



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-05  
**Specialist Prosecutor v. Salih Mustafa**

**Before:** **Trial Panel I**  
Judge Mappie Veldt-Foglia, Presiding  
Judge Roland Dekkers  
Judge Gilbert Bitti  
Vladimir Mikula, Reserve

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor

**Date:** 2 June 2021

**Language:** English

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**Prosecution Submissions pursuant to KSC-BC-2020-05/F00123**

**with Strictly Confidential and *ex parte* Annexes 1-2**

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## I. INTRODUCTION

1. The Specialist Prosecutor's Office ('SPO') hereby files written submissions on trial preparation matters pursuant to the Decision.<sup>1</sup>

2. The SPO requests that trial commence with opening statements on 12 July 2021, followed by the testimony of two witnesses from 15 July 2021, prior to the judicial recess. An early ruling on this matter would facilitate preparations of both parties, noting in particular the impact of any decision regarding the start date on applicable disclosure deadlines.

## II. SUBMISSIONS

### A. INVESTIGATIONS AND DISCLOSURE OF EVIDENCE

3. The SPO confirms that its investigations, and the disclosure of incriminating evidence, in this case are largely complete.

4. With regard to investigations,<sup>2</sup> there are a small number of limited, investigative steps ongoing. Further details are provided in Annex 2.

5. With regard to the disclosure of incriminating evidence,<sup>3</sup> the SPO is preparing an application to the Trial Panel to add certain items to its exhibit list. The materials that the SPO will seek to add consist largely of excerpts from the content of the phone of the Accused, the transcripts of two additional interviews as explained in the next paragraph, and a few other documents. These materials are being processed as expeditiously as possible and the SPO expects to file the application to the Trial Panel in the second half of June 2021.

6. On 27 May 2021, the SPO conducted a short supplemental interview with W01679. A similar interview is imminently planned with W03593. These two interviews were deemed necessary in order to explore with the relevant witnesses

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<sup>1</sup> Decision setting the dates for trial preparation conferences and requesting submissions, KSC-BC-2020-05/F00123, Public, 20 May 2021 ('Decision'), paras 14 and 17.

<sup>2</sup> Decision, KSC-BC-2020-05/F00123, p.4, Section A.a.

<sup>3</sup> Decision, KSC-BC-2020-05/F00123, p.4, Section A.a.

photographs and graphs produced by the Defence through its alibi witnesses. These two interviews will be transcribed and disclosed to the Defence, in both English and Albanian, as soon as available. The SPO expects this process to be completed not later than 21 June 2021.

7. As indicated above, the SPO proposes that opening statements and the testimony of two witnesses be heard prior to the judicial recess. In that event, these new transcripts relating to W01679 and W03593 could be disclosed with only standard redactions. However, should the Trial Panel decide that witness testimony should not commence until after the judicial recess, redactions in accordance with previously approved protective measures would be necessary, and the SPO requests the Trial Panel to authorise it to apply to these transcripts equivalent redactions to those previously authorised in respect of the existing interview transcripts of these witnesses. Such authorisation would allow the SPO to expedite disclosure of the transcripts to the Defence.

8. With regard to Rule 103,<sup>4</sup> there are a number of items that the SPO has been authorised to withhold until the identity of the relevant witness is disclosed to the Defence.<sup>5</sup> These items will be disclosed to the Defence together with the identity of the relevant witnesses 30 days prior to their testimony.

9. Consistent with the continuing nature of exculpatory disclosure obligations, the SPO continues to review evidence in its possession in order to capture any newly processed material, and thus identify additional exculpatory items. So far this review process has not produced any new exculpatory material to be disclosed to the Defence. Newly discovered potentially exculpatory items will be disclosed to the Defence without delay on a rolling basis.

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<sup>4</sup> Decision, KSC-BC-2020-05/F00123, p.4, Section A.b.

<sup>5</sup> See Confidential Redacted Version of Third Decision on Specialist Prosecutor's Request for Protective Measures, KSC-BC-2020-05/F00090/CONF/RED, 1 March 2021, Confidential, paras 15-18, and 19.d.

10. Finally, with regard to additional material under Rule 102(3) of the Rules,<sup>6</sup> the SPO will file a further Updated Rule 102(3) Notice before 9 June 2021 to notify two additional items to the Defence. If requested by the Defence, these items will not require redactions.

#### B. CRIME SITE VISIT

11. In light of the specific conditions of the Zllash crime site, the SPO believes that a site visit pursuant to Rule 74 would not assist the Trial Panel in this case. In fact, having been at the location of the former Zllash Detention Compound, and noting that there are no buildings left except one shed, the SPO believes that the photographs and sketches of the area, listed by the SPO and the Defence in their exhibit lists, would give the Trial Panel the best picture of the original composition of the detention compound. Since the Defence and the SPO have visited the site, they will both be able to engage in any discussion on these matters on an equal footing, and to assist the Trial Panel with relevant information, including location, former layout of the compound, and its current status.

12. A crime site visit involving the Trial Panel and, possibly, the Parties in the case would also require a significant amount of resources and would necessarily attract attention, even when conducted with the utmost discretion and security measures. However, should the Trial Panel assess the situation differently, the SPO suggests that a site visit should take place at the end of the presentation of the evidence by both Parties, as this would enable the Panel to view the site in light of the evidence presented in the case.

#### C. CONDUCT OF PROCEEDINGS

##### **1. Commencement of Trial and Opening Statements**

13. The SPO requests that trial commence on 12 July 2021 with the procedures required by Rules 124 and 125 and opening statements, followed by the presentation

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<sup>6</sup> Decision, KSC-BC-2020-05/F00123, p.4, Section A.b.

of evidence by the SPO starting on or about 15 July 2021. The SPO envisages that the testimony of two witnesses could be heard prior to the judicial recess.

14. The SPO intends to make an opening statement pursuant to Rule 126(1) and requests that it be allotted 2 to 3 hours for it. The SPO intends to use visual aids during its opening statements, including maps and photographs which are on its Exhibit List.

## **2. Witness Familiarisation Prior to Testimony**

15. With a view to incorporating best practices, the SPO proposes that the Parties, Victims' Counsel and Registry should consult and, to the extent possible, jointly file submissions and a proposed 'Familiarisation Protocol' to be adopted for this case. Relevant information regarding each witness - including any special assistance needs that the calling Party is aware of or any risk of self-incrimination - should be provided by the calling Party to WPSO, in a standard format, sufficiently in advance to facilitate Registry assessments, functions and processes.

16. The process of witness familiarisation should be aimed at, *inter alia*:

- i. familiarising the witness with the courtroom, proceedings and participants, as well as with the witness's role in the proceedings;
- ii. providing the witness an opportunity to become acquainted with those who will examine him/her in court (including a courtesy meeting);
- iii. addressing matters related to safety and security, and, as relevant, informing the witness about any protective measures in place;
- iv. ensuring that the witness understands his/her legal obligation to tell the truth when testifying; and
- v. as relevant, addressing the risk of self-incrimination and providing independent legal advice.

17. In addition, witnesses should be provided an opportunity to review their prior statements. However, the SPO considers that this is best done in the context of a witness preparation session conducted between the witness and the calling party.<sup>7</sup>

18. Although witness preparation is not specifically regulated in the KSC framework, each Trial Panel has a broad discretion to adopt procedures to ‘facilitate the fair and expeditious conduct of proceedings’ in the circumstances of the particular case,<sup>8</sup> and to take appropriate measures to protect the well-being of witnesses.<sup>9</sup> A similar approach has been adopted before other Kosovo courts,<sup>10</sup> where witness preparation is also not expressly regulated or prohibited.<sup>11</sup> Witness preparation has also been widely adopted at a range of international and hybrid tribunals, including consistently before the ICTY (including in cases relating to Kosovo) and ICTR,<sup>12</sup> as well as before certain Trial Chambers at the ICC.<sup>13</sup>

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<sup>7</sup> Regarding the distinction between witness preparation and witness familiarisation see e.g. ICC, *Prosecutor v. Ruto et al.*, ICC-01/09-01/11-524, Decision on Witness Preparation, 2 January 2013 (*Ruto Decision*), para.4.

<sup>8</sup> Law, Art.40(2). See similarly ICTR, *Prosecutor v. Karemera et al.*, Appeals Chamber, Case No. ICTR-98-44-AR 73.8, Decision on Interlocutory Appeal Regarding Witness Proofing, 11 May 2007 (*Karemera et al.*, Appeal Decision on Witness Proofing), para.8; *Ruto Decision*, ICC-01/09-01/11-524, para.29.

<sup>9</sup> Law, Art.40(2) and (6)(f); Rule 80(1).

<sup>10</sup> Judgment of the Court of Appeals, Case no 684/16, 22 June 2017, p.11 (holding that witness preparation/ proofing was not expressly prohibited by the framework and that the question was rather one of appropriate limits and safeguards to prevent prejudice).

<sup>11</sup> Although not currently addressed in the Kosovo Criminal Procedure Code, a draft updated Criminal Procedure Code expressly provides for witness preparation. Article 121 of the draft CPC titled ‘Witness Familiarisation’ states: ‘Nothing in this Code precludes the parties from meeting with their witnesses prior to being heard as a witness at the main trial to reconfirm or clarify information provided in the pretrial interviews, pretrial testimony or special investigative opportunity, or to prepare the witness about the court rules and the course of the process during the main trial.’ The draft was submitted to the Assembly for adoption in 2019 and was adopted in the first reading. Due to the subsequent fall of the government and the dissolution of the Assembly, work on this new legislation stalled.

<sup>12</sup> For example ICTR, *Karemera et al.*, Appeal Decision on Witness Proofing (citing *Prosecutor v. Krstic*, Case No. IT-98-33-A, Decision on Application for Subpoenas (ICTY July 1, 2003)); ICTY, *Prosecutor v. Limaj et al.*, Case No. IT-03-66-T, Decision on Defence Motion on Prosecution Practice of “Proofing Witnesses”, 10 December 2004; ICTY, *Prosecutor v. Milutinovic et al.*, Case No. IT-05-87-T, Decision on Ojdic Motion to Prohibit Witness Proofing, ICTY, 12 December 2006 (*Milutinovic et al.* Decision on Witness Proofing’).

<sup>13</sup> For example *Ruto Decision*, ICC-01/09-01/11-524; *Prosecutor v. Bosco Ntaganda*, Case No. ICC-01/04-02/06, Decision on Witness Preparation, 16 June 2015; *Prosecutor v. Al Hassan AG Abdoul Aziz AG Mohamed Ad Mahmoud*, Case No. ICC-01/12-01/18, Decision on witness preparation and familiarization, 17 March 2020. But for cases where witness preparation was not allowed see for example ICC, *Prosecutor*

19. Relevant, accurate and focused testimony facilitates the Panel's truth-seeking function.<sup>14</sup> Properly conducted, witness preparation - which allows a witness to review their prior evidence and prepare for testimony with the examining counsel - contributes to this aim, including by enabling the calling Party to streamline its examination. For example, in certain cases, a majority of witnesses would have been interviewed prior to filing of an indictment, and not all matters addressed in investigative interviews may remain relevant for the charges in any particular case. Similarly, knowing in advance whether or not a witness is able to speak to a particular documentary item would significantly assist the efficiency of proceedings, and the preparation of both Parties. The witness preparation process can also support the well-being of witnesses by providing reassurance on case-specific matters which WPSO would not be in a position to address.

20. Relevant considerations in assessing the appropriateness of witness preparation in any particular case may include the temporal scope, complexity and estimated length of the case, as well as the number of witnesses to be called, the time elapsed from the events in question as well as the time between the investigations and trial proceedings, and the specific context in which the case is being conducted.<sup>15</sup> In particular, where there is a known climate of witness intimidation - as is the case in trials involving former KLA members - witness preparation may be especially appropriate<sup>16</sup>

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*v. Lubanga Dyilo*, ICC-01/04-01/06-1351, Decision Regarding the Protocol on the Practices to Be Used to Prepare Witnesses for Trial, 23 May 2008; ICC, *Prosecutor v. Laurent Gbagbo and Charles Ble Goude*, ICC-02/11-01/15-355, Decision on Witness Preparation and Familiarisation, 2 December 2015; ICC, *Prosecutor v. Dominic Ongwen*, Case No. ICC-02/04-01/15, Decision on Protocols to be Adopted at Trial, 22 July 2016.

<sup>14</sup> ICTY, *Prosecutor v. Limaj et al.*, Case No. IT-03-66-T, Decision on Defence Motion on Prosecution Practice of "Proofing Witnesses", 10 December 2004, p.2; *Ruto* Decision, ICC-01/09-01/11-524, paras 31-32.

<sup>15</sup> See e.g. *Milutinovic et al.* Decision on Witness Proofing, para.2 (noting that witness preparation is particularly important where cases are the result of complex and lengthy investigations, involve numerous witnesses and sensitive witness management issues, and concern a significant temporal span); ICTY, *Prosecutor v. Limaj et al.*, Case No. IT-03-66-T, Decision on Defence Motion on Prosecution Practice of "Proofing Witnesses", 10 December 2004, pp.2-3.

<sup>16</sup> *Ruto* Decision, ICC-01/09-01/11-524, para.37.

and can enable the calling Party to try to allay witness fears, and obtain any further relevant information regarding interference since the last contact.

21. Although witness preparation may result in the disclosure of certain additional information shortly before the testimony of a witness, this is preferable to the opposing party being presented with such information for the first time during testimony.<sup>17</sup>

22. Noting that any ruling on witness preparation may also impact certain aspects of the witness familiarisation process, the SPO requests the Panel to invite the Parties to consult and, jointly if possible, make submissions on witness preparation, including providing a draft protocol containing relevant guidelines and safeguards.

### **3. Dual Status Witnesses-Victims**

23. The SPO and the Counsel for Victims have been in contact with a view to exchanging information relevant to identifying witnesses with dual status. The SPO has no objection to such communication with Victims' Counsel and/or WPSO. Throughout the trial, the SPO will remain available to provide further assistance and exchange relevant information with the Counsel for Victims and WPSO, whenever needed.

### **4. Presentation of Witness Evidence**

#### *(a) Number of Witnesses and requested time for direct examination*

24. As indicated in Annex 2 to the Prosecution Pre-Trial Brief,<sup>18</sup> the SPO intends to rely on 15 witnesses, 14 of them appearing live. The requested time for the direct examination of these witnesses is provided in that Annex. As indicated in that filing,

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<sup>17</sup> ICTY, *Prosecutor v. Limaj et al.*, Case No. IT-03-66-T, Decision on Defence Motion on Prosecution Practice of "Proofing Witnesses", 10 December 2004, p.2.

<sup>18</sup> Submission of the Confidential Redacted Versions of the Pre-Trial Brief, Witness List, and Exhibits List, with confidential annexes 1-3, KSC-BC-2020-05/F00085, Annex 2: Confidential redacted version of Witness list pursuant to Rule 95(4)(b), KSC-BC-2020-05/F00085/A02, 17 February 2021 ('SPO Witness List').



the aggregate amount of time needed by the SPO to conduct the direct examinations is estimated to 80 hours.<sup>19</sup>

25. The SPO does not foresee the need to call expert witnesses.

*(b) Admission of evidence under Rules 153-155*

26. The SPO intends to call 14 witnesses as 'live' witnesses, and to request admission of the prior statement of W04648 pursuant to Rule 155 of the Rules.<sup>20</sup> The number of items that the SPO will request for admission under Rule 155 for W04648 is fewer than 15.

## **5. Order of Appearance and Questioning of Witnesses**

*(a) Order of appearance*

27. The SPO will be in a position to finalise the order of appearance of its witnesses once a date for the beginning of the trial is known. The order of appearance will not be the order in which the witnesses are listed in the SPO Witness List.<sup>21</sup> The SPO proposes to keep the Trial Panel, the Defence and the Victims' Counsels informed via email on a monthly basis, and to provide updated witness schedules in the event the order changes once the trial commences. The same procedure should apply during the Defence case.

28. The modality of testimony for the 14 witnesses who will be called to testify in court will be live testimony. The SPO does not foresee the necessity to have any video-link testimony in this case, although this could change depending on witnesses' personal circumstances.

*(b) Mode of questioning*

29. With regard to the questioning of witnesses,<sup>22</sup> the SPO submits that – in line with Rule 127(3) – witnesses should be examined as follows: (i) the Party calling the witness first conducts a direct examination; (ii) the opposing Party may subsequently conduct

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<sup>19</sup> SPO Witness List, KSC-BC-2020-05/F00085/A02, p.2.

<sup>20</sup> SPO Witness List, KSC-BC-2020-05/F00085/A02, p.2.

<sup>21</sup> SPO Witness List, KSC-BC-2020-05/F00085/A02, pp 1-2.

<sup>22</sup> Decision, KSC-BC-2020-05/F00123, p.4, Section 5.d.

the cross-examination, if it elects to exercise this right; and (iii) the Party calling the witness may then conduct a redirect examination.

30. A question-and-answer process led by the calling Party first, rather than a free narration by the witness upon questioning of the Presiding Judge, facilitates eliciting clear, structured testimony in an efficient way. While the parties can encourage free narration where appropriate, many witnesses may not be natural narrators, may have difficulty providing a structured account of relevant events occurring 20 years ago and/or may be intimidated by the courtroom and the formalities of the proceedings. Further, to the extent the witnesses are familiar with court proceedings in Kosovo, they would be accustomed to the calling party asking questions first.<sup>23</sup>

31. The Judges may of course put questions to the witness at any stage of their testimony.<sup>24</sup> This is a fundamental tool at the disposal of the Trial Panel, which also greatly assists the Parties. In fact, by putting questions to each witness, especially once the totality of their evidence has been elicited by the Parties, the Trial Panel is in a better position to cover areas that may have not been sufficiently explored during questioning by the Parties, or that are of particular interest to the Panel.

32. For these reasons, the SPO submits that the sequence of questioning indicated in Rule 127(3) should be followed.

*(c) Use of documents or audio/video material during witness examination and advance notification thereof*

33. The use of documents or other audio/visual material should be allowed during witness examination.

34. Five working days prior to the witness's appearance, the calling Party should, for notice purposes only, provide the Trial Panel, the other Party and Victims' Counsel with a list of the documents it intends to use with the witness during direct examination. This list should be notified via email. Objections to the use of any such

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<sup>23</sup> See Articles 332 and 333, Criminal Procedure Code of Kosovo, Criminal Law No.04/L-123 Procedure Code, published in the Official Gazette of the Republic of Kosova No.37, 28 December 2012.

<sup>24</sup> Rule 127(3).

materials should be notified to the calling Party, Trial Panel and Victims' Counsel by e-mail three working days from receipt of the notification.

35. One day prior to the expected commencement of cross-examination, the cross-examining Party shall provide the Trial Panel, the other Party and the Victims' Counsel with a list of the documents it intends to use during cross-examination. This list should be notified via e-mail.

36. If the Party calling or cross-examining the witness wishes to use documents not notified on the original list, it must apply for leave of the Trial Panel to use such documents with the witness.

37. As a rule, during their examinations, Parties should only use materials that have been previously disclosed and notified in LWF. With regard to cross-examination, if the cross-examining Party wishes to use material that has not been disclosed in advance, the Party should provide the Trial Panel, the opposing Party and the Victims' Counsel with copies of the material no later than 24 hours before commencement of cross-examination.

*(d) Refreshing the memory of a witness*

38. There may be instances where a witness cannot independently recall a particular fact or event, about which the witness previously testified or gave evidence. This is particularly likely to happen when the events in question date back more than 20 years, like in the present case.

39. In such cases, when a Party applies for the permission of the Panel pursuant to Rule 143(1), materials may be used to refresh the memory of a witness regardless of whether those materials are themselves admissible or have been admitted into evidence.

40. The Party shall first establish that the witness cannot recall a particular fact or event. The witness shall then have the opportunity to re-read the relevant parts of his or her prior statement or, as appropriate, the calling party may read the relevant section to the witness. After having ascertained that the witness's recollection has been

refreshed by reading the written evidence, the calling Party may then question the witness again on the relevant facts or events that the witness did not previously recall.

*(e) Procedure relating to potential self-incrimination of witnesses*

41. In circumstances where it is anticipated that a witness may make self-incriminating statements during his or her testimony, the SPO proposes a procedure whereby the calling Party notifies the Registry of this fact in good time.

42. During the witness familiarisation process, WPSO would advise the witness of his/her right to independent legal advice in this context. Should the witness request independent legal advice, the Registry would make all necessary arrangements for assignment of a counsel whose role would be confined solely to advising the witness in relation to Rule 151 matters. The advising lawyer shall also be responsible for informing the witness of the offences defined in Article 15(2) of the Law and Rule 65 of the Rules. Unless otherwise ordered by the Trial Panel, Victims' Counsel should perform this role for dual-status witnesses. The calling Party should provide the advising lawyer with relevant prior statements.

43. Where assurances pursuant to Rule 151(3) are required, the advising lawyer should seize the Trial Panel, notifying the SPO and the calling Party (where the SPO is not the calling Party) thereof, in order for the Panel to make the relevant determinations pursuant to Rule 151(2)-(3). The SPO shall expeditiously provide its views *ex parte* pursuant to Rule 151(3) so as to allow the Panel to rule on the matter before the commencement of the witness's testimony.

## **6. Non-Oral Evidence**

44. In principle, the SPO does not intend to object to the admissibility of non-oral evidence under Rule 104 of the Rules,<sup>25</sup> provided that the requirements of Rules 137 and 138 are met.

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<sup>25</sup> Decision, KSC-BC-2020-05/F00123, p.8, Section 6.a.

45. With regard to decisions on admissibility of non-oral evidence,<sup>26</sup> the ‘admission model’<sup>27</sup> is more appropriate to the KSC framework, and is preferable for ensuring the fairness and expeditiousness of the proceedings.

46. In contrast to the framework at the ICC,<sup>28</sup> the KSC Rules envisage decisions on admissibility.<sup>29</sup> Such decisions should be made on an item-by-item basis;<sup>30</sup> making such admissibility decisions on an ongoing basis throughout trial improves the efficiency and fairness of trial proceedings. First, there is greater clarity as to whether the requisite standard for admission has been met by the submitting party, thereby avoiding the need for a party to continue throughout trial to seek to provide further support for the admissibility of tendered items. Second, the assessment of admissibility can be best made at the point of submission when, for example, a relevant witness is present to address any objections raised. Additionally, the universe of relevant materials is much clearer and where items have been declared inadmissible, the parties need not spend time addressing them in their final submissions.

## 7. Judicial Notice of Adjudicated Facts

47. The SPO intends to request the Trial Panel to take judicial notice of adjudicated facts within the meaning of Rule 157(2). In particular, in the interests of a fair and expeditious trial, the SPO will request the Panel to take judicial notice of relevant adjudicated facts from final proceedings before other Kosovo courts and the ICTY.

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<sup>26</sup> Decision, KSC-BC-2020-05/F00123, p.8, Section 6.c.

<sup>27</sup> The model whereby the admissibility of the evidence is assessed at the time the evidence is tendered, or soon thereafter. This is in contrast to the ‘submission model’ whereby admissibility considerations and decisions on the evidence tendered at trial are deferred to the deliberation stage of the trial and/or the trial judgment.

<sup>28</sup> Article 69(4) of the ICC Statute states that the Court ‘*may* rule on the relevance and admissibility of evidence’, and makes clear that in addition to relevance, other factors, such as probative value and prejudicial effect have to be considered.

<sup>29</sup> Law, Art.37; Rules, Rule 138-139 (for example, Rule 139 refers to consideration of the evidence ‘admitted before [the Panel] at trial’).

<sup>30</sup> For example, ICC, *Prosecutor v. Bemba*, Judgment on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against the decision of Trial chamber III entitled ‘Decision on the admission into evidence of materials contained in the prosecution’s list of evidence’, ICC-01/05-01/08-1386 OA5 OA6, 3 May 2011, paras 41-54.

The SPO intends to file this request prior to the opening of trial. The motion is expected to relate to less than 100 facts.

## **8. Other topics**

### *(a) Admission of evidence from the bar table*

48. The Parties may submit evidence in writing through a 'bar table' motion during the trial proceedings, provided that it complies with the requirement under Rules 137 and 138. The possibility of submitting documentary evidence without it necessarily being introduced by a witness will advance a fair and expeditious conduct of the trial proceedings.

49. For each document, or group of documents (where applicable), bar table applications should provide a short description of the relevance, authenticity and probative value of the document(s).

### *(b) Recourse to private and/or closed session*

50. In the specific circumstances of this case, recourse to private and/or closed session will at times be unavoidable, in particular for protected witnesses. To the extent possible, insofar as this does not impact on the sequence of questioning and the clarity of the witness's evidence, the Parties should attempt to group together identifying questions, so to avoid moving in and out of private or closed session unnecessarily or too frequently.

51. Public broadcast of the hearings in the case should be delayed by 45 minutes, as is already the practice of the KSC.

52. Finally, should the trial commence on 12 July 2021, the SPO does not foresee the need for further status conferences.

**Word count: 4,319**



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**Jack Smith**  
**Specialist Prosecutor**

Wednesday, 2 June 2021  
At The Hague, the Netherlands.