

1 Monday, 25 October 2021

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.29 a.m.

5 PRESIDING JUDGE SMITH: Good morning and welcome, everyone.

6 Madam Court Officer, please call the case.

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

10 PRESIDING JUDGE SMITH: Mr. Whiting and Mr. Pace are not here
11 today; is that correct?

12 MS. BOLICI: Correct, Your Honour.

13 PRESIDING JUDGE SMITH: All right.

14 Mr. Rees, any additions or corrections to the staff?

15 MR. REES: No changes.

16 PRESIDING JUDGE SMITH: All right.

17 Mr. Cadman?

18 MR. CADMAN: No additions this morning.

19 PRESIDING JUDGE SMITH: Thank you.

20 I also note that Mr. Haradinaj and Mr. Gucati are both present
21 in the courtroom.

22 Today, the Defence will continue its cross-examination of
23 Ms. Pumper. Before we bring back the witness, the Panel will address
24 a few matters.

25 First, a notice and an oral order in relation to the *ex parte*

1 hearing held on Thursday, 21 October.

2 The Panel heard the SPO in relation to a number of items on the
3 updated Rule 102(3) notice and possible counterbalancing measures.

4 The SPO was ordered to include all of its proposals in its
5 22 October filing.

6 The Panel notes that the deadline for the Defence to respond was
7 set to this Friday, 29 October. The Panel orders the Defence to
8 submit any responses by 4.00 p.m. on Friday.

9 The reason for this small reduction of the time limit is that
10 the SPO is ordered to file any reply by 1 November and not by
11 November 4, as previously ordered.

12 The Panel will render its decision on all new items on the
13 Rule 102(3) lists as soon as possible after receiving the SPO reply.

14 This concludes the oral order on the 102(3) time limits.

15 Now, Madam Prosecutor, the SPO was ordered to indicate today, by
16 close of business, whether it chooses to call the authors of the
17 three reports; namely, P92, P103, and P105, all MFIs.

18 I don't want to put you on the spot now but you -- as you still
19 have time. I just wanted to know whether there will be an oral or a
20 written indication of your choice so that the Panel is prepared.

21 MS. BOLICI: There will be a written submission on this point,
22 Your Honour, by close of business today, as ordered by the Panel.

23 PRESIDING JUDGE SMITH: Thank you.

24 The Defence has, of course, until tomorrow, close of business,
25 to respond.

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1 Now, let's continue with the witness.

2 Madam Court Usher, would you please bring Ms. Pumper in.

3 [The witness takes the stand]

4 THE WITNESS: [Microphone not activated].

5 PRESIDING JUDGE SMITH: Please be seated, Ms. Pumper.

6 THE WITNESS: [Microphone not activated].

7 PRESIDING JUDGE SMITH: We hope you had a restful weekend, and
8 we will continue today with your testimony.

9 Mr. Rees will begin first.

10 Go ahead, Mr. Rees.

11 WITNESS: ZDENKA PUMPER [Resumed]

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

13 Q. Settled, Ms. Pumper?

14 A. Yes.

15 Q. Good.

16 MR. REES: I want to begin very briefly, Your Honour, with
17 dealing with the identity of an SPO officer. As before, I do not --
18 I am not of the view that this is anything other than publicly
19 available information, but I'm aware of the previous Trial Panel's
20 ruling that such matters should be dealt with in private session.

21 So if that remains the case, I ask for us to go into private
22 session.

23 PRESIDING JUDGE SMITH: I take it you will make the
24 identification first and then we can come back out of private session
25 and continue with the questioning without using the name again?

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Cross-examination by Mr. Rees (Continued)

1 MR. REES: Yes, I can do that. Yes.

2 PRESIDING JUDGE SMITH: All right. I want to try to minimise
3 the private sessions as much as possible.

4 MR. REES: Absolutely.

5 PRESIDING JUDGE SMITH: Madam Court Officer, you can go into
6 private session.

7 ~~[Private session]~~ *Reclassified as Public and inserted*
pursuant to order contained in F611/A3 of 18 May 2022.

8 THE COURT OFFICER: Your Honours, we are now in private session.

9 PRESIDING JUDGE SMITH: Thank you.

10 Go ahead, Mr. Rees.

11 MR. REES: Thank you. Can we have, please, on the screen
12 DHG0229.

13 MS. BOLICI: Your Honour, I --

14 MR. REES: Thank you.

15 MS. BOLICI: -- if I may, I would like to note for the record
16 that this exhibit was not part of the Defence presentation queue as
17 notified at the start of the cross-examination from the Defence.

18 And I would also ask the Defence to please state the relevance
19 of the exhibits that he intends to show, as it appears, from what the
20 Prosecution can understand, based on this late notification,
21 irrelevant to the present case.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. REES: Yes, certainly, Ms. Bolici is right. They weren't in
24 the presentation queue as originally uploaded. I do ask to add this
25 document. As one can see, it's very straightforward. It's a picture

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1 of an SPO officer. I will ask the witness to confirm who that is in
2 a moment.

3 There is a second image which is an image of a blue Volkswagen
4 Passat in the vicinity of the KLA WVA buildings.

5 I want to ask her about those two images, together with a
6 further two supplementary questions about the blue Volkswagen Passat
7 that we heard about on Thursday.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 THE INTERPRETER: Microphone, please.

10 PRESIDING JUDGE SMITH: Was the next picture of the Volkswagen
11 in your queue?

12 MR. REES: No, it wasn't. So these two photos --

13 PRESIDING JUDGE SMITH: Is there some reason why they were not?

14 MR. REES: We had not identified -- it's my fault. I had not
15 identified that I wanted to deal with these two images with this
16 officer.

17 [Trial Panel confers]

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 THE INTERPRETER: Microphone, please.

20 PRESIDING JUDGE SMITH: One other question. You were asked to
21 identify the relevance of this particular material before we begin.

22 MR. REES: We've previously asked questions of this witness
23 about which Prosecutor was involved in the investigation at an early
24 stage from 7 September onwards. We have asked about decisions on
25 surveillance and whether surveillance took place, to her knowledge,

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1 during that period of September. I have asked questions about the
2 Volkswagen Passat. I wish to follow that up in relatively short
3 form.

4 These are issues which we say which will go to the issue of the
5 plea of police incitement in due course.

6 PRESIDING JUDGE SMITH: All right. First of all, you have to do
7 a better job of getting your documents into your queue.

8 MR. REES: Your Honour.

9 PRESIDING JUDGE SMITH: This is in violation of our rules. And
10 we understand your need to do this. We will allow you to introduce
11 these two matters. Please don't do it again. Re-check your
12 materials, make sure that we have an adequate queue before
13 proceeding.

14 Go ahead.

15 MR. REES: Absolutely, Your Honour.

16 *[REDACTED] pursuant to the order contained in F611/A3 of 18 May 2022*

17 A. That is correct.

18 Q. Somebody that you know well?

19 A. He's a work colleague of mine.

20 MR. REES: Can we look at the next image, DHG0230.

21 Q. Can you see that there is a blue, it looks like, a Volkswagen
22 Passat. Would you agree?

23 A. I have no idea.

24 Q. And we can see that sat behind the steering wheel there is a
25 figure with a headset on --

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Cross-examination by Mr. Rees (Continued)

1 MR. REES: Sorry, should I go back into public session at this
2 stage?

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. REES:

5 Q. If we refer to that officer as A, Ms. Pumper, I am going to ask
6 you about the person in the car in a moment.

7 PRESIDING JUDGE SMITH: You may go back into public session.

8 [Open session]

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

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

11 MR. REES: Thank you.

12 Q. So we can see there a figure sat behind the steering wheel, in
13 the shade, who's got a headset on, some sort of communication device.
14 Can you see that?

15 A. Roughly.

16 Q. And difficult to say. Certainly on this -- as the image has
17 appeared on this screen, but can you say whether that has a
18 resemblance to your colleague A?

19 A. I can't say that. I'm sorry.

20 Q. Can I ask you to look, finally, on this point at --

21 MR. REES: If we can have, please, the document that begins
22 089647RED and go to page 3 of that document.

23 Q. We can see there three images of a blue Volkswagen Passat. We
24 can see the index number in the top image. Those images were taken
25 by a colleague of yours at the EULEX compound on 18 December 2020.

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a. MR. REES: If we pull the last image alongside these, please,
b. and fit to -- sorry, so the image that we saw before, which was
3 DHG0230.

4 Q. So if we look and compare the two images, would you agree that
5 the headlights look similar?

6 MS. BOLICI: Objection, Your Honour. It's not clear how this
7 witness is competent to answer this question. She has not stated not
8 -- she's not been asked whether she has seen this picture before,
9 whether she has compared this picture before, whether she has any
10 experience in recognising car models or specific car features. So
11 the questions appear irrelevant in relation to the knowledge that
12 this witness is stated to have in relation to this material.

13 PRESIDING JUDGE SMITH: Well, I don't believe it's irrelevant at
14 this point, but there does lack a little foundation.

15 You might want to ask some of those preliminary questions so
16 that we establish whether this witness has the ability to answer it.

17 MR. REES: Well, it seems to me that we can all see the
18 similarities between the two images, so I don't need to take it any
19 further with this witness. The Trial Panel can see for themselves.

20 Q. Can I ask you this, though, Ms. Pumper: Does the SPO have a
21 fleet of similar cars to this available to it to use?

22 A. I don't recall. I -- I don't pay attention.

23 Q. Right. So you do have a fleet of cars available to you to use?

24 A. You mean in -- in --

25 Q. To SPO officers --

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1 A. -- The Hague.

2 Q. -- in their work duties?

3 A. Yes, we do.

4 Q. But you're saying you pay no attention to the make or model of
5 those cars?

6 A. I don't use them.

7 MR. REES: Can we look then, please, at -- we can close those
8 images down now, thanks. Thank you, Madam Court Officer.

9 If we look at the declaration beginning 084015, which I think is
10 P86 MFI. And paragraph 30, I think, we had reached.

11 Q. Now, on Thursday before lunch we'd begun discussing your review
12 of the documents you labelled Batch 3. And at paragraph 30 of your
13 declaration, you referred to your account that there were names of
14 witnesses, potential witnesses, other individuals, and related
15 information in evidence included in Batch 3 which were not publicly
16 disclosed in the framework of SITF/SPO investigations or proceedings
17 of the Specialist Chambers.

18 If I was to ask you for the names of those witnesses, what would
19 you say?

20 A. I won't tell them to you.

21 Q. Sorry?

22 A. I -- I'm not sure what you want --

23 MS. BOLICI: I would object, Your Honour, if the witness would
24 be asked to reveal the names of witnesses that were mentioned in
25 Batch 3.

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1 PRESIDING JUDGE SMITH: Sustained.

2 MR. REES:

3 Q. Okay. So you won't provide us with the names of the witnesses,
4 and I assume the same for the potential witnesses. What about "other
5 individuals"? What does that mean? What other individuals?

6 A. I am sorry. I actually, at this point, don't recall whom I
7 meant with "other individuals" when I wrote this.

8 Q. And what does "related information not publicly disclosed" mean?
9 What is that a reference to?

10 A. I don't recall what I meant with "related information," but I
11 would believe I meant personal details.

12 Q. And what do you mean by "evidence"?

13 A. By "evidence" I mean what -- what information was contained
14 which is relevant or potentially relevant to our mandate.

15 Q. And you said "not publicly disclosed in the framework of
16 SITF/SPO investigations or proceedings ..." Was any of that
17 information disclosed to a third party or parties outside the SITF or
18 SPO or the Specialist Chambers?

19 A. Not that I'm aware of.

20 Q. So, for example -- well, certainly the information as to
21 personal details and the like would be in the possession, would it
22 not, of the witness or the potential witness his or herself; yes?

23 A. Clearly.

24 Q. And what about other agencies that, for example, the SITF or the
25 SPO might have asked for assistance in locating an individual with?

1 Would you share details to those agencies?

2 A. I mean, I can only refer to coordination requests where these
3 datas are contained in.

4 Q. So that's a form of disclosure to an organisation outside the
5 SITF; yes?

6 A. Yes.

7 Q. And what about -- is there any e-mail communication that takes
8 place between the SITF or SPO investigators and other agencies?

9 A. If I recall correctly that in Batch 1 I have seen one or two
10 e-mail communications, but that can be seen from the annex.

11 Q. So what do you mean by "publicly disclosed," then, when you
12 accept that there is information in Batch 3 which had been disclosed
13 to people outside the SITF or the SPO?

14 A. What I meant with "publicly" when I wrote this, I meant not in
15 the line of work. Like, I would not consider coordination requests
16 to be public disclosures.

17 Q. Well, it's a disclosure to an organisation outside the SITF;
18 yes?

19 A. If you consider that as public. I don't.

20 Q. Right. So what do you consider as public?

21 A. Well, I can say that I don't -- the communications which I have
22 seen where information was disclosed, those communications I do not
23 consider public.

24 Q. Some witness names were publicly disclosed prior to 22 September
25 2020, were they not?

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1 A. Can you repeat this question? I apologise.

2 Q. Some witness names were publicly disclosed prior to 22 September
3 2020, were they not?

4 A. Would you tell me which ones?

5 Q. Well, if you look at Batch -- sorry, look at paragraph 31 of
6 your declaration, for example. Now, again, this publicly available
7 knowledge in relation to that person and his name that I wish to
8 explore.

9 PRESIDING JUDGE SMITH: She can read the name. You don't need
10 to use the name, unless you want to go into private session, which
11 doesn't seem necessary. You can ask her questions about that person.

12 MR. REES:

13 Q. Okay. So you can read the name in paragraph 31. His status as
14 somebody who had given an account to people investigating offences
15 during the course of the -- within the mandate of the SITF and the
16 SPO was publicly well known, was it not?

17 A. This specific name was given to me by the Prosecutor, and I was
18 requested to check whether his name is in Batch 3. This is what I
19 did and this is what I wrote.

20 Q. I follow that. And I'm asking you what you knew about that
21 person's name. He's publicly very well known as somebody who has
22 collaborated with people investigating matters within the mandate of
23 the SITF and the SPO, is he not?

24 A. I have not researched that.

25 MR. REES: Well, I wish to direct the officer to a newspaper

1 article published sometime previously. It's publicly available when
2 it was published. It still is publicly available.

3 PRESIDING JUDGE SMITH: You may ask her if she's aware of that
4 article.

5 MR. REES: Can we look, please, at DHG0067 to DHG0067.

6 Q. As long ago as 2 February 2012, that individual was giving
7 interviews to the press, referring to another well-known person
8 collaborating with those investigating matters within the mandate of
9 the SITF there.

10 You can see that in the fourth paragraph of the article, the
11 reference to the second name?

12 A. Yes.

13 Q. And he states there in the fifth paragraph he'd given a
14 statement to the Prosecution. He said that himself. Were you aware
15 of that article and many other articles of a similar nature in
16 relation to that individual?

17 A. I don't remember.

18 Q. Was that name that we see in the headline, the first name in
19 that headline -- are you saying the first time you'd ever heard that
20 name was when the Prosecutor gave it to you and asked you to check
21 whether that name was in these documents labelled Batch 3?

22 A. No, I heard that name before.

23 Q. But not in the context of the numerous public declarations made
24 by him and others with his knowledge and consent that he had given a
25 statement?

1 A. I don't remember specific articles. I remember -- I remember
2 that this person has made public statements, but that's about it,
3 what I remember.

4 Q. Can you see the second name, then, in that headline?

5 A. Yes.

6 Q. He is also somebody who, for many years, his collaboration with
7 those investigating offences within the mandate of the SITF and the
8 SPO has been publicly known, is he not?

9 A. He's publicly known, yes.

10 Q. He's named, in fact, as a whistleblower in the Dick Marty
11 report, is he not?

12 A. I don't remember now.

13 Q. Well, that's a publicly available document, and the Trial Panel
14 can see for themselves that he is.

15 But you made no checks in relation to either of those persons
16 referred to in that headline as to whether their status was publicly
17 disclosed; no?

18 A. No, I did not.

19 MR. REES: I think we will have to go into private session at
20 this stage because I can't deal with the next set of questions unless
21 I refer to some names.

22 Again, I make it plain they're publicly available names, the
23 status is known, but I follow the Trial Panel's position.

24 PRESIDING JUDGE SMITH: Thank you. We may go into private
25 session.

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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6 [Open session]

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

8 PRESIDING JUDGE SMITH: Mr. Rees, before I answer your question.

9 Mr. Cadman?

10 MR. CADMAN: Your Honour, it can wait until after you've dealt
11 with -- it's a matter of housekeeping related to presentation queue.
12 There's one matter that I need to raise.

13 PRESIDING JUDGE SMITH: We will break now for the morning break
14 and just be back here at 11.30 as previously planned.

15 Mr. Cadman.

16 MR. CADMAN: Just one matter taking note of what Your Honour has
17 already --

18 PRESIDING JUDGE SMITH: Does the witness need to be here?

19 MR. CADMAN: No.

20 PRESIDING JUDGE SMITH: Madam Usher, would you escort the
21 witness out.

22 Be back at 11.30, Ms. Pumper. Thank you.

23 THE WITNESS: Yes.

24 [The witness stands down]

25 PRESIDING JUDGE SMITH: All right. Go ahead, Mr. Cadman.

1 MR. CADMAN: Your Honour, just taking note of Your Honours'
2 position earlier in respect of the additions that were made. As I'd
3 indicated last week, I would make use of Mr. Rees' presentation queue
4 so as not to duplicate as, effectively, the documents would be the
5 same.

6 Two matters came up as a result of Mr. Rees' cross-examination.
7 There are two additional documents that I would like to put into the
8 presentation queue today. They are public documents. One relates to
9 the presentation notes of the former Specialist Prosecutor
10 David Schwendiman after his departure, and one relates to terms of
11 reference of a particular position the SPO advertised.

12 PRESIDING JUDGE SMITH: I would suggest that you kindly let the
13 Prosecution know what they are and let them take a look at them. And
14 if there's an objection, they'll raise it. Thank you.

15 So we will be adjourned until 11.30.

16 --- Recess taken at 10.58 a.m.

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

18 PRESIDING JUDGE SMITH: Mr. Rees, can you give us a hint about
19 how much longer your cross-examination will take.

20 MR. REES: I will go into this afternoon, but I am confident
21 that I will finish today. And it may even -- I may even finish
22 before 4.00 p.m. this afternoon.

23 PRESIDING JUDGE SMITH: Well, that's the end of the day.

24 MR. REES: And I might finish before that.

25 PRESIDING JUDGE SMITH: Okay. We don't have a lot of days in

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1 November that are available to us. So bearing in mind that we keep
2 moving this case along, and we're interested in doing that, let's
3 don't duplicate our efforts in any way. I'm not suggesting you did.
4 I'm just suggesting that we be careful not to.

5 And we will call in the witness, and you can proceed.

6 MR. REES: Thank you.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: Be seated, Ms. Pumper.

9 THE WITNESS: [Microphone not activated].

10 PRESIDING JUDGE SMITH: We will continue. Mr. Rees will still
11 have the floor.

12 Go ahead, Mr. Rees.

13 MR. REES:

14 Q. So in relation to Batch 3 and material that you refer to as
15 being of origin from international organisations and other entities,
16 the material you label as Batch 3 included references to statements
17 of witnesses and other documents and information, didn't include the
18 statements of witnesses or related exhibits, for example, themselves,
19 did it?

20 A. Excuse me, I'm just thinking. So the material I'm referring to
21 includes documents which we have obtained from these international
22 organisations, and it includes interviews conducted with individuals
23 who are mentioned in Batch 3.

24 PRESIDING JUDGE SMITH: Mr. Rees, I also -- it has nothing to do
25 with this question. I just want to remind you we are in public

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

2 MR. REES: I won't refer to any details, I don't think, that
3 would offend the Trial Panel.

4 PRESIDING JUDGE SMITH: No, I am just giving that as a general
5 statement.

6 MR. REES: And I'm grateful.

7 PRESIDING JUDGE SMITH: I meant to say that before we began.

8 MR. REES:

9 Q. Sorry, can I clarify this. I'm sure it's my mistake. I thought
10 the documents you labelled as Batch 3 were two incomplete copies of
11 an SPO internal work product, to use your label.

12 A. That is correct.

13 Q. So it didn't include the statements of witnesses and other
14 documents such as interview transcripts, did it?

15 A. I apologise if I was not clear. What I meant to say is that
16 this document contains references to documents and reference to
17 interviews with individuals.

18 Q. And do you say that some of those statements, for example, date
19 back to proceedings held under prosecutions brought by the SPRK; for
20 example?

21 A. No.

22 Q. But you refer to, have referred to, an order that we saw in the
23 case number 88/2 --

24 MS. BOLICI: Your Honour, I would request that we go into
25 private session for that.

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

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1 PRESIDING JUDGE SMITH: Do you intend to use any names in
2 your --

3 MR. REES: I don't know any of the names.

4 PRESIDING JUDGE SMITH: All right.

5 MS. BOLICI: Also the references to the case numbers are
6 relevant, considering the limited pool of individuals. Also the
7 references to the case numbers are relevant, considering the limited
8 pool of witnesses that were subject to protective measures.

9 PRESIDING JUDGE SMITH: All right. We will go into private
10 session.

11 [Private session]

12 [Private session text removed]

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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22 Q. There was no original signature on the document in Batch 3; is
23 that right?

24 A. I don't recall.

25 Q. Was there any signature on the document in Batch 3?

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1345
Cross-examination by Mr. Rees (Continued)

1 A. There was none. Actually, there was no signature.

2 Q. Do you know who affixed the word -- the typed word
3 "confidential" to the document where you saw it?

4 A. Excuse me, did you say who placed it there?

5 Q. Yes.

6 A. No, I don't know.

7 Q. Or when that was done?

8 A. I do not know.

9 Q. Or on whose authority?

10 A. I do not know.

11 Q. Did the document, either the -- in either of the two versions
12 that you say were in what you labelled Batch 3, or in any of the
13 versions that you discovered subsequently, did they list who was
14 entitled to access the document?

15 A. No.

16 Q. Because affixing the word "confidential" to the document was
17 intended to designate, wasn't it, that at least one person could see
18 it and probably more than one person?

19 A. I have no knowledge and I had no involvement in placing this
20 word on this document or the thought process, why it was placed.

21 Q. What you saw in the documents labelled Batch 3 by you were both
22 incomplete in the sense that they did not appear to be the full
23 number of pages; is that right?

24 A. That is correct.

25 Q. And they were also incomplete in the sense that some pages had

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1346
Cross-examination by Mr. Rees (Continued)

1 been apparently photocopied and, in the process of doing so, had
2 missed parts of the page, so words were cut in half and -- or chopped
3 off?

4 A. Yes, that is correct.

5 Q. So what was contained in the documents labelled Batch 3 was not
6 an accurate reproduction of any of the versions you subsequently
7 uncovered.

8 A. It was not identical. Correct.

9 MR. REES: Can we have a look, please, at ERN 081374-081378.
10 And if we can have the English translation up alongside it. So
11 that's the English. If we can have the original as well, please.

12 PRESIDING JUDGE SMITH: Is there a P number associated with that
13 or an MFI?

14 THE COURT OFFICER: Your Honours, it appears that a portion has
15 been marked as P125, but it's under a different ERN that falls within
16 the range that Mr. Rees mentioned.

17 PRESIDING JUDGE SMITH: We'll proceed with just the ERN number,
18 then.

19 Go ahead, Mr. Rees.

20 MR. REES: Thank you, Your Honour.

21 So if you can pull up the original and have it alongside the
22 translation, please. So this is a document which -- if we can fit to
23 height, please, on both.

24 Q. We can see that on the left-hand side there's a web page. I
25 won't read out the web address. We can see it. It's arbresh.info is

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1347
Cross-examination by Mr. Rees (Continued)

1 the web site; yes?

2 A. Correct.

3 Q. And can you confirm that web site -- that web page is still
4 publicly available in full?

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

6 Q. Obviously I asked you about some other web sites you referred
7 to, other web pages, last week. Have you not since checked whether
8 these web pages are still publicly available?

9 A. Since you asked me?

10 Q. Yes.

11 A. No.

12 Q. Okay. And that's published by arbresh.info, and it has a
13 representation of a page headed "Executive Summary," and your
14 evidence is that that is a copy of a document that corresponds to the
15 internal work product version or versions that you discovered?

16 A. That is correct.

17 Q. Of the versions you discovered, you said somewhere between five
18 and ten through your own research before you were provided with a
19 copy that most closely corresponded with your analysis of Batch 3
20 by -- at the request of the Deputy Specialist Prosecutor. Of any of
21 the versions you saw subsequently, does the page that we see here,
22 published by arbresh.info on its web page, correspond to any of those
23 versions?

24 A. I cannot recall.

25 Q. So it may correspond with all -- that page may correspond with

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

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1 all six, seven, eight, nine, ten or eleven versions that you saw, but
2 you can't say now?

3 A. I don't recall. I did not pay attention to this page. I looked
4 at the page number to figure out am I looking at the right document.

5 Q. We can see --

6 MR. REES: In the English translation, can we go to the next
7 page, please.

8 Q. This article, published by arbresh.info, described that this was
9 a -- referred to a number of people being held responsible for crimes
10 committed during 1998 to 1999 as alleged by SPO; yes?

11 A. It states that.

12 [Private session]

13 [Private session text removed]

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Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ *Reclassified as Public in F611/A3* Page 1349
Cross-examination by Mr. Rees (Continued)

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1 Can you see that? Can you see the use of quotation marks?

2 A. Yes, yes, I see it.

3 Q. So it's reporting the text from Annex B. The article then
4 refers to the statement from the SPO's office on 24 April 2020.

5 MR. REES: And can we go to the next page, please, if there is?
6 That might be the last page. That's the last page. Thank you.

7 Q. Can I ask you to look at another document.

8 MR. REES: Leaving up the Albanian version of this web site,
9 please. 081381-081391. Actually, if you can, Madam Court Officer,
10 if you can reduce down that Albanian version. We're going to look at
11 it again in a minute, but I'd like to have the document 081381-081391
12 and the English translation, which is at 081381-081383-ET.

13 Q. Ms. Pumper, this document again, the web page on the left has
14 the full web address of the page; yes?

15 A. That is correct.

16 Q. And, again, can you confirm that that is still publicly
17 available in full?

18 A. I cannot.

19 Q. It's published by the channel Top Channel TV; yes?

20 A. It appears on the link, yes.

21 Q. And we'll see in the text that the author, the journalist, the
22 reporter, was Muhamed Veliu. If you look in the Albanian version,
23 it's the fourth paragraph, and you can see in the English text, again
24 in the fourth paragraph --

25 A. Mm-hmm.

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

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1 Q. -- the identity of the reporter; yes?

2 A. I can see that, yes.

3 Q. And it's described as referring to The Hague dossier. Can you
4 see that in the English text?

5 A. Yes, I can.

6 Q. And in the fourth paragraph the article refers to securing the
7 complete 260-page dossier marked confidential; yes?

8 A. Correct.

9 Q. And it says it secured it from a source in the Specialist
10 Prosecution Office in The Hague, does it not?

11 A. It does.

12 MR. REES: Can we look at the next page then, please.

13 [Private session]

14 [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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11 MR. REES: If we go back to the Albanian version, please, and we
12 look at the next page. And again, please. And again, please. And
13 if we can turn to 081385, so the next page, I think.

14 Q. This is an image on that web page, still publicly available, of
15 the page headed "1. Executive Summary"; yes?

16 A. Correct.

17 MR. REES: And can we pull up, then, the image that I hope is
18 still there, the arbresh.info image, 081374, so we have them
19 alongside each other.

20 Q. Now, there are differences, are there not, between those two
21 documents albeit they are both headed with either 1 or Roman I,
22 capital letter I. Executive Summary; yes?

23 A. Correct.

24 Q. An obvious difference is that the version on the left, sourced
25 by Top Channel TV from a source at the Specialist Chambers, according

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1352
Cross-examination by Mr. Rees (Continued)

1 to the article, has highlighting in either green or yellow for the
2 words "Executive Summary" and then names in the final sentence in
3 brackets in paragraph 1; yes?

4 A. Yes, I can see these highlights.

5 Q. And you cannot assist with who added that highlighting or when;
6 is that right?

7 A. No, I cannot.

8 Q. There are other differences. If we look at the bottom left-hand
9 corner of both images, there is a greater or lesser extent to which
10 we can see part of a word, yes, that ends with t-i-a-l. Do you
11 agree?

12 A. At the right side, yes, correct.

13 Q. And the copying of the footnote makes it clear that there is
14 less text available in the copy on the right-hand side, the
15 arbresh.info version, than apparently in the Top Channel version;
16 yes?

17 A. Less text looking on the left side, the beginning of the
18 footnote.

19 Q. Well, as I look at it, it's the right side. It's the
20 arbresh.info version.

21 A. Sorry, the left side of the page --

22 Q. Yes.

23 A. -- I mean. Sorry.

24 Q. And also the right, in fact?

25 A. I can't see the left side. If we can ...

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1353
Cross-examination by Mr. Rees (Continued)

1 Q. So, for example --

2 A. When it ends. Because they are overlapping.

3 Q. Oh, I see what you mean. Absolutely. There we are. There we
4 are. Thank you.

5 So, in fact, we can see there that there is more of the text of
6 the footnote on both the left-hand side and the right-hand side of
7 the page in the Top Channel version than on the arbresh.info version?

8 A. That is correct.

9 Q. If we go to the top left-hand corner of both documents, we also
10 see there's a difference there, isn't there? In that the version
11 seemingly in the possession of arbresh.info has an obvious staple
12 mark just slightly higher than the level of the words "Executive
13 Summary," and the Top Channel version has no apparent staple mark.
14 Would you agree?

15 A. That is correct.

16 Q. And we cannot say whether -- or you cannot say, I should put it
17 that way, when the staple was imposed there on the arbresh.info
18 version?

19 A. No, I cannot.

20 Q. And you cannot say, can you, whether the version that we see --
21 well, one can assume that the Top Channel version is not a copy of
22 the arbresh.info version in the absence of the staple. Would you
23 agree with that?

24 A. Say again, please?

25 Q. That the Top Channel version of this page is not a copy of the

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Cross-examination by Mr. Rees (Continued)

1 arbresh.info version because you would see the staple mark on the
2 left. Would you agree with that?

3 MS. BOLICI: Objection, Your Honour. It calls for an
4 assumption.

5 PRESIDING JUDGE SMITH: You can answer if you know.

6 THE WITNESS: I don't know.

7 MR. REES:

8 Q. Well, what --

9 PRESIDING JUDGE SMITH: Excuse me just a moment.

10 Any reason to stay in private session for this information?

11 MR. REES: No.

12 PRESIDING JUDGE SMITH: Ms. Prosecutor?

13 MS. BOLICI: [Microphone not activated].

14 PRESIDING JUDGE SMITH: I can't hear you.

15 MS. BOLICI: No, Your Honour, unless we go into the contents of
16 the documents.

17 PRESIDING JUDGE SMITH: Well, we'll leave that to Mr. Rees, who
18 seems to understand the parameters. So we will go out of private
19 session.

20 [Open session]

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

22 PRESIDING JUDGE SMITH: Thank you.

23 Mr. Rees, you can continue. Please let us know if we have to
24 get into any of the protected information.

25 MR. REES:

1 Q. Well, is it a matter for expert analysis that if one was to
2 photocopy a page headed "Executive Summary" with a staple in the
3 left-hand corner, that you would expect the photocopy to reveal the
4 presence of a staple in the left-hand copy?

5 A. If the staple was there when it was copied, yes.

6 Q. Yes. So we can't say whether they're a copy of each other and
7 we can't say whether -- which copy came first?

8 A. I can't.

9 Q. Or who copied it?

10 A. I can't.

11 MR. REES: Can we look now, please, at SPOE -- in fact, before
12 we do that. No, I apologise. We will look at this document now to
13 save jumping in and out of public and private sessions.

14 Can you have a look at SPOE00220920, leaving those current
15 documents accessible, if we may.

16 THE COURT OFFICER: For the record, that is P106 MFI.

17 MR. REES: Thank you, Madam Court Officer.

18 Q. So this document was, I think you say, found in the documents
19 you label as Batch 3; is that right?

20 A. I mean, I would look at the ERN number, is that the document.
21 Then of course I confirm.

22 Q. And there were two versions of this page in the documents
23 labelled Batch 3, were there not?

24 A. That is correct.

25 Q. And we can see here, can't we, if we look at the top -- well, if

1 we look at the bottom, firstly, we get the words -- the word ending
2 t-i-a-l; yes?

3 A. Correct.

4 Q. And we can't see the whole word there, can we?

5 A. We cannot.

6 Q. And the word -- as much of the word we can see there begins with
7 the letter D; yes?

8 A. Correct.

9 Q. And if we look back at the Top Channel version and look at the
10 bottom, we can see there the version of that word ends -- begins with
11 an N; yes?

12 A. That is correct.

13 Q. And if we look at the arbresh.info version and look at the
14 bottom, the version of that word there begins with about half of a
15 second N; yes?

16 A. Correct.

17 Q. So this looks like a third version again.

18 MR. REES: So if we can go back to P106 MFI, please.

19 Q. And if we looked at the top left-hand corner we see there the
20 suggested presence of a staple, do we not?

21 A. Could be a staple, yes.

22 Q. But it looks like a staple that's been pulled open. Do you
23 agree?

24 A. It is possible.

25 Q. Well, do you think that's what it is? Allowing for other

1 possibilities, do you think that's a mark from a staple that's been
2 pulled open?

3 A. It's possible that this is the mark of a staple.

4 Q. What else could it be?

5 PRESIDING JUDGE SMITH: Mr. Rees, you're getting to the point of
6 arguing with the witness. She's given her answer, twice.

7 MR. REES:

8 Q. So would you agree, looking at that document and the
9 arbresh.info document and the Top Channel document, they do not
10 appear to be copies of each other?

11 A. I cannot make this assessment.

12 Q. Well, just look at the Top Channel document first. I'll put it
13 a different way. It's entirely possible there are three different
14 copies, from what you've seen?

15 A. I have to apologise. Maybe I don't understand the -- the
16 English now. When you say "different copies," do you mean copies of
17 the same document or different documents?

18 Q. Meaning that they could be copies of different physical
19 documents.

20 A. Yeah, I can't confirm nor deny. I don't know. As I said, I
21 don't know whether these are copies of each other. It appears to me
22 like that.

23 Q. It appears to be copies of different physical documents, but
24 it -- but you're saying it could be a possibility that they are of
25 the same document?

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

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1 A. What I wrote in my declaration, that is what I meant to say, is
2 that the document published appear to be a copy of Batch 3, Set 1 or
3 Set 2.

4 Q. Appeared to be a copy of a version.

5 A. I've only reviewed Batch 3 versions Set 1 and Set 2.

6 Q. Well, and you've seen --

7 A. I compared it --

8 Q. And you've seen, haven't you, somewhere between six and 10 or 11
9 versions you've found elsewhere, have you not?

10 A. I have not compared it with the material published.

11 MR. REES: And if we look at page SPOE00222289.

12 THE COURT OFFICER: That is P107 MFI.

13 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.

14 MR. REES: Thank you, Madam Court Officer.

15 Q. And here we get a different version again, don't we. So, for
16 example, if you look at the word at the bottom left of the page, as
17 much as we can see of it, begins this time with the letter F.

18 A. That's correct.

19 Q. And if you look at the top of that page, there is again an
20 obvious staple mark. Do you agree?

21 A. It appears to be. It looks like it could be a staple mark.

22 Q. But this time it appears to be a staple mark in a different
23 location so if --

24 MR. REES: Madam Court Officer, if you could put the document
25 SPOE00220920 alongside that document.

1 Q. You can just about make out on the screen that at the very top
2 of the page there's a thin black line. Can you see that on both
3 documents?

4 A. Yes, I can.

5 Q. And can you see that the -- the staple mark on the page ending
6 920 is below that faint black line; and on the version 289, the
7 staple mark just straddles that black line?

8 A. Assuming it's a staple mark, I concur with what you say.

9 Q. Well, help us with this: What else is it, could it be?

10 A. You are asking me again, sorry?

11 Q. Yes.

12 A. What I said before is it certainly could be a staple mark. I
13 cannot confirm that 100 per cent.

14 Q. Right. But, again, so it doesn't look like the version that we
15 see ending 289 is a copy of the version at 920. Do you agree?

16 A. Sorry, can you say which one is a version of what? Of which
17 one?

18 Q. So it does not look like the version ending 289 is a photocopy
19 of the document that we see ending 920. Do you agree with that?

20 A. I can't confirm either way.

21 Q. Right. It doesn't look like it. Do you agree with that?

22 MS. BOLICI: Your Honour, the question has been answered already
23 by the witness.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 THE WITNESS: It's, like I -- it's for me difficult to confirm

1 what you are saying, because I don't agree with your premise that it
2 is impossible that this is a copy of each other. I just don't think
3 so.

4 MR. REES:

5 Q. Do you think it's -- well, you understand I'm asking you these
6 questions because we haven't been given access to these documents to
7 make any sort of forensic checks ourselves. So you're the only
8 person I can ask about these documents. Do you understand that?

9 A. I do.

10 Q. So you'll have to perhaps do your best in the circumstances,
11 Ms. Pumper. Okay?

12 A. Well, I'm doing my best.

13 Q. Thank you. And, again, if we look back at the document from
14 Top Channel, 081385.

15 MR. REES: Reduce it height to fit, please, Madam Court Officer.

16 Q. It looks again, doesn't it, that that is a different document, a
17 copy of a different document to the document we see ending 289. Do
18 you agree?

19 A. The document on the left contains highlights.

20 Q. And no staple mark?

21 A. If you want to call it a staple mark, I can't see one on the
22 left side. Yeah, that's correct.

23 Q. Thank you. Well, you accepted that the version ending 289, it's
24 certainly possible that's a staple mark. There's nothing on the
25 version ending 385, the Top Channel version, that has anything that's

Witness: Zdenka Pumper (Resumed) (Open Session)
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1 certainly possible to be a staple mark, does it?

2 A. It doesn't -- I can't see anything there resembling a staple
3 mark.

4 Excuse me, may I add something?

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 THE WITNESS: That may help the situation. The versions which
7 we seized from the War Veterans Association bears staple holes.

8 MR. REES: Thank you. Remaining with the document on the left.
9 I think we can close the other three documents. Can we bring up
10 SPOE00220920-SPOE00220928.

11 THE COURT OFFICER: Your Honours, again, that is P106 MFI for
12 the record.

13 MR. REES: Thank you.

14 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.

15 MR. REES: Page 00220922 of this document. And on the left-hand
16 side, bring up page 081387 of this document.

17 Q. So last week you made the comparison in direct examination
18 between these two documents. And, as you said, there is an obvious
19 difference in the highlighting in the first three sentences; is that
20 right?

21 A. Correct.

22 Q. We can also see another difference that -- an additional
23 difference. We have, don't we, the staple mark in the top left
24 corner of the document, the SPOE document ending 922, which is not
25 present in the Top Channel version?

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1 A. I can't see the same mark.

2 MR. REES: Well, Madam Court Officer, can you enlarge the top
3 left-hand corner of the document ending 081387 to assist the witness.

4 THE WITNESS: Sorry, I meant it's not there.

5 MR. REES:

6 Q. It's not there? Thank you.

7 A. Yeah, I apologise.

8 MR. REES: And the next page, 081388, please, with, on the
9 right-hand side, the next page of -- sorry, it's not the next page.
10 It's the page ending 0928. So 00220928.

11 Q. Again, you made the comparison between these two pages in direct
12 examination. We can add, can't we, that another difference is the
13 staple mark present on the right-hand side of the SPOE number 220928
14 not present on the Top Channel version at 081388?

15 A. Yeah, I can't see this mark on the Top Channel version.

16 Q. There's no staple mark there, is there, on the page 081388?

17 A. The --

18 Q. Shall we enlarge it so --

19 A. I can't see the mark.

20 MR. REES: Can you enlarge, please, Madam Court Officer.

21 THE WITNESS: Sorry, I should say it is not there.

22 MR. REES:

23 Q. It's not there. Thank you.

24 A. I can't see this mark there.

25 Q. Thank you. We can also see on this page what appears to be

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1 highlighting on the Top Channel version, so on page 081388, in the
2 footnotes. Can you see that?

3 A. I can see the highlights, correct.

4 Q. And the highlights have a different appearance to the
5 highlighting we saw -- which was obviously manual highlighting, on
6 the earlier pages. Do you agree?

7 A. Would you please repeat?

8 Q. The highlighting that we can see on this footnote on page 081388
9 has a different appearance, doesn't it, to that green highlighting
10 that we saw on the earlier page?

11 A. Yes, this appears not to be colour here.

12 Q. Or if it was coloured, it's been photocopied since and come out
13 in grey.

14 A. I'm sure there are many options. What I can say is it's not the
15 same. It doesn't look the same like [Overlapping speakers] ...

16 Q. That's one possibility, it was highlighted previously and then
17 it's been copied but in black and white?

18 A. Could be.

19 Q. And, indeed, whereas with the earlier green highlighting, would
20 you agree that that was obviously highlighted by hand?

21 A. It appears to me.

22 Q. Yes. This highlighting, that could be done electronically,
23 would you agree?

24 A. That I cannot say.

25 Q. Well, it's got a uniformity about it which marks it as different

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1 to the obvious manual highlighting where the line was up and down and
2 not a straight line?

3 A. I can't confirm either way. It's possible.

4 Q. Now, we don't know whether that highlighting -- well, it doesn't
5 appear to be present on the page in the SPOE00220928 version, does
6 it?

7 A. From my viewpoint it does. It's just lighter.

8 Q. It's just lighter?

9 A. Yes.

10 Q. So the version on the left, the Top Channel version, might be a
11 copy that's closer to the source in the sense that the highlighting
12 is easily visible in that copy, and the version on the right-hand
13 side ending SPOE00220982 could be a copy of a copy of a copy in which
14 the highlighting has faded. Do you agree with that or not?

15 A. Could be.

16 MR. REES: Can we look, please, at, on the left-hand side,
17 081389 and, on the right-hand side, SPOE00220923.

18 Q. So, again, these are two pages you compared in direct
19 examination. You pointed out the obvious highlighting in green or --
20 well, let's call it green, on the left at page 081389. Again, I'd
21 say that's quite clearly manual highlighting. It's by hand. Do you
22 agree?

23 A. Yes.

24 Q. That highlighting is not present on the version SPOE00220923.
25 Do you agree?

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1 A. I agree.

2 Q. And the additional difference is there's a staple mark on the
3 version with the SPOE number ending 928 and there's no staple mark,
4 is there, on the Top Channel version?

5 A. There is a mark on one and no mark on the other. Correct.

6 MR. REES: Can we look, please, at 081386 on the left-hand side
7 and on the right-hand side, SPOE00220921.

8 Q. Again, two documents you compared in direct examination. The
9 highlighting you pointed out is present on 081386 but not on
10 SPOE00220921. Can you confirm that there's also the staple mark
11 present on the SPOE document, no staple mark on the Top Channel
12 document?

13 A. There is one mark on the SPO document and no mark on the Top
14 Channel version document.

15 MR. REES: Can I briefly go into private session at this stage.

16 PRESIDING JUDGE SMITH: Yes, you may.

17 Please go into private session, Madam Court Officer.

18 [Private session]

19 [Private session text removed]

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1 [Private session text removed]

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23 [Open session]

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

25 PRESIDING JUDGE SMITH: Now you may proceed.

1 MR. REES: Thank you, Your Honour.

2 081390 on the left-hand side. On the right-hand side,
3 SPOE0020961, please. I think it's a single-page SPOE document.

4 THE COURT OFFICER: Can you read the number again, please?

5 MR. REES: SPOE00220961. And can you fit to height the document
6 on the left as well, please, Madam Court Officer. Thank you.

7 Q. So, again, two more pages that you compared in direct
8 examination. The version -- the Top Channel version does not have
9 the staple mark that we can see present on the version SPOE00220961.
10 Do you agree?

11 A. There is no mark there, yes. I can't see a mark.

12 Q. You referred, in your comparison in direct examination, to the
13 obvious difference in the highlighting of the title of Roman numeral
14 III, which is present in the Top Channel version but not in the SPOE
15 version 220961; yes?

16 A. It's correct.

17 Q. You also referred to the highlighting -- sorry, the use of a
18 black pen in the last sentence of the footnote?

19 A. That's correct.

20 MR. REES: Could we zoom in, please, on the version on the
21 left-hand side, please, Madam Court Officer. And show the footnote
22 at the bottom, please. Thank you.

23 Q. We have there a word at the very end of the footnote that has,
24 apparently, been written over with a black pen in both versions of
25 the document; yes?

1 A. Correct.

2 Q. But it looks like in the version -- the Top Channel version,
3 somebody has gone over again the -- with a black pen. Would you
4 agree with that, or can you not say?

5 A. It is possible.

6 Q. Not entirely the same, is it, the line? And certainly one looks
7 greyer than the other and perhaps faded or not as bold.

8 A. It doesn't look the same.

9 Q. Do you actually know what that -- what is underneath that in
10 black? Have you looked at the versions you recovered electronically
11 or the version that was provided to you by the Deputy
12 Specialist Prosecutor to see what that is?

13 A. It is a continuation of the ERN number, I believe, to recall.

14 Q. An ERN number?

15 A. Yeah. It's like a number.

16 Q. All right.

17 A. [Overlapping speakers] ... of a number.

18 Q. But we don't know who imposed that black line, whether it was
19 imposed once or twice or more than that?

20 A. No, I don't know.

21 Q. And we can see also, can't we, the suggestion of highlighting
22 for other items there in that footnote; yes?

23 A. Can you please repeat?

24 Q. We can see the suggestion, in the Top Channel version at least,
25 of a suggestion of highlighting for other words or parts of that

1 footnote?

2 A. Yes, I believe we can see it in both versions.

3 Q. In fact, in the footnote above footnote 200, there's a word
4 which looks pretty inconsequential which has been apparently
5 highlighted, and then two further reference numbers highlighted in
6 footnote 201; yes? And can we see evidence of that in the SPOE
7 version 220961?

8 A. Are you asking me?

9 Q. Yes.

10 A. It appears to me like a lighter version of the same markings.

11 Q. So, again, it could be that the Top Channel version, closer to
12 the source, and the version SPOE220961, a copy of a copy of a copy in
13 which the highlighting has faded, perhaps?

14 A. Or a bad copy machine, perhaps.

15 Q. Well, if that's right, these versions are copied on different
16 machines then?

17 A. I don't know, as I said before.

18 MR. REES: Can we look, please, at on the left-hand side
19 081359-081404. And can we look at page 081400.

20 THE COURT OFFICER: There is no such page.

21 MR. REES: My reference is wrong. Can we search the queue for
22 the page 081400, please?

23 THE COURT OFFICER: There seems to be an Albanian version but
24 not English.

25 MR. REES: So that range doesn't have the number 081400 in it.

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1 Can we search for that specific number, 081400? Item 20, I'm
2 helpfully told by Mr. Bowden, in our presentation queue.

3 THE COURT OFFICER: Yes, we have that in Albanian only.

4 MR. REES: Thank you. There we are. Thank you. And so if you
5 have that on the left-hand side, please. And the
6 SPOE00220920-220928. And if we can go to page 220924, please. Thank
7 you. Again, if we can fit to height on both screens. Thank you.
8 Q. So, again, two pages that you compared in direct examination.
9 We can see a staple mark present, can't we, on the version
10 SPOE00220924. No staple mark on the Top Channel version on the left.
11 Do you agree?

12 A. There is no mark on the left. Yes, correct.

13 Q. Other than the green manual highlighting, we can also see that
14 the copy on the left-hand side, the Top Channel version appears to
15 have the top of the page cut off. Do you agree with that? If you
16 look at the words "internal work product"?

17 A. Yes, there's parts of that cut off. Correct.

18 MR. REES: Can we look then at the next page, 081401. And on
19 the right-hand side, SPOE00220925.

20 Q. Obvious differences both in terms of green manual highlighting
21 in the Top Channel version and also the imposition of what look like
22 yellow Post-it notes in the footnotes. Do you agree?

23 A. Yes, I do.

24 Q. And then a staple mark present on the SPOE00220925 version but
25 not in the Top Channel version.

1 A. Correct, there's no mark in the Top Channel version.

2 MR. REES: And page 081402, please, with SPOE00220926 on the
3 right.

4 Q. Again, two documents you compared in direct examination. In
5 addition to the differences in use of highlighting and the use of a
6 Post-it note on the Top Channel version which you previously
7 mentioned, there is the staple mark on the SPOE document but not in
8 the Top Channel document?

9 A. Yeah, there's no mark on the Top Channel document.

10 Q. And we can see again the Top Channel version appears to have the
11 top of the document cut off.

12 A. That is correct.

13 MR. REES: Can we have a look, please, at ERN 081403. And on
14 the right-hand side now, SPOE0022046 to SPOE00220947RED.

15 Q. Again, two documents you compared in direct examination. The
16 additional difference, do you agree, is the presence of a staple mark
17 in the SPOE version and not present in the Top Channel version?

18 A. There's some mark on the SPOE version and not on the Top Channel
19 version.

20 Q. And we've seen other pages. It's a staple mark, isn't it? It
21 goes right through. It's consistent all the way through the
22 documents.

23 A. I don't exclude it to be a staple mark, but we won't meet each
24 other that I will say it's a staple mark because I can't.

25 Q. Okay.

1 MR. REES: And then 081404, please, and SPOE00220947.

2 Q. And, again, the two documents compared by you in direct
3 examination, but additional differences with the presence of the --
4 what looks like a staple mark, you can't exclude it being something
5 other than a staple mark, in the SPOE version and not present in the
6 Top Channel version of the document?

7 A. That is correct.

8 Q. And then there's the highlighting you refer to in green.
9 There's also black -- use of what looks like a black pen in the
10 footnotes. But clearly it's bolder in the Top Channel version than
11 the SPOE version 220947. Do you agree?

12 A. I agree.

13 Q. And, in fact, if you look at the second black line, it's clearly
14 a different line because it actually abuts up to the number 0. Can
15 you see that on the Top Channel version? It touches the 0 that
16 follows it?

17 A. Sorry, which footnote are you at?

18 Q. So if you look at the Top Channel version.

19 A. Yeah.

20 Q. And if you look at three lines from the bottom of the page --

21 A. Mm-hmm.

22 Q. -- the black line there actually extends to and touches the 0
23 that follows it.

24 A. That is correct.

25 Q. And if you look at the SPOE version 220947, that black line does

1 not extend as far as the 0. Do you agree?

2 A. I agree.

3 Q. And so they are different. We don't know when either black line
4 has been imposed. Do you agree?

5 A. I don't know, yes.

6 Q. Or by who?

7 A. I don't know.

8 Q. And what is underneath both -- that black line in footnote 124
9 and in 128? Do you know?

10 A. I don't recall.

11 Q. If you look at the SPOE version 220947, and you look in
12 particular at footnote 124, can you actually make out the letters
13 that are underneath at the end of footnote 124, or the numerals?

14 A. I believe they are figures, like numbers.

15 Q. Can you make them out?

16 A. Not the beginning, but I see the -- could be the last digits
17 2708.

18 Q. Yes. We can also see at the bottom of the page, on the Top
19 Channel version at least, what looks like evidence of highlighting at
20 the very end, the last sentence at the very end of the page?

21 A. Yeah, I can see it.

22 Q. Which, again, we can't see this time, can we, in the SPOE
23 version 220947?

24 A. Looking at it now, no, I cannot.

25 Q. No. But that looks, do you agree, more uniform in terms of

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1 highlighting than in the highlighting in green, certainly?

2 A. Yes, I agree.

3 Q. And, indeed, in the darker colour also? Do you agree?

4 A. You mean in the other version?

5 Q. Yes.

6 A. Yes.

7 MR. REES: Can we then look at ERN 081414-081422 and

8 SPOE00221063 and SPOE00221063-SPOE00221063RED.

9 Q. Again, two documents you compared in direct examination. In
10 addition to the -- and obviously we're focusing on the image as
11 opposed to the text on the left-hand side. In addition to the
12 difference with the obvious highlighting in green on the left in the
13 Top Channel version, there is a staple mark, is there not, on the
14 SPOE document 221063, which is not present in the Top Channel
15 version?

16 A. Yeah, the mark does not appear to be present at the Top Channel
17 version.

18 Q. In fact, if we look at the staple mark on this SPOE document
19 221063, it's actually in a slightly different -- it's orientated in a
20 different way to the staple mark we've seen on other pages, isn't it?

21 A. I agree with you.

22 MR. REES: And then ERN 081417-081422, please, at page 081419.

23 And SPOE00221065-SPOE00221066RED, please. And if we look at page
24 221066.

25 Q. Now, we've got a document on the left-hand side, the Top Channel

1 version, which has got the numerals 160 written in there in black
2 pen.

3 A. That's correct.

4 Q. Can you help us at all with that as to when that was imposed or
5 by who?

6 A. I do not know.

7 Q. Or what it means, if it's got any meaning at all?

8 A. I can confirm it's page 160.

9 MR. REES: And then if we look at page 081418, and on the
10 right-hand side SPOE00221065.

11 Q. Again, we've got the obvious difference in the highlighting
12 there, and we've got the staple mark that's present in the SPOE
13 version 221065 not present on the Top Channel version. Do you agree?

14 A. Yeah, I can't see the mark. Yes, I agree.

15 MR. REES: And then, finally, ERN 081417 at 081420, please, with
16 SPOE00221072RED.

17 Q. Again, two pages you compared. In addition to the difference
18 with the highlighting, there is the staple mark on the document
19 SPOE00221072, yes, not present in the Top Channel?

20 A. There is no mark in the Top Channel version, yes.

21 MR. REES: In relation to 081395-081404, if we can pull that up
22 again, please.

23 Q. This article, when did you review it? Can you recall?

24 A. I reviewed it for the purpose of writing the first declaration,
25 October 2020.

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1 MR. REES: And if we -- can you scroll down through it, please,
2 Madam Court Officer. If we can look, please -- sorry, carry on,
3 please. If we can look at the English translation, please.

4 Q. An article again by Muhamed Veliu of Top Channel; yes? He
5 refers to being in possession of a dossier. He refers to Serbian
6 collaborators in the second paragraph. Yes?

7 A. Sorry, where did you read the Serbian collaborators --

8 Q. In the second paragraph, last sentence of the second paragraph
9 of the article.

10 A. Yes.

11 Q. And he refers to the nationality of or ethnicity of persons who
12 died in detention, allegedly, and a list of persons said to be
13 victims of offences in two areas, including the Berisha mountains;
14 yes?

15 A. Correct.

16 Q. There are then details as to locations, names of alleged
17 victims.

18 MR. REES: If we go to the next page please, Madam Court
19 Officer.

20 Giving both names of alleged victims and locations that are
21 relevant.

22 Next page, please.

23 It continues in giving details of the lists that he refers to.

24 Next page, please.

25 Q. And sets out, effectively, three lists with reference to the

1 images that we have seen and looked at with the highlighted parts,
2 highlighted in green. Do you agree?

3 A. Yeah.

4 Q. Information all from those pages in the document with the SPO
5 logo on the top, yes, which you assert is internal work product. Do
6 you agree?

7 A. Yeah, I can't recall, like, all these names that they are
8 mentioned there, but it appears to me there are names which are
9 mentioned there.

10 Q. And that document, that web page, still publicly available, you
11 can confirm, on the Top Channel TV web page; can you not?

12 A. I cannot confirm that.

13 MR. REES: And if we look at ERN 081414-081422, please.

14 PRESIDING JUDGE SMITH: Maybe your last question.

15 MR. REES: Indeed. Well, may not be the last question but
16 certainly the last short area of questions before the break.

17 And the English translation, please.

18 Q. Again, looking at the English translation we can see another
19 article from Top Channel reporter Muhamed Veliu, and he is giving
20 further details of what he describes as the contents of The Hague
21 dossier; yes?

22 A. Correct.

23 MR. REES: And if we go over the page, please.

24 Q. There are then, again, further details that he sets out,
25 information drawn by the journalist, he says, from The Hague dossier;

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1 yes?

2 A. Correct.

3 MR. REES: And then the final page, please. Final page of the
4 English translation, please, sorry, Madam Court Officer. That is?

5 THE COURT OFFICER: That is the final page.

6 MR. REES:

7 Q. And then references to the photo gallery with those pages from
8 what Mr. Velju calls The Hague dossier from which he draws the
9 information for the article; yes?

10 A. There's a photo gallery, correct.

11 Q. And, again, you can confirm that that web page is still publicly
12 available in full on the Top Channel TV web site, is it not?

13 A. I cannot confirm that.

14 Q. Thank you.

15 PRESIDING JUDGE SMITH: Okay. We will break for lunch.

16 Ms. Pumper, please be back at 2.30 as we've done in the past.

17 Madam, you may escort the witness out.

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: So we will see everybody at 2.30

20 The Hague time. Thank you. We are adjourned.

21 --- Luncheon recess taken at 1.02 p.m.

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

23 PRESIDING JUDGE SMITH: Madam Usher, you can bring in the
24 witness.

25 MR. REES: Your Honour, before we do that.

1 PRESIDING JUDGE SMITH: Oh, okay.

2 MR. REES: Firstly, Ms. Stephenson is not present in court this
3 afternoon. She was during the morning session. She's not now.

4 PRESIDING JUDGE SMITH: Okay.

5 MR. REES: Secondly, before the witness is brought in. There is
6 an issue that will arise very quickly in this session which we had
7 raised previously with the court administration, and we had
8 understood that it had been resolved but apparently it hasn't.

9 There's a video that I wish to play to this witness. It's a
10 video which we requested disclosure of some time previously. It was
11 made available to us, but we were not permitted to have a copy of it.

12 We raised this with court staff last week. We had understood
13 that it would be made available for this session. We couldn't upload
14 it to the presentation queue because we don't have it. I discussed
15 with the court staff that we would upload, as part of our
16 presentation queue, a blank sheet of paper that would have reference
17 to it, which we have done, and that the court staff would have the
18 video available.

19 It does not appear that it is available for this afternoon's
20 session. So in the circumstances, as regrettable as it is, can I ask
21 that we adjourn for a short period of time so that that video is made
22 available to us?

23 PRESIDING JUDGE SMITH: Not disclosed to you, right?

24 MR. REES: The SPO contested disclosure. The Pre-Trial Judge
25 ordered that it be made available to us to watch, but we were not

1 allowed to have a copy of it.

2 PRESIDING JUDGE SMITH: I understand that.

3 MR. REES: So we have seen it. We saw it again last week with
4 court staff who made it available for us to review again. At that
5 time, I raised the difficulty about, well, we don't have access to it
6 so we can't put it in the presentation queue, and I was led to
7 believe that it would be, then, made available for us when we needed
8 it as part of our cross-examination. It's not available. I think it
9 can quickly be made available, I would have hoped.

10 PRESIDING JUDGE SMITH: Somebody told you it would be made
11 available to you?

12 MR. REES: Yes.

13 PRESIDING JUDGE SMITH: And who was that? Well, it was

14 *[REDACTED] Pursuant to Post Session - Redaction Order F00401.*

15 *[REDACTED] Pursuant to Post Session - Redaction Order F00401* It was
16 available to him, we understood it. And we understood

17 it would be made available for the course of cross-examination.

18 [Trial Panel confers]

19 PRESIDING JUDGE SMITH: You can be seated for a moment.

20 Madam Prosecutor, do you wish to be heard on this request? Is
21 there some reason that this video is not available?

22 MS. BOLICI: Your Honour, this video is subject to an order from
23 the Pre-Trial Judge and is filing F00236, paragraph 24, and it can be
24 provided to the Court and to the Registry if requested. We did not
25 receive any such request.

26 PRESIDING JUDGE SMITH: [Microphone not activated].

1 THE INTERPRETER: Microphone, please.

2 PRESIDING JUDGE SMITH: I am asking you if you are resisting
3 release at this time.

4 MS. BOLICI: Releasing --

5 PRESIDING JUDGE SMITH: Mr. Rees is making an application to us,
6 in effect, for that, and I'm asking you if you resist that.

7 MS. BOLICI: An application to provide the video?

8 PRESIDING JUDGE SMITH: Provide and put it on --

9 MS. BOLICI: Via Legal Workflow, you mean?

10 PRESIDING JUDGE SMITH: Provide it and play it, I assume.

11 MS. BOLICI: There is no problem in playing the video in court
12 session -- in private session. There is no problem at all.

13 PRESIDING JUDGE SMITH: Does that answer your question?

14 MR. REES: It does, but it still leaves the mechanics to be
15 sorted out.

16 PRESIDING JUDGE SMITH: Well, the mechanics would have been
17 better if you had renewed your application five days ago. But I'm
18 taking you at your word that you were led to believe you would be
19 able to have it today, but I still would have put something on the
20 record.

21 The mechanics will have to be -- it may be it will have to be
22 played late. I don't know what else to do.

23 MR. REES: Well, as I say, our understanding was that we were
24 told we would have access to it whenever we would wish but we
25 couldn't physically take possession of it. That was the effect of

1 the Pre-Trial Judge's order. And as I say, we raised this with the
2 court staff and we'd understood it had been resolved so it would be
3 made available even if we couldn't be responsible for doing that.

4 PRESIDING JUDGE SMITH: And it isn't right now, so that will
5 have to be arranged.

6 MR. REES: So can I ask for a short adjournment so that we can
7 do that?

8 PRESIDING JUDGE SMITH: I don't know how long it would take.

9 MR. REES: Well, I -- the video is --

10 [Trial Panel and Court Officer confers]

11 PRESIDING JUDGE SMITH: Am I correct that it is in your
12 possession, in Prosecution's position?

13 MS. BOLICI: Yes, Your Honours, it is in the SPO's possession,
14 and so far we have made it available to the Registry in order for the
15 Defence have access to it on a laptop.

16 PRESIDING JUDGE SMITH: Okay. But to get it so that it can be
17 played for the witness --

18 MS. BOLICI: Yes, we can --

19 PRESIDING JUDGE SMITH: -- how complicated is that?

20 MS. BOLICI: We can provide the laptop which contained the
21 videos as we did so far.

22 PRESIDING JUDGE SMITH: Will that work?

23 MR. REES: [Microphone not activated]. I think it will.

24 PRESIDING JUDGE SMITH: Can this be accomplished in 15 minutes?

25 MS. BOLICI: We believe something around this time, yes.

1 PRESIDING JUDGE SMITH: Mr. Cadman.

2 MR. CADMAN: The only question in it being played on a laptop is
3 whether it's going to be visible for everyone to see. If it's just
4 being played on a laptop for the witness, Your Honours are not going
5 to see it, we're not going to see it. I don't see why it can't be
6 put into the presentation queue so --

7 PRESIDING JUDGE SMITH: I wish I could tell you that, but I
8 don't know.

9 Viki, can you help us in any way on that?

10 [Trial Panel and Court Officer confers]

11 PRESIDING JUDGE SMITH: Madam Prosecutor, would you have someone
12 bring that down, and we will see if it has the ports available in
13 order to project it.

14 And we'll step aside for 15 minutes so we can have this
15 technical adjustment.

16 MR. REES: Thank you, Your Honour.

17 --- Recess taken at 2.40 p.m.

18 --- On resuming at 3.00 p.m.

19 PRESIDING JUDGE SMITH: Mr. Rees, I'd like you to -- before we
20 go ahead, I'd like you to at least state on the record your reason
21 for wanting to run this particular video.

22 MR. REES: Yes. There are parts of the video of the search
23 which we will ask the Trial Panel to consider to see whether, in
24 fact, it was a genuine search. We'd like to explore with this
25 officer what her -- with what she'd been tasked, what actions she was

1 asked to do.

2 And for reasons I think - I hope - will be clear, when you see
3 the clips -- there aren't many that I wish to show, but they give a
4 flavour. We will ask the witness whether it was a genuine search
5 intended to search for relevant material or not.

6 PRESIDING JUDGE SMITH: And is it your intention to tender this?

7 MR. REES: As an exhibit?

8 PRESIDING JUDGE SMITH: Yes.

9 MR. REES: I can do, if it assists.

10 PRESIDING JUDGE SMITH: Well, we're not asking you to do it.
11 I'm asking you if that is your intention, because we're not in a
12 position rule-wise yet to tender it because we haven't gone through
13 the proper steps. But if you want to do that, it's going to be up to
14 you to do it.

15 MR. REES: Well, I will certainly clarify with her that she
16 appears on the search, that it's a video that was made by SPO
17 officers as they were conducting the search, so the provenance of the
18 video will be clear.

19 PRESIDING JUDGE SMITH: Call in the witness, please,
20 Madam Usher.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: Be seated, Ms. Pumper. Sorry for the
23 delay.

24 THE WITNESS: No problem.

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

1 MR. REES: Thank you, Your Honour.

2 Q. Ms. Pumper, at the close of your direct examination you referred
3 to speaking to two witnesses or potential witnesses, one of whom you
4 said had shown concern about the press conferences held by the KLA
5 WVA in September.

6 The first of those two witness contacts, is it right, took place
7 on 17 December 2020, when you were present in a telephone call with
8 also two other legal officers and an interpreter? Does that refresh
9 your memory?

10 A. I cannot confirm that date. I don't remember.

11 Q. There was an Official Note made of your contact with a witness
12 on 17 December at approximately 1400 hours. It wasn't made by you,
13 the note, but it was made by another -- a legal officer, an associate
14 team leader.

15 A. I believe I was only in two conversations. One I remember, and
16 I believe you talk about the second one.

17 Q. Okay. And I'm going to ask you about the second one, but I'm
18 asking you about the first one in the first instance -- well, if I go
19 through the contents of the note, perhaps you can tell me whether
20 that bears any resemblance to the meeting or whether it jogs your
21 recollection.

22 17 --

23 MS. BOLICI: Your Honour, the note the counsel is referring to
24 bears a confidential classification.

25 MR. REES: This is a redacted version of the note.

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

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1 MS. BOLICI: Yes, even the redacted version bears a confidential
2 classification.

3 MR. REES: Well, can I ask in those circumstances, then, if we
4 can go into private session.

5 PRESIDING JUDGE SMITH: Yes, private session, please.

6 MR. REES: Thank you.

7 ~~[Private session]~~ *Reclassified as Public and inserted
pursuant to order contained in F611/A3 of 18 May 2022.*

8 THE COURT OFFICER: Your Honours, we are now in private session.

9 PRESIDING JUDGE SMITH: Mr. Rees, one other thing that I meant
10 to mention before we started this session, you're going to have to
11 finish with this witness soon. We have other witnesses to come. And
12 I would suggest by the end of today you need to be finished with this
13 witness.

14 MR. REES: I have given a firm indication earlier, and I will
15 stick to that.

16 PRESIDING JUDGE SMITH: Thank you.

17 [Private session

18 [Private session text removed]

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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

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

15 Q. Just bear with me a moment, Ms. Pumper.

16 [Specialist Counsel confers]

17 MR. REES:

18 Q. Thank you. Now, I'm going to ask you some questions about a
19 video in a moment.

20 MR. REES: Again, Your Honour, I see no reason why it can't be
21 done in public.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. REES: Showing the video.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 THE INTERPRETER: Microphone, please.

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1391
Cross-examination by Mr. Rees (Continued)

1 MR. REES: It will be done in private session.

2 PRESIDING JUDGE SMITH: I'm sorry. It will be done in private
3 session. I wasn't on the mic so I just repeated it.

4 MR. REES: I'm glad I clarified the position then, Your Honour.

5 Q. So can we look now, please, at 25 September last year and the
6 date upon which you were asked to carry out a search at the KLA War
7 Veterans Association headquarters. When were you tasked to carry out
8 that search?

9 A. Shortly before.

10 Q. That day? Day before? Can you help us?

11 A. I believe a couple of days before, maybe.

12 Q. And who tasked you to carry out the search?

13 A. Who specifically communicated it to me, I don't remember.

14 Q. Was it an instruction in writing?

15 A. No, I don't think so.

16 Q. So it was another verbal instruction. Did you record in a
17 minute after you'd received that verbal instruction what you'd been
18 told to do?

19 A. Like, I got a package including a court order to be executed.

20 Q. Right.

21 A. I just wanted to clarify. So that I got that sort of in -- in
22 writing.

23 Q. What else was in this package? The court order and what else?
24 You said it included the court order.

25 A. It included several templates which we ought to use when we

Witness: Zdenka Pumper (Resumed) ~~(Private Session)~~ Reclassified as Public in F611/A3 Page 1392
Cross-examination by Mr. Rees (Continued)

1 conduct a house search.

2 Q. So templates for?

3 A. Like, the search report --

4 Q. Seizure of exhibits, that sort of thing?

5 A. Yes.

6 Q. But the scope of the search wasn't recorded in writing?

7 A. The scope of the search was in the order.

8 Q. And in your instructions, were you told what you were looking
9 for?

10 A. I really have a lack of memory of these details, and I feel
11 uncomfortable now trying to retrieve --

12 Q. Don't guess, please.

13 A. That's why I'm telling you.

14 Q. Yes. So if you can't remember, say so, please. So I take it
15 that your answer, then, is you don't remember what you were told to
16 look for.

17 A. I think it was very clear to me what I'm looking for, and I had
18 a court order that states what I'm looking for. So there were
19 conversations, what to look for, and I have passed it on to my team
20 what to look for.

21 Q. So what were you looking for?

22 A. They were -- in the -- in the court order was -- it was exactly
23 listed. And from the court order that is what I would have briefed
24 the team on.

25 Q. Okay. So are you saying right now you've got -- you've simply

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

Page 1393

1 got no recollection of what you were looking for on 25 September last
2 year?

3 A. We were looking for materials which were connected to
4 obstruction of an investigation, of our investigation.

5 Q. And in what form might you have expected to see such material?

6 A. The scope what we were looking at is hard copy, telephone
7 records, telecommunication, IT equipment.

8 Q. So hard copy documents, you mean pieces of paper?

9 A. Yes.

10 Q. And some electronic digital material; yes?

11 A. Correct.

12 Q. And this search was to be video recorded; yes?

13 A. We video recorded it, yes.

14 [Private session

15 [Private session text removed]

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Witness: Zdenka Pumper (Resumed) (Private Session)

Page 1394

Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

Page 1401

Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

Page 1403

Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

Page 1404

Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)

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Cross-examination by Mr. Rees (Continued)

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Witness: Zdenka Pumper (Resumed) (Private Session)
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Page 1407

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.

3 Q. And, at worst, it was a sham, wasn't it, what took place that
4 day?

5 I disagree with you completely.

6 MR. REES: I said I'd finish at 4.00. I've slightly gone over.

7 Your Honour, in relation to any further cross-examination for
8 this witness, I would wish to reserve my position as Your Honour
9 indicated I may do pending, of course, the outstanding disclosure
10 issues.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 [Trial Panel confers]

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 [Open session]

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

16 PRESIDING JUDGE SMITH: All right. We will break for the day.

17 Mr. Cadman, can you give us an indication of approximately how
18 long your cross-examination would take?

19 MR. CADMAN: Well, Your Honours, first of all, I'll need to
20 consider the application that the Prosecution has made which has just
21 come in the last few minutes in relation to an additional witness.
22 That may affect the cross-examination of this witness tomorrow.

23 What I can say is I certainly don't expect to be all day. I
24 will certainly be more --

25 PRESIDING JUDGE SMITH: [Microphone not activated].

Witness: Zdenka Pumper (Resumed) (Open Session)
Procedural Matters

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1 MR. CADMAN: I'm sorry. I'm not close enough to the microphone.

2 I certainly don't expect to be all day. Obviously, it's going
3 to be slightly more than a Welsh few minutes, but I will certainly
4 endeavour to finish tomorrow and it may well be half a day.

5 PRESIDING JUDGE SMITH: Then the Prosecution will be presenting
6 the witness with the pseudonym; right?

7 MS. BOLICI: The Prosecution will have a few questions in
8 re-examination that wouldn't take more than one hour, I believe. And
9 then we would be ready with the second witness, W04866.

10 PRESIDING JUDGE SMITH: And he will be ready tomorrow?

11 MS. BOLICI: He will be ready tomorrow, yes.

12 PRESIDING JUDGE SMITH: And if possible, the next day, if
13 necessary.

14 MS. BOLICI: Otherwise on Wednesday, yes.

15 PRESIDING JUDGE SMITH: Any questions by anybody?

16 MR. CADMAN: Your Honour, I was just confirming whether I heard
17 correctly that the next witness would be ready tomorrow. It's been
18 confirmed.

19 PRESIDING JUDGE SMITH: He will be ready after you've completed,
20 hopefully, and we'll take it up then. We still have the issue of
21 admissions of evidence tendered but not yet admitted and we will --
22 instead of taking that up tomorrow, because of the necessity to get
23 these witnesses heard, we will take it up after that.

24 And, Ms. Pumper, you are excused.

25 THE WITNESS: Thank you.

1 PRESIDING JUDGE SMITH: Thank you very much. You will have to
2 be back here tomorrow at 9.30.

3 THE WITNESS: Yes.

4 PRESIDING JUDGE SMITH: All right. Thank you.

5 There being nothing else, we will adjourn for the day.

6 [The witness stands down]

7 PRESIDING JUDGE SMITH: Question? Mr. Cadman.

8 MR. CADMAN: Your Honours, I am sure I don't need to remind you,
9 but there was an application filed yesterday that relates to the
10 reclassification of the transcripts into public. I'd just remind
11 Your Honours.

12 PRESIDING JUDGE SMITH: We received that and we will take it
13 under advisement and rule on it eventually.

14 MR. CADMAN: I'm grateful.

15 MS. BOLICI: And, Your Honour, we intend to respond on that in
16 writing.

17 PRESIDING JUDGE SMITH: Certainly.

18 MS. BOLICI: Thank you.

19 PRESIDING JUDGE SMITH: And we haven't set a response date or
20 have we?

21 MS. BOLICI: You didn't set a response day, so, so far, we are
22 going with the timing of Rule 76 unless otherwise instructed.

23 PRESIDING JUDGE SMITH: Can we do that on a shorter basis?

24 MS. BOLICI: Your Honour, considering that we will be busy in
25 court the whole week, we will try to do our best. If there is any

1 specific urgency, we will wait for the Court's indication on that. I
2 don't see any specific urgency for this particular matter, but if the
3 Court states otherwise, we will adapt.

4 PRESIDING JUDGE SMITH: I will set a time for Friday and if you
5 can't do that for some reason, give us advance notice.

6 MS. BOLICI: Thank you, Your Honour.

7 PRESIDING JUDGE SMITH: We are adjourned.

8 --- Whereupon the hearing adjourned at 4.10 p.m.

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