

21 MR. REES:

22 Q. So can you confirm that Kwai Hong Ip did resign in the wake of
23 the leaks in September of 2020?

24 A. I am not privy to the reasons of him resigning from our
25 organisation.

1 Q. That was the next question: Can you confirm that he did resign
2 in the wake of the leaks in September 2020?

3 A. This is what is my information, yes.

4 Q. Thank you.

5 A. Sorry, if I can go back. In the wake of September -- September
6 2020, I would not confirm that. I would just confirm that I know
7 that he resigned, that I was told that he resigned, but not in the
8 wake of something.

9 PRESIDING JUDGE SMITH: I understand.

10 THE WITNESS: Thank you.

11 MR. REES:

12 Q. And I do too. So thank you for the clarification. Do you know
13 when he resigned?

14 A. I don't remember when, but I know it was from a timeline before.

15 Q. Shortly after September 2020?

16 A. Sorry, I believe before September. Before the leaks.

17 Q. Well, no doubt that can be clarified. I am going to ask you to
18 look at another document before I ask some more questions about the
19 persons you've just seen. Okay? The two names we --

20 A. Yes.

21 Q. -- read in private session.

22 A. Yes, yes.

23 MR. REES: So please can we look at 080464-080464.

24 Q. So this document purports to be a coordination request that is
25 addressed to a Serbian official, and it has a facsimile of the

Witness: Zdenka Pumper (Resumed) (Private Session)
Cross-examination by Mr. Rees (Continued)

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1 signature of Kwai Hong Ip at the bottom; yes?

2 A. Correct.

3 Q. And there are three names mentioned in the body of the text.

4 MR. REES: And I will ask, pursuant to the order of the
5 Trial Panel, that we go into private session at this stage.

6 PRESIDING JUDGE SMITH: For purposes of protecting the names in
7 the document, we will go into private session.

8 MR. REES: Can I make it clear, I understand that the
9 Trial Panel appreciates that I do not agree that any of these names
10 need protection, but I act in accordance with the direction of the
11 Court.

12 PRESIDING JUDGE SMITH: I understand and thank you for doing
13 that.

14 [Private session]

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25 [Open session]

1 THE COURT OFFICER: We are in public session, Your Honours.

2 PRESIDING JUDGE SMITH: Thank you.

3 Go ahead, Mr. Rees.

4 MR. REES: Thank you, Your Honour.

5 Q. This is another article that you reviewed. Do you recognise it?

6 A. Yes, I do.

7 Q. And referring to the English translation, the headline is
8 "Scandalous: The Specialist Chambers collaborated even with Serb MUP
9 Ministry of the Interior/ to arrange witnesses to testify against
10 KLA."

11 It continued:

12 "New evidence shows about a scandalous process carried out by
13 the Specialist Chambers regarding its accused people who are KLA
14 members.

15 "A document found by Gazeta NewBorn shows that this Court has
16 cooperated with Serbia's MUP in order to secure and find as many
17 witnesses as possible against those accused who are KLA members."

18 The Serb MUP -- what is the Serb MUP, please?

19 A. MUP stands for the Serbian police.

20 Q. And the Ministry of the Interior in Serbia, what is that?

21 A. [Serbian spoken] I believe something to that effect.

22 Q. And again, it is clear, is it not, that the publishers of
23 Gazeta NewBorn -- it is Gazeta NewBorn that published this article on
24 the internet, is it not? You can see from the exhibits it's
25 Gazeta NewBorn --

1 A. Yes, if you would just please give me just a bit of time to have
2 a look at it.

3 Q. I apologise.

4 A. I can see, yes, at the left side that there is a link to
5 gazetanevborn.co.

6 Q. Yes. So it's clear, is it not, that Gazeta NewBorn was of the
7 opinion, and made it public, that it regarded as scandalous that the
8 Specialist Chambers had collaborated even with Serb MUP, the Ministry
9 of the Interior, to arrange witnesses to testify against KLA; yes?

10 MS. BOLICI: Objection, Your Honour. She can't testify anything
11 more than what is written in the article about that.

12 PRESIDING JUDGE SMITH: Sustained.

13 MR. REES:

14 Q. And that web page is still publicly available, is it not?

15 A. I do not know.

16 Q. Can we look at another article that you reviewed and you refer
17 to in your evidence.

18 MR. REES: 081917 to 081919. And, again, can we have the
19 English translation alongside it, which is at a slightly different
20 reference, 081917-081918-ET.

21 Q. If you look at the printout from the web page itself first, you
22 can see in the top right-hand corner there is a web page, a web
23 address?

24 A. Yes, I can.

25 Q. It's cut off, so we can't see the full address on the web page,

1 but it's right, isn't it, that, as you explained earlier, a colleague
2 of yours at the SPO actually did the task of identifying these web
3 pages and then printing off copies of the web page; yes? Another
4 colleague did that, not you.

5 A. For the purpose of these hearings?

6 Q. For the purpose of the investigation another colleague went
7 through the internet and identified web sites and printed them off.

8 A. Yes. And this article, I did the same steps and repeated what
9 he has done.

10 Q. And that -- the other colleague, he wrote out in full, didn't
11 he, the web pages that he visited to find these articles?

12 A. Yes, he cut and pasted them.

13 Q. So I could, for continuity purposes, go through the web page in
14 full, but I've been asked not to. But this is a document that also
15 is still available on the internet publicly in full? Do you know or
16 not?

17 A. I do not know.

18 MR. REES: If we look at the English translation now. And,
19 again, although I do not agree that these persons require protection,
20 in accordance with the Trial Panel's ruling, I will ask to go into
21 private session so that I can read the article in full.

22 PRESIDING JUDGE SMITH: Private session, Mr. Court Officer.

23 [Private session]

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Reclassified as Public and inserted pursuant to order contained in F611/A3 of 18 May 2022.

12 MS. BOLICI: Your Honour, what's the relevance of this question?

13 PRESIDING JUDGE SMITH: Do you wish to respond?

14 MR. REES: It's public interest and an issue that we have raised
15 front and square as part of our defence. It is there in our
16 pre-trial brief. We have discussed it at length during the course of
17 the trial preparation conference and the SPO Prosecutor's conference.
18 And we are entitled, we submit, to explore the public interest in
19 this information during the course of the trial.

20 PRESIDING JUDGE SMITH: Overruled.

21 You may answer the question.

22 MR. REES: Thank you.

23 THE WITNESS: Can you repeat the question one more time, please?

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Witness: Zdenka Pumper (Resumed) (Private Session)
Cross-examination by Mr. Rees (Continued)

Page 1138

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Reclassified as Public and inserted pursuant to order contained in F611/A3 of 18 May 2022.

20 PRESIDING JUDGE SMITH: Excuse me, Mr. Rees. I don't want to
21 interrupt right now. But Judge Mettraux has a question of you first.

22 MR. REES: Thank you.

23 JUDGE METTRAUX: I'm grateful, Judge Smith.

24 I just want a clarification, Mr. Rees, in relation to your claim
25 of public interest. We understand, of course, where you're going

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1139
Cross-examination by Mr. Rees (Continued)

1 with your questions, but the clarification I'm seeking from you is:
2 Is that your case, that what is reported in these media articles is
3 accurate in the sense that allegations are being made against certain
4 individuals, including state officials, in respect of their
5 involvement in war crimes or other alleged crimes, none of which, I
6 understand, has been tried or convicted for any of them?

7 So my question, to go back to the beginning, is: Are you
8 asserting that these articles are to be taken to reflect the truth of
9 their content in the sense that these individuals are to be regarded
10 by us as having partaken in the commission of these crimes, or are
11 you simply exploring this possibility with Ms. Pumper?

12 MR. REES: In the first instance, I am certainly asserting that
13 you can rely on the fact that there is an Interpol list naming these
14 people as wanted by Interpol. And I will be relying on the fact that
15 disclosure of their names appears, at least, to have served the
16 public interest because one would imagine that would have been of
17 interest to Interpol to know that the SPO and SITF knew about the
18 whereabouts of these persons.

19 And, yes, I do go further and assert that you can rely upon the
20 contents of at least some of these allegations. And, certainly, I
21 will rely on the fact that my lay client is entitled to bear in mind
22 what he has read in newspaper articles in the balancing exercise that
23 is conducted in relation to the public interest.

24 And I, of course, haven't seen the documents, and my client
25 doesn't have access to the documents, to assess whether these

1 genuinely and accurately replicate what's in the documents the
2 witness refers to as Batch 1.

3 [Private session]

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Witness: Zdenka Pumper (Resumed) (Private Session)
Cross-examination by Mr. Rees (Continued)

Page 1141

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Reclassified as Public and inserted pursuant to order contained in F611/A3 of 18 May 2022.

13 PRESIDING JUDGE SMITH: Thank you.

14 Mr. Rees, I have a question also.

15 MR. REES: Please.

16 PRESIDING JUDGE SMITH: And it has to do with your questioning
17 of the witness.

18 Is it your case that Interpol has not been notified, that you
19 have some information that they have not been notified? Do you have
20 any knowledge of that?

21 MR. REES: I've asked the question.

22 PRESIDING JUDGE SMITH: No, I'm asking you.

23 MR. REES: [Overlapping speakers] ... asked the question of the
24 only witness that --

25 PRESIDING JUDGE SMITH: I'm asking you, on your case, are you

1 putting it to the witness that Interpol does not know?

2 MR. REES: All I can do is ask the only witness from the SPO
3 that has been put forward to assist --

4 PRESIDING JUDGE SMITH: And she's answered it repeatedly.

5 MR. REES: [Overlapping speakers] ... and she's answered it.

6 PRESIDING JUDGE SMITH: She's answered it repeatedly.

7 MR. REES: And -- and you've got the evidence on that, and I'm
8 not asking her again about it.

9 PRESIDING JUDGE SMITH: Okay. All right. Thank you.

10 MR. REES: But I have asked her about the other names.

11 Q. And I had understood, perhaps incorrectly, in which case it
12 would be my fault, but I'd understood that you said that you'd
13 looked -- you'd done a check on every name that you found,
14 effectively, in the batches?

15 A. There were hundreds and hundreds and hundreds of names, and what
16 I checked is what I said: I went to the global witness list to see
17 whether there was a witness number. There were specific checks made.
18 I just don't have the memory to look at these names and say whether
19 they were there. What I can confirm is that my task, specific task,
20 does not include these names.

21 PRESIDING JUDGE SMITH: I think we've exhausted this particular
22 line. Let's move on.

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1 [Open session]

2 THE COURT OFFICER: We are in public session, Your Honours.

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

4 Go ahead, Mr. Rees.

5 MR. REES: Thank you, Your Honour.

6 Q. You were not --

7 MR. REES: Sorry, for the evidence screen, can we look at,
8 please, paragraph 19 of the declaration. Thank you. Page 1-8,
9 084018. Thank you.

10 Q. So paragraph 19 there. You can confirm, can you not, that you
11 were not present at the seizure of any documents at the KLA WVA on
12 17 September 2020?

13 A. I can confirm I was not present.

14 Q. You have, in your direct examination, referred to a document of
15 that date, which is at ERN 079500.

16 This document is headed "Delivery document." It is dated
17 17 September 2020. And there is an ERN number at the top right, but
18 it is right, isn't it, that that ERN number would not have been
19 stamped on the document at the time of attendance upon the WVA that
20 day?

21 A. That is correct.

22 Q. So that was applied sometime after. The same question as I
23 asked previously for the earlier delivery document: Do you know when
24 that stamp would have been applied?

25 A. I cannot recall the exact date, but it would have been applied

1 at the submission into ZyLAB.

2 Q. Yes, whenever that was after the attendance upon the WVA.

3 A. Correct.

4 Q. The reference simply has a KSC case number; yes? Which was
5 slight difference to the original -- the delivery document for
6 8 September; yes? That document we looked at earlier. We don't need
7 to turn it up, I don't think. It simply read "Documents delivered to
8 KLA WVA." This document reads KSC-BC-2018-01; yes?

9 A. That is correct.

10 Q. And then we have an entry in handwriting in the row marked
11 "Content":

12 "Documents brought to WVA by unknown man 16.9.2020."

13 PRESIDING JUDGE SMITH: Keep your pace a little slower,
14 Mr. Rees.

15 MR. REES: Thank you for the reminder, Your Honour. I do
16 appreciate it.

17 Q. The delivery document gives us no further description or detail
18 as to the content of the documents; do you agree?

19 A. I agree.

20 Q. It doesn't give us the number of documents seized?

21 A. It does not.

22 Q. Or the content of the documents seized?

23 A. Not in addition to what is described under the column Content.

24 Q. Yes. And it doesn't, for example, give us the number of any
25 evidence bag?

1 A. It does not.

2 Q. So if the documents that were seized were put in an evidence
3 bag, we don't know from this document what evidence bag it was?

4 A. Not from this document, correct.

5 Q. Now, you may or may not be able to help with the next set of
6 questions. Please say if you cannot. But you'll appreciate I ask
7 you because the SPO only intend to call evidence from yourself and
8 from one other SPO officer, so I have little choice.

9 When the press conference on 7 September took place, 2020, and
10 in the days afterwards, it was made perfectly clear publicly, was it
11 not, that there was at least the potential for further documents of a
12 similar nature to be delivered to the KLA War Veterans Association?

13 A. I have read that in transcripts of press conferences.

14 Q. Thank you. If the documents that you label as Batch 1
15 contained, as you assert, genuinely confidential, sensitive material,
16 the SPO, one can presume, would have wished to have stopped any
17 further release of a similar nature. Do you agree with that?

18 A. I had no involvement in any activity prior to 25 September, and
19 I have very limited knowledge of that.

20 Q. Again, I thank you for your candour over that. I asked the
21 question. If you don't know, as you've just done, please say.

22 You weren't asked to conduct any surveillance of the KLA War
23 Veterans Association headquarters between 7 September and
24 17 September 2020?

25 A. I have not been asked.

1 Q. You are an experienced investigation coordinator, are you not?

2 A. I have 20 years of experience --

3 Q. Yes.

4 A. -- in investigations.

5 Q. Absolutely. So I understand you're saying you weren't asked to
6 undertake any surveillance, but can you help us, as an experienced
7 investigations coordinator, 20 years experience of investigations, if
8 you were tasked from 7 --

9 MS. BOLICI: Objection, Your Honour. It's hypothetical from the
10 start.

11 PRESIDING JUDGE SMITH: I'm sorry, I don't have any idea what
12 you just said.

13 MS. BOLICI: The question is hypothetical. It's asking what the
14 witness would have done if she was tasked. She explained that she
15 was not tasked.

16 PRESIDING JUDGE SMITH: [Microphone not activated] No, let's wait
17 until he finishes his question.

18 Go ahead, Mr. Rees.

19 And then, ma'am, don't answer.

20 THE INTERPRETER: Microphone, please.

21 PRESIDING JUDGE SMITH: Don't answer after the question so that
22 the attorney for the Prosecution can make herself known.

23 THE WITNESS: Thank you.

24 MR. REES:

25 Q. And, of course, if you regard it, because it's a hypothetical

1 question, as one you cannot answer, you will, no doubt, explain that.
2 You are, after all, an experienced investigator. You've 20 years
3 experience. And, no doubt, you've given evidence in court before;
4 have you?

5 A. I have given evidence before in court.

6 Q. Many times?

7 A. Not many times.

8 Q. Enough times to be able to answer for yourself, have you not?

9 A. I'm not sure what you mean with that.

10 Q. Well, let me revert back to the question. If you had been asked
11 on 7 September to coordinate the investigation, having seen, as
12 you've conceded now, that there was no secret that there may well be
13 at least a potential for further documents to be delivered to the KLA
14 WVA headquarters, would it have occurred to you to, for example,
15 place the headquarters and its environs under surveillance so that
16 you could stop any such delivery?

17 MS. BOLICI: There is an objection to that. The question is
18 beyond the scope of the direct examination. It's speculative and
19 asks for the witness's opinion on this matter.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 I'm sorry. You may answer if you wish. If you have an answer.

22 THE WITNESS: Had I been assigned a task to coordinate this, I
23 would have considered any option, most likely including a feasible --
24 a surveillance, if feasible.

25 MR. REES:

1 Q. So --

2 A. Consider it --

3 Q. -- you weren't asked to undertake surveillance, but are you
4 aware if anybody was?

5 A. As I said before, I am not. I had no involvement and very
6 limited knowledge.

7 Q. And are you aware if anybody took the decision deliberately not
8 to put the headquarters under surveillance?

9 A. I have no knowledge of that.

10 Q. Who would have knowledge of that?

11 A. The persons who would have knowledge of that is only the
12 Specialist Prosecutor and the Deputy Specialist Prosecutor.

13 Q. So the decision as to whether to place the headquarters under
14 surveillance or not would have been taken at the very highest level,
15 but you don't know whether any such decision was taken and what the
16 decision was?

17 A. Your Honour, will you allow me to clarify something?

18 PRESIDING JUDGE SMITH: Yes, you may.

19 THE WITNESS: Counsel, you have -- or, Your Honour, you have
20 asked me yesterday to find out a couple of questions which you had,
21 and I was told yesterday that the overall coordination and management
22 of this investigation was conducted by the Specialist Prosecutor and
23 by the Deputy Specialist Prosecutor.

24 And from that -- and from that information, I derived that the
25 decision whether to surveil or not to surveil would have been taken

1 by the two. But I was not specifically told or not told.

2 MR. REES:

3 Q. You're aware now, are you not, that the delivery of Batch 2, as
4 it's been referred to, I accept, conveniently for shorthand, was
5 observed and indeed recorded, but it was recorded by a journalist and
6 a cameraman from the media outlet Arbresh.info? Are you aware of
7 that now?

8 A. I have read that in an Official Note which I reviewed as part of
9 writing my declaration.

10 Q. And seen it? Because it was videoed, was it not?

11 A. I am sorry, but at this point I cannot recall that I have seen
12 it. It is possible that I've seen it.

13 Q. And, of course, the journalist and the cameraman, quite
14 understandably, made no attempt to stop the person. But if the
15 property was under surveillance by SPO officers and they saw the same
16 thing as the journalist and cameraman, is it a proper inference that
17 one can draw that they must have allowed the delivery to take place?

18 MS. BOLICI: Your Honour, the question is speculative.

19 PRESIDING JUDGE SMITH: Sustained.

20 MR. REES:

21 Q. Again, assist us, if you can. If you cannot, please tell us you
22 don't know the answer. Are you aware if any attempt was made to
23 contact the journalist and cameraman after they broadcast the video
24 of the delivery taking place?

25 A. I don't remember.

Witness: Zdenka Pumper (Resumed) (Open Session)
Cross-examination by Mr. Rees (Continued)

Page 1154

1 Q. You are aware as well, are you not, that a car index number
2 related to the person dropping off documents, making the delivery,
3 was recorded and provided to SPO officers?

4 PRESIDING JUDGE SMITH: Is that a question, Mr. Rees?

5 MR. REES: It is a question. I'm asking if she's aware of that.

6 THE WITNESS: I am aware of that.

7 MR. REES: Bear with me for a moment.

8 Q. The registration provided on 16 September by -- sorry, on
9 17 September by Mr. Gucati to the SPO was [REDACTED] Pursuant to
10 instruction from Trial Panel II, blue Volkswagen,
11 who appeared to be the vehicle used by the person -- the unknown
12 person making the delivery. You're aware that that information was
13 passed to the SPO; yes?

14 A. I do not recall the specific number plate, but I recall that it
15 was documented a number plate and I believe a blue Volkswagen. Yes,
16 correct.

17 MR. REES: Can we pull up the document 089049RED. And perhaps
18 if we can just leave it at that scale for the moment.

19 Q. Remembering that, as we saw earlier, Mr. Gucati was raising at
20 the outset, was he not, questions such as the authenticity of the
21 documents, where they'd come from, and inviting investigation into
22 those matters; yes?

23 A. I read that in the transcript. That is correct.

24 Q. And provided a vehicle registration plate on 17 September 2020
25 to an SPO officer. This is the check on that registration plate.

MR. REES: If we can put fit to height, please.

Witness: Zdenka Pumper (Resumed) (Open Session)
Cross-examination by Mr. Rees (Continued)

Page 1155

1 Q. Can you see that number plate there just towards the bottom of
2 the page? In fact, it's in the middle of the page as well.

3 *[REDACTED] Pursuant to instruction from Trial Panel II*

4 A. Sorry?

5 Q. Can you see in the main body of the text, the larger paragraph,
6 the number plate *[REDACTED] Pursuant to instruction from Trial Panel II?*

7 A. Yes, I can see that.

8 Q. And, forgive me, tell me if I got this wrong, but even in
9 Albanian we can see that the request was made the -- it's either the
10 25th or the 26th of November; yes? Can you see that?

11 MS. BOLICI: Your Honour, if I may. I'm asking whether it's
12 necessary to state the plates number in open session for privacy
13 reasons.

14 PRESIDING JUDGE SMITH: Well, it's been stated quite a few times
15 already [Microphone not activated]. I don't know if there's any
16 reason not to. At this point, it's been stated several times.

17 Go ahead.

18 MR. REES: Well, if the witness can remember the number, I won't
19 mention it again.

20 PRESIDING JUDGE SMITH: Okay. Fair enough.

21 MR. REES:

22 Q. But you can see the number that I read out in the middle of the
23 text, the paragraph at the bottom as we can see it on the screen, and
24 it looks like there was a request for information about that on
25 either the 25th or 26th of November 2020. Do you agree?

Witness: Zdenka Pumper (Resumed) (Open Session)
Cross-examination by Mr. Rees (Continued)

Page 1156

1 A. I've never seen this document, but from the document I would
2 agree.

3 Q. Thank you. And we can see the date of the document.

4 MR. REES: If we fit to screen, please, at the top.

5 Q. 27 November 2020; correct?

6 A. Yes, correct.

7 Q. And, again, please state if you can't help us, but is there any
8 explanation why, when that number plate was given to the SPO on
9 17 September, the day after it was observed being involved in the
10 delivery, that no check was done on that until the end of November?

11 A. I cannot answer that. I have no knowledge of that.

12 Q. Because, again, after the second delivery to the KLA WVA
13 headquarters, it was perfectly clear, wasn't it, that there was a
14 chance at least -- more than that, I'd say. But a chance, at least,
15 that there might be another delivery of similar documents; yes?

16 PRESIDING JUDGE SMITH: Are you testifying or are you asking a
17 question?

18 MR. REES: I'll rephrase it.

19 Q. Did you consider -- I'll rephrase it. Do you consider, from the
20 material that you have seen now and read, that there was at least a
21 possibility that there would be another delivery of documents to the
22 KLA WVA after 16 September?

23 A. I am -- I cannot recall what exactly was said in the first press
24 conference, but I would say if Mr. Haradinaj specifically mentioned
25 that, yes, there was a likelihood it could happen. That would be my

1 opinion.

2 Q. Well, the Trial Panel, in due course, will see lots of
3 references where that potential was raised. There is no secret made
4 about it. It was raised with requests to the SPO to investigate who
5 was doing it.

6 So as an experienced investigator of 20 years, if you put
7 yourself in the shoes of an officer given that number plate on
8 17 September, would you expect to have conducted a more expeditious
9 inquiry into that number plate and who was driving it than waiting
10 until the end of November to do it?

11 MS. BOLICI: Objection. It's speculative and is asking for the
12 witness's opinion on this matter.

13 PRESIDING JUDGE SMITH: Overruled.

14 I'll allow you to answer the question.

15 THE WITNESS: Your Honour, as I said earlier, it is -- had I
16 been in charge of this investigation, I would have considered every
17 option possible with the resources that I had at hand, and that could
18 have included making a request at an earlier stage.

19 MR. REES:

20 Q. But you weren't asked to conduct inquiries at this stage, and
21 you cannot give us an explanation as to why no check was done on that
22 number plate until the end of November; is that right?

23 A. As I said, I was not involved, not informed. I can't give an
24 explanation because I don't have the information.

25 Q. Yes.

1 MR. REES: I haven't quite finished with this topic, but it will
2 take longer than -- well, it will take us past 4.00 p.m., so I'm in
3 Your Honours' hands.

4 PRESIDING JUDGE SMITH: How long? How long? I'll hold you to
5 it.

6 MR. REES: It could be 15 minutes.

7 [Trial Panel confers]

8 MR. REES: Your Honour, could I request that I finish this topic
9 first thing in the morning?

10 PRESIDING JUDGE SMITH: [Microphone not activated] ... not
11 limiting you. I just want to know for Mr. Cadman and for the
12 Prosecutor. How much longer with this particular witness, other than
13 the 15 minutes? Just an estimate.

14 MR. REES: So I certainly do not anticipate being finished with
15 the witness tomorrow. I am conscious that there is a hearing in the
16 afternoon tomorrow. And I'm trying to be careful about it. I
17 anticipate at the time we adjourn with this witness tomorrow, there
18 may be substantial cross-examination left to continue with at the
19 beginning of next week.

20 PRESIDING JUDGE SMITH: Okay. We'll let you go ahead and we'll
21 honour your request [Microphone not activated].

22 THE INTERPRETER: Microphone, please.

23 PRESIDING JUDGE SMITH: We'll honour your request and allow you
24 to finish up with this witness in the morning.

25 Mr. Cadman, you'll just have to be patient and wait.

1 MR. CADMAN: Well, Your Honour, all I would say is at the outset
2 when Your Honours' requested scheduling, it was made quite clear that
3 I would not be repeating anything Mr. Rees [overlapping speakers] ...

4 PRESIDING JUDGE SMITH: Yes, so I assume yours will be
5 considerably shorter.

6 MR. CADMAN: Well, I can't say how long I'll be. That will be
7 judged at the end of Mr. Rees' cross-examination. But, certainly, we
8 have taken the position that many of these matters affect both
9 defendants --

10 PRESIDING JUDGE SMITH: Sure.

11 MR. CADMAN: -- in the same way.

12 PRESIDING JUDGE SMITH: Sure they do.

13 If you will escort the witness out, please.

14 Sorry, Ms. Bolici.

15 MS. BOLICI: No problem, Your Honour. Thank you.

16 PRESIDING JUDGE SMITH: Can we excuse the witness first?

17 MS. BOLICI: Yes, I will wait.

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: All right, Ms. Bolici.

20 MS. BOLICI: Your Honour, two brief points. One is that there
21 were questions today from counsel suggesting that
22 Mr. Kwai Hong resigned after the disclosures at the KLA War Veterans
23 Association September 2020, and I would like to state for the record
24 that, as previously mentioned by the SPO spokesperson,
25 Mr. Kwai Hong Ip left the SPO for another opportunity in August 2020.

1 And the second matter is entirely practical. For scheduling
2 purposes, it would be helpful for the SPO to have a time estimate of
3 the time necessary for concluding the cross-examination in order to
4 plan the next witness's examination.

5 PRESIDING JUDGE SMITH: Well, that's what I asked. [Microphone
6 not activated].

7 MS. BOLICI: So early next week. It makes a difference between
8 being able to conclude our witnesses next week or not.

9 PRESIDING JUDGE SMITH: Well, we're going to really hope that
10 you can. We're planning on that.

11 MS. BOLICI: Yes.

12 MR. REES: [Microphone not activated] ... and I do understand
13 that the Trial Panel is planning on that. And we will do our best to
14 reach that position. But if the SPO are asking for our assistance in
15 the organisation of their witnesses, for my part, I think it is
16 unlikely that we would reach the third witness who was added to the
17 witness list most recently.

18 Of course, things can change and things can go quicker, and I
19 hope they do, but that is -- if it is of any assistance, that is our
20 estimate as to how things will --

21 PRESIDING JUDGE SMITH: Well, everyone is aware of the fact that
22 we are having an *ex parte* hearing on Thursday that could also change
23 the complexion --

24 MR. REES: Indeed.

25 PRESIDING JUDGE SMITH: -- somewhat of what's coming up.

1 MR. REES: Absolutely, which is what I was trying to be careful
2 about earlier when Your Honour [overlapping speakers] ...

3 PRESIDING JUDGE SMITH: I understand. Okay.

4 So tomorrow, 9.30, we'll see you at that time.

5 --- Whereupon the hearing adjourned at 4.02 p.m.

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