[The Article 39(a) session was called to order at and 1550, 2 August 2013.]

MJ: Court is called to order.

Let the record reflect all parties present when the court last recessed are again present in court and the witness is on the witness stand.

TC[MAJ FEIN]: Ma'am, this session is classified at the SECRET level. The court security officer completed his checklist for the closure and it will be filed in the post-trial allied papers. Also in the courtroom, Your Honor, is the Court's paralegal, the bailiff, members of the defense team, members of the prosecution team, U.S. government personnel properly cleared, and security.

[The accused was also present in court.]

MJ: Okay, proceed.

TC[MAJ FEIN]: Yes, ma'am.

AMBASSADOR MICHAEL KOZAK, civilian, prosecution witness, already sworn in the open session, testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel [MAJ Fein]:

Q. Ambassador Kozak, let's see if we can do what I promised, which was three questions. Sir, how many--approximately how many

people overall did the persons at-risk working group identify as people at risk?

A. It was around .

Q. And, how approximately how many, sir, did the Department of State notify?

A. I would say of that, probably around percent.

Q. And then of the remaining--I am sorry.

A. something in that area.

Q. And sir, of the remaining portion, why is it that those individuals could not be notified?

A. Because they were in places where an effort on our part to try to notify them would simply call attention to them and put a target on them, so we felt it would only increase the risk to them if we tried to reach out to them.

TC[MAJ FEIN]: Okay sir, thank you. No further questions, your honor.

MJ: Defense?

ADC[CPT TOOMAN]: No questions, ma'am.

EXAMINATION BY THE COURT-MARTIAL

Questions by the military judge:

Q. Okay, I have--I am going back to the questions I asked you earlier.

A. Yes, ma'am.

Q. Which were--I had asked you questions on the persons at risk, about whether you were--the ones that you were currently--well, actually let me start with that. You said you notified around percent of them. How many did you actually assist--how many wanted assistance?

A. Around , Your Honor.

Q. people or percent of the percent?

A. of those individuals. The number of people we assisted was greater because it included family members and so on. But, of the or so cases, of them involved assistance.

Q. And, when that assistance was--well, those people, we are now in 2013, this was begun in 2010. Can you sort of get a flavor about when most of that assistance began?

A. I would say most of it, in 2011, because it took us a while to identify, reach out, and then execute, but what is ongoing in that, and one thing I could not say in the open session was So, you have the problem of that work goes on. Some of them have gotten kind of stuck in limbo They

So, that is ongoing work.

Q. So, say, as of the beginning of 2013, of those people, how many had assistance started already?

A. In terms of--all of them had it started. I mean, it started in 2011 or so. Maybe I am not understanding the question.

Q. Maybe I was confused. I thought you said that there was one?

A. The one that I was referring to, we have had a case that just came to our attention in the last couple weeks where somebody was arrested and is in jail now. And, the assessment of the embassy and the whole diplomatic corps is because he was named in a WikiLeaks revelation

They did not overtly say that that was it, but this was one where the post assumed that their predecessors had named him and it turned out that they had not. So, we are having to start that case from the beginning.

Q. Okay. So, this is one that should have been talked to and was not.

A. Correct.

Q. Okay, you talked earlier about these--sometimes it wasn't the initial dump of the cables that created the interest, it was the

follow-on media that would be now targeted to the region in that particular language saying what the cables said?

A. Yes.

Q. And that would be after the release at some point. Are you still seeing that occurring?

A. Yes, because, as I was mentioning, what happens is--it is not very interesting, I guess, after the initial surge of, "Oh, isn't this neat, there was this leak of all this information." The media stopped focusing on WikiLeaks itself. What they will do now is, when they are writing a story about, you know, a political leader or a person or something in another country, they will go back and do research using that database and if they can find something that a U.S. official said about them or something, they include that in the story. So, if they are making a story saying three people say this guy is corrupt, they will say, "Oh, and the US Embassy assessed them as being corrupt as well." But, it is not something where they would write a story just based on--

Q. So, I guess that is where I am getting a little confused. I thought I understood your testimony to be that most of these people that required assistance began to get it in 2011 and now that we have these media things coming out, are new people coming in requesting assistance, or not?

A. No. We haven't had one in a while but there was a flurry of that in sort of late 2011, early 2012 as the media hit. But, the ones now where it is coming out, I don't think it has been too much--hopefully, we did, with this one exception I mentioned, we did a good enough job that we anticipated this and got people out of harm's way.

MJ: All right, thank you. Any follow-up based on that?

TC[MAJ FEIN]: No, ma'am.

ADC[CPT TOOMAN]: No, Your Honor.

MJ: Okay, temporary or permanent excusal?

TC[MAJ FEIN]: Temporary, Ma'am.

[The witness was temporarily excused, duly warned, and withdrew from the courtroom.]

MJ: All right, with respect to this witness the Court will accept his expertise to educate the Court about his job and how the persons at risk working group works, but as far as that opinion on the, "chilling," it is too speculative based on what he is basing it on so I am going to sustain the objection on the opinion. So, I am going to disregard it.

TC[MAJ FEIN]: Yes, ma'am.

MJ: Anything else we need to--and I have already got it in my notes right next to that to disregard it.

Anything else we need to address?

CDC[MR. COOMBS]: No, Your Honor.

TC[MAJ FEIN]: No, ma'am.

MJ: Okay so, 10 o'clock in the morning is what we are going for on Monday?

CDC[MR. COOMBS]: Yes, Your Honor.

TC[MAJ FEIN]: Yes, ma'am.

MJ: Court is in recess until 10 o'clock in the morning.

[The court-martial recessed at 1538, 2 August 2013.]