

1 Wednesday, 22 February 2023

2 [Opening Statements]

3 [Open session]

4 [The accused entered court]

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

6 PRESIDING JUDGE VELDT-FOGLIA: Good morning and welcome back.

7 Madam Court Officer, could you please call the case.

8 THE COURT OFFICER: Good morning, Your Honours. This is case  
9 file KSC-BC-2020-04, The Specialist Prosecutor versus Pjeter Shala.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.

11 Very well. I would kindly ask the parties to inform us who is  
12 present today. And I start with the Specialist Prosecutor's Office.

13 MR. DE MINICIS: Good morning, Your Honours. Today for the  
14 Specialist Prosecutor, Alex Whiting, Acting Specialist Prosecutor;  
15 Maria Manolescu, our legal intern; Line Pedersen, case manager; and  
16 then Gaia Pergolo, Eva Wyler, and Filippo De Minicis,  
17 Associate Prosecutors.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Victims' Counsel, you have the floor.

20 MR. LAWS: Good morning, Your Honours. I'm Simon Laws  
21 representing the victims in this case, together with my co-counsel  
22 Maria Radziejowska and our legal associate Kiat Wei Ng.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Defence Counsel, you have the floor.

25 MR. GILISSEN: Good morning, Your Honours. I'm

1 Mr. Jean-Louis Gilissen, and I am here with the same team than  
2 yesterday morning. It means, first of all, Mr. Pjeter Shala, of  
3 course. And then you have Mr. Hedi Aouini, co-counsel;  
4 Leto Cariolou, co-counsel; Katerina Charitou, legal officer;  
5 Dzeneta Petravica, case manager; Kailin Chen, assistant legal  
6 officer; Juliette Healy, evidence review assistant;  
7 Francisca De Castro, evidence review assistant; and Judit Kolbe,  
8 evidence review assistant.

9 Thank you very much.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel.

11 And the Registry, please.

12 MR. ROCHE: Good morning, Your Honours. It's Ralph Roche from  
13 Judicial Services Division. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 And you're appearing before Trial Panel I. And that's for the  
16 record.

17 Yesterday we heard the opening statements by the Specialist  
18 Prosecutor's Office and Victims' Counsel. Today we will hear the  
19 opening statements by the Defence and the unsworn statement of  
20 Mr. Shala.

21 According to the decision on the commencement of the trial, you  
22 were allocated two hours for your opening statements. Has there been  
23 any change, any reassessment in this regard?

24 MR. GILISSEN: I think I could say it will be enough, that's  
25 sure. I hope to be shorter.

1 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well.

2 MR. GILISSEN: Thank you.

3 PRESIDING JUDGE VELDT-FOGLIA: You are authorised to use visual  
4 aids and any other material, and we were informed that part of your  
5 material, audio-visual, will not be shown to the public. That's  
6 correct? Yes. Okay.

7 Very well, you have the floor, Defence Counsel.

8 MR. GILISSEN: [Microphone not activated]

9 So thank you very much, Your Honours. Thank you for giving me  
10 the floor.

11 I'm try to hold my breath because I think this moment it's an  
12 important one for Mr. Shala. It is in reality the first time he is  
13 able to be very clear in this proceeding. And I would like to say  
14 that from the beginning of this opening statement, I would like to  
15 say I heard yesterday, I heard the emotion, the emotion expressed by  
16 some speakers, my learned friend in front of me. And I would like to  
17 say that I don't have a doubt about the real desire to share for them  
18 and make felt the pain, to report on these terrible events that we're  
19 talking about, and, no doubt, to make live -- to make you live, what  
20 I can say, the misfortune of those who claim to be victims. And,  
21 that's sure, that's sure. I would like to add also those who are  
22 asking that finally, 20 years after the fact, justice be done. This  
23 is the point. Justice be done.

24 And I intend personally to respect that. I intend to fully  
25 respect the pain and the suffering of those who were victims.

1           And we know that in Kosovo in 1999, no one denies it, there were  
2   900.000 direct victims of the abuses and cruel repression of a state  
3   policy. This is not politics to say that. This is the truth. And  
4   those people are victims of deliberate decision taken at the highest  
5   level of the Serbian state to implement a real aggression against its  
6   own civilian population. This is the truth. Nobody denies it. This  
7   is what the story will tell us, this terrible thing.

8           The police, secret services, even the army, all means available  
9   to a state, but more than this, paramilitary groups, cruel  
10  paramilitary groups, who came especially from Serbia to the Kosovo,  
11  all these armed forces assaulted a civilian population and  
12  voluntarily committed a real general and discriminate attack against  
13  innocent people.

14          With your leave, with can show the first picture. It's a public  
15  one. And I would like to say this picture is coming from UNHCR. It  
16  illustrates, according to me, but up to you, one of the least  
17  difficult moments for the people you see, and we choose this picture  
18  because no need to make a show in the hearing, of course. And I  
19  would like to say that as you see that men, women, elderly, children,  
20  all those people have been subjected to multiple abuses, including  
21  the most serious one.

22          And please, no one can be wrong. I am not out of place or off  
23  topic when I refer to those horrific crimes at this point of the  
24  procedure. I have absolutely no pleasure in referring to the  
25  murders, assaults committed in that time, nor the many rapes and

1 other humiliations of all kinds that have accompanied the destruction  
2 and looting committed everywhere, in all parts in Kosovo, against the  
3 Albanian-speaking population.

4 I intend to emphasise that it is not politics to proceed like  
5 that, but that's just a necessary reminder of the truth that  
6 illuminates the reasons why we are gathered today to begin the  
7 judicial procedure in the Shala case.

8 The reason I'm talking about all those horrendous crimes is that  
9 because Mr. Shala and -- in the Shala case, we have to talk about  
10 that.

11 Indeed, no one can understand the reasons why Mr. Shala was in  
12 Albania in 1999 if it were considered that these crimes I'm talking  
13 about could not be recalled in the present case.

14 More than that, it should also be recalled that the crimes  
15 committed against the civilian population during the war time - 1998,  
16 1999 - were preceded by years, very long years, of a severe and  
17 merciless repression against the entire Albanian-speaking population.

18 Whether we watch it or not, these crimes there, these terrible  
19 years of suffering are the soil, the soil of the facts that are  
20 submitted to you, Your Honours. It is therefore clear to Mr. Shala's  
21 Defence that these crimes constitute the framework, the real  
22 framework within which the events covered by the indictment should be  
23 placed.

24 And since during these opening statements I have to speak like a  
25 lawyer, I respectfully submit to you, Your Honours, that these crimes

1 I'm talking about must be considered as a contextual background, the  
2 contextual background specific to this case.

3 And, you know, when I was in Kosovo, I met a good person, and he  
4 told me some wise words about that: What we suffered in 1999 and the  
5 years before is very difficult to forgive, but if you have to  
6 remember that, impossible to forget.

7 It is also essential, I think, to remember that because it is  
8 because of all those years of unacceptable abuses and crimes that  
9 Mr. Shala made the choice to enter into an armed resistance.

10 Your Honours, the man who is accused and who will appear before  
11 you today did indeed make a choice. The man you are going to judge  
12 one day has, indeed, decided that it was enough. It was too much  
13 that he could longer bear the violence and humiliations that were  
14 imposed on him and his loved ones on a daily basis. During the  
15 years, on a daily basis.

16 Mr. Shala, therefore, chose to oppose a criminal policy and to  
17 find those who consciously and voluntarily carried it out.

18 This is the truth. This is the fact. This is the real thing.  
19 And so I have to underline that never - I say never - under any  
20 circumstances, would Mr. Shala have been in Kukes, a city he did not  
21 know and where he had never had reason to go, he had not one day  
22 decided that it was appropriate and necessary to resist oppression.

23 If Mr. Shala was at Kukes in 1999, it is because he decided to  
24 continue to resist, to resist the most violations committed against  
25 his fundamental rights and those of all those he would reconcile to

1 be his people.

2 Shala, Pjeter Shala, Mr. Pjeter Shala, did not choose to attack  
3 anyone. He chose to fight those who had chosen to aggressively use  
4 violence.

5 Mr. Shala was a resistant. You have to note it, you have to  
6 think about that. He was a real freedom fighter who fought against  
7 an unjust aggression, the unjust aggression his fellow people were  
8 unfairly subjected to. It should, therefore, be stressed the  
9 existence of a link of a cause and an effect between the abuses  
10 committed by some and the presence of Mr. Shala in Kukes. Please.

11 And it should be stressed too on the nature of this link because  
12 the Defence of Mr. Shala maintains that this link must be understood  
13 and qualified as you will retain a causal link. A causal link.

14 Indeed, if Mr. Shala is present in Kukes in 1999, it is because  
15 something very particular, not because is he a criminal, a gangster,  
16 an offender, a monster or even a delirious one, or he had the intent  
17 to behave as such.

18 The Defence of Mr. Shala, therefore, strongly supports that he  
19 is present at Kukes in 1999 for honourable reasons, honourable  
20 reasons, my dear colleagues, my learned friends. This is the point.  
21 Honourable reasons foreign to any criminal act or project. Any  
22 criminal project is not only foreign to him but is even contrary to  
23 the fight he has undertaken for several years. And all these years  
24 speak for him.

25 Mr. Shala fights against some authorities and the depositaries

1 of these authorities in that they implement the criminal policy. And  
2 I would like to add that in doing so, he was probably never done more  
3 than exercise one of the most sacred rights. It means defending  
4 himself and his relatives.

5 Mr. Shala did not choose to fight the Serb population, and he  
6 never attacked a member of the civilian Serb population or a person  
7 because he was a Serb. He is not a criminal. This is not a  
8 sighting.

9 Your Honours, as a kind of very first conclusion in this opening  
10 statement, the Defence of Mr. Shala respectfully submits that, first,  
11 everyone here has to recognise the contextual background mentioned  
12 above; and, second, Your Honours need to acknowledge the source and  
13 the reasons that inspired Mr. Shala's decision to enter into  
14 resistance and then armed fighting against the state authorities.

15 Indeed, the Shala Defence do consider that these elements are  
16 essential to the understanding of the case that is submitted to you.

17 Let's get the record straight. The Defence of Mr. Shala does  
18 not share the presentation that the SPO and the Victims' Counsel has  
19 obviously decided to make of him. The image of Mr. Shala as a  
20 portrait is a false one.

21 At this stage, I can only humbly express two reflections which I  
22 consider as essential to emphasise.

23 First of all, I can only make a general appeal to caution.  
24 Caution, please, because, and obviously, it is necessary. I learn --  
25 I heard yesterday some very astonishing, amazing things. First of



1 all, my learned friends -- as way of example, my learned friends from  
2 the SPO and Victims' Counsel spoke about a climate of witness  
3 intimidation. Intimidation. Please. Where? In the case of  
4 Mr. Shala, where? When? Who? Which moment? Which event? Only  
5 one, please, tell us. We wait for nothing. Just nothing. And you  
6 know it.

7 And to speak about a general climate of intimidation, okay, when  
8 you talk about the whole things of Kosovo, but we are in the Shala's  
9 case, please. No question to use some presumption, some proof of the  
10 case from other cases against Mr. Shala. Please. If I commit a  
11 mistake, it is time to interrupt me to say, "No, no, no, you're  
12 false. It's not good. You commit an error." But I don't commit an  
13 error. There is absolutely nothing in this case, in the files we  
14 receive concerning a so-called intimidation committed by Mr. Shala.  
15 Never.

16 So I consider there is absolutely no trace, no sign of any  
17 allegation by anyone linking Mr. Shala to an intimidation. It was  
18 very important to say that, for Your Honours, but for the public too.  
19 For the public too. They have the right to know the truth, not a  
20 scenario, not a story.

21 Second, the Defence of Mr. Shala can only observe what appears  
22 at this stage to be a virtual absence of rigorous and substantiated  
23 information concerning the past of Mr. Shala. It's amazing to start  
24 a trial without any information. His childhood, his adolescence, his  
25 education, his entry into adult life seem decidedly as uninteresting

1 to my honourable colleagues as the family background and intimate  
2 life that were his. Even the circumstances of the enter of Mr. Shala  
3 in the KLA, we didn't receive anything. Not even a word. Not even a  
4 letter.

5 Admittedly, some unpleasant things about his past are said here  
6 and there, but nothing, absolutely nothing, seems to be produced, to  
7 be produced or objectify what seems to be nothing but just rumours.  
8 Rumours.

9 I have to confess that I'm a little concerned with the manner of  
10 proceeding, as Your Honours will certainly agree with me that it's  
11 largely insufficient to base a criminal case around some rumours.

12 Moreover, I would take the liberty of showing less humility in  
13 this regard. I think that after some of the things I have heard  
14 yesterday I must remind, and sorry for that, but I have to remind  
15 that Mr. Shala is, and remains until proven otherwise beyond a  
16 reasonable doubt, totally innocent of what he is accused.

17 Yesterday, I hear a lot of things that is really amazing to hear  
18 that. A so simple case. It's already done. No, this is the  
19 beginning of the trial. Please. Don't forget that.

20 I can only rejoice that the fundamental text of these honourable  
21 Chambers have taken care to recall the principle of presumption of  
22 innocence. And, of course, Your Honour, it is incumbent on you to  
23 translate into reality and practice this principle because you are  
24 the protector and the guarantor of the implementation and embodiment  
25 of this principle in court.

1 But I have to say to all the participants in this procedure, let  
2 me say each of us, with regard to our respective role, grows up,  
3 grows up respecting this principle. Because in this way, in this  
4 way, we fully participate in justice. So please be careful. I wish  
5 to emphasise this aspect of the things because I can already at this  
6 stage indicate how problematic the statements made by certain  
7 witnesses appears to be, and I am confident that my colleagues on the  
8 Prosecution side are very well aware of this issue.

9 Indeed, I have to recall a reality that must never be forgotten  
10 in a court of justice. Even under the benefit of protections or  
11 so-called protections, a witness, regardless the horror he claimed to  
12 have suffered, a witness of truth can only contradict him or herself  
13 sparingly. Sparingly. It is more so when it relates to the  
14 fundamental aspects of one's story.

15 And if I want to remain fair and transparent, and I would like  
16 to be, it seems to me that I must add at this stage that the passage  
17 of time, the passage of time in the present case can be no good. But  
18 the passage of time cannot go so far as to be used to explain the  
19 contradiction in a witness's account, or in witnesses' accounts, on  
20 key and fundamental issues. Please. The assessment of the effect of  
21 passage of time on the quality of the evidence can only be taken in  
22 favour of the accused and not in favour of the witness to the  
23 detriment of the accused.

24 This has to be distinguished from the assessment of another  
25 consequence of lapse of time.

1           The consequence of this lapse of time on the side of Mr. Shala  
2           and his Defence, where the effects of time on the quality of the  
3           evidence which is undermined or simply lost, seems to me to only  
4           prejudice Mr. Shala and his Defence. Mr. Shala, who, for more than  
5           23 years, has not done anything which could put him in a position to  
6           search the truth or establish it in order to respond to the  
7           accusations and suspicions.

8           In any case, I must observe that from the Prosecution case,  
9           Your Honours will no little or nothing of the condition in which  
10          Mr. Shala entered resistance I stated just before.

11          The same is true of the conditions in which he joined the KLA,  
12          the resistance army, which, as history told us, fought for freedom  
13          but, above all, for survival of the Albanian-spoken person in Kosovo.

14          It does not appear to be out of place at this stage of the  
15          procedure to ask what would have become, all these thousands of  
16          people who were forcibly thrown out of their homes and violently  
17          expelled from their country, if the KLA has not existed and resisted,  
18          arm in hand, with men like Mr. Pjeter Shala.

19          I am sure that I can say here that membership and fighting in  
20          the KLA is not a crime, or, more precisely, has never been a crime,  
21          excepting in the eyes of the one who committed some crimes in Kosovo  
22          in 1999, of course.

23          Moreover, on this particular topic, I could not do better than  
24          refer to the excellent, very welcome clarification that your  
25          jurisdiction made in the summary judgment delivered on 16

1 December 2022 in the case 05 concerning the fact that before these  
2 Specialist Chambers the charges were never brought against the KLA.  
3 Clearing any misconception in this regard, it is very clear, and even  
4 I thought I could say clear as crystal, crystal clear, therefore.  
5 Mr. Shala belonged to the KLA, that's indeed what he claims, and we  
6 are waiting for the SPO to bring the evidence of the so-called high  
7 responsibilities that Mr. Shala would have supposedly occupied  
8 according to the Prosecution.

9 Mr. Shala told us yesterday, he was laughing but not -- to not  
10 cry, "I would be honoured if the Prosecutor could manage to actually  
11 provide me with the merit of these titles I never had."

12 The truth is that Mr. Shala in 1998 was seriously wounded in the  
13 fightings. He was forced to flee in the face of a counteroffensive  
14 conducted by the Serbian army and paramilitary group, which proved  
15 deadly for many KLA fighters.

16 Tracked like all other KLA survivors, tracked in the area where  
17 he was, tracked by those who wanted to exterminate them, he had no  
18 choice but to join his then-partner. And so it was Belgium, because  
19 his partner was in Belgium at the time.

20 In Belgium, Mr. Shala did not engage in politics or activism.  
21 He did not represent the KLA and did not accompany those who  
22 represent the KLA. He did not do so because he never had the  
23 responsibilities that some would so much like to give him today. *Ubi*  
24 *nihil, nihil*. It's Roman words. Difficult to translate, I  
25 understand, and I see that. Where there is nothing, there is just

1 nothing. There is no responsibilities of Mr. Shala. He respect the  
2 laws of the country that accept him and discovered what a normal life  
3 was. Being able to go out at night without risk of being arrested  
4 and beaten for the sole reason he spoke Albanian, it was really a --  
5 a real discover for him. Something very new. Being able to work and  
6 to earn a living was a novelty for him, but being able to do so  
7 without being resented by the police and the militia was even more  
8 incredible. Belgium seemed to be like a sort of paradise for him.

9 He is going to try to obtain political asylum status, and in  
10 order to do so, he will, like many others in his situation, lie a  
11 little, or try to improve his record. But it is clear that even the  
12 SPO cannot turn these punctually necessary lies into a proven truth,  
13 isn't it?

14 And then there was the images of the news, news about the crimes  
15 that were being perpetrated even more generally in Kosovo against his  
16 people. We are now in March 1999, of course.

17 So, listening only to his sense of duty, Mr. Shala decided to  
18 return and leave the so-called paradise of Belgium to return to the  
19 real, the real, the real hell of Kosovo. He asks for no thanks or  
20 congratulations for this. He could not have done otherwise. It was  
21 unthinkable for him to stay where he was, in Belgium, while so many  
22 people were suffering.

23 So he left with a few others who had also made the choice to  
24 return to fight and defend those ones they have survived. Survived  
25 the destruction of their home, of their village, of their families.

1 One more time, this is the reality of the things. Mr. Shala is not a  
2 monster. I don't pretend he is a hero. He is just a man.

3 This is how Mr. Shala ends up in Durres, Durres, Albania, and  
4 this is where the full scenario projected by the SPO begins that  
5 during this trial the SPO will try to objectify.

6 What happened in Durres? According to the Prosecutor's  
7 scenario, because this is a real scenario, we don't know. We haven't  
8 received any information from the Prosecutor, and I am afraid to say,  
9 Your Honours, you will not know too. This is the choice of the  
10 Prosecution team. We didn't receive anything, and I don't even know  
11 if the investigators have ever looked into it.

12 But what we can read from the Prosecution allegations against  
13 Mr. Shala is this: That he would arrive to Kukes, coming from  
14 Durres, to take the command and authority within the Kukes metal  
15 factory as part -- as head of the Brigade 128 stationed in Kukes.  
16 But, Your Honours, this is not the reality, we say.

17 The reality, if we look at the papers of the file, particularly  
18 those coming from the investigations of the SPO themselves, is that  
19 Mr. Shala, who wanted to go to the front line, who wanted to fight  
20 those who expelled innocent people from their country, Mr. Shala  
21 quickly discovered that there is no position for him in Kukes.  
22 Absolutely no position in Kukes. The reality is Mr. Shala believed  
23 he was being sent to the operational zone of Pashtrik and soon to  
24 Kukes, the rallying point of new fighters and civilian people who  
25 wanted to join the KLA.

1 He would not go there with choice, but he went there because it  
2 brought him closer to the front, near the borders, and that, deep  
3 down, he believed he had no other choice.

4 On the spot, he discovered the existence of three different  
5 organisations or structures, if you prefer. Three different groups  
6 set up in an old factory or in proximity of it, or to it.

7 One, an important logistics centre in the metal factory; two,  
8 the KLA's largest mobilisation centre, in the metal factory; and a  
9 group of soldiers engaged in building a structure brigade. It was in  
10 proximity of the metal factory but direct proximity of metal factory.  
11 If you will decide to go on the spot, you will see the place, you  
12 will see the different places where Mr. Shala tried to find a place  
13 for him. No place for him. Absolutely no place.

14 Very fast, Mr. Shala understood that no one was waiting for him  
15 there, and there was no place for him in any of these organisations.

16 Fortunately for him, he recognised one of the main managers of  
17 the logistics groups that was in the old factory and was able to get  
18 in touch with him. We had to prove that, and we will prove that.

19 His wish being to join the front to fight there, he asked this  
20 officer, who knows him as a veteran, to allow him to obtain a weapon  
21 to be able to join the fighters at the borders and to fight on the  
22 front line.

23 We know that this is how he got a gun and how he left Kukes and  
24 the old factory without ever assuming any form of responsibility or  
25 role there.



1 He stayed on the front line, or nearby, joining from time to  
2 time some fighters or one of the KLA's camp to recharge and recover  
3 and continue to fight, to fight in these exceptional conditions and  
4 circumstances of trouble and great disorganisation that was dominant  
5 at that time.

6 And this is an important one. All of us know because we saw  
7 some broadcasting to the TV, we read some book and so on, it was  
8 really one of the most important difficulties for the KLA to federate  
9 the fighters. A lot of groups act like free electrons. Fighters or  
10 groups of fighters behaving like real free electrons were then quite  
11 common, and it was one of the organisational difficulties for the KLA  
12 to manage, to federate them, in these so difficult and uncertain  
13 times.

14 So Mr. Shala only passed by the Kukes metal factory and was in  
15 no way stationed there. He would have spent a very few nights here  
16 and there because it was an unpleasant place, without development.  
17 Everyone who go on the spot is able to see that. All the people  
18 there pass through, excepting some -- some people in the warehouse  
19 from the logistics group and the officer to the mobilisation centre.  
20 It was an unpleasant place. And there were just warehouses, I say  
21 that, and a kitchen. I forget the kitchen where it was possible to  
22 eat. But not even a real dormitory. You saw it. You were on the  
23 spot. Not even a real dormitory. And we know by the fact that the  
24 people who were included in the KLA were obliged to sleep on the  
25 concrete.

1           And Mr. Shala absolutely denies ever having been a member of the  
2           Brigade 128. So his ties with the Kukes metal factory were  
3           quasi-non-existent.

4           We saw yesterday the SPO's 3D *maquette*. I have to say what a  
5           nice work. Congratulations. Really. Really. But -- there is  
6           always a but with Defence, I'm sorry. But I think that for the  
7           person who never visited the spots of the old metal factory, the most  
8           interesting are not represented. Inside the building, there is no  
9           representation, and that's what we wanted you to be able -- and we  
10          want you will be able to see, of course. In these famous rooms or  
11          office, to see exactly the interior of the buildings, the dimension  
12          of the rooms and the state of these rooms. You have to know that  
13          even now the furniture is still in place.

14          And then when I read some statement of the people who claim to  
15          be victims, I have the feeling it is impossible to have so many  
16          people they describe in this room. Eight, ten, 12, it depends of the  
17          statement, because we have a lot of variation. And I would like to  
18          know, really, I hope to see it, the version of the day, like in a  
19          restaurant, we will have at the hearing.

20          So according to us, Your Honour, you understand the visit is  
21          essential for an assessment of the evidence you have to make.

22          It is the same for the issue of the alleged presence of a prison  
23          in Kukes metal factory. Mr. Shala claimed he only learned about this  
24          allegation during the course of investigations. Mr. Shala explained  
25          he never saw or learned about the existence of a prison in the

1 Kukes metal factory nor did he see anything that would have made him  
2 believe or understand the possibility of the existence of such a  
3 prison. And you know that, in addition, he affirms that he never  
4 took part in interrogation sessions or torture scenes of any kind.  
5 Of course, I hear to laugh my dear colleague of the SPO. Mr. Shala,  
6 we heard yesterday, is denying the accusation [indiscernible] and the  
7 fact that he denies, you have to see something about his guilt.

8 I just have to say that, you know, Your Honour, Mr. Shala is  
9 actually not the one to make this allegation. This is not a  
10 statement of Mr. Shala alone against all the people. Indeed, on all  
11 these topics, the greatest majority of the people interviewed by the  
12 SPO itself makes the same affirmation, makes the same affirmation.  
13 And the SPO interviewed a large number of persons who have spent time  
14 in Kukes metal factory or in the Brigade 128, and I have to say that  
15 it appears that the vast majority of these witnesses, most of which  
16 the SPO choose not to call to testify, of course, simply contradicts  
17 the Prosecution allegations.

18 People stationed at the Kukes metal factory because they were  
19 working on the logistics or in the mobilisation say that they don't  
20 know Pjeter Shala. They don't know a so-called Ujku, or saw him  
21 rarely there. Those people and more from the Brigade 128 confirm  
22 that and the fact that Pjeter Shala was not a member of this brigade,  
23 never been a member of this brigade. Those people would have known  
24 Pjeter Shala or would have seen him if he was a member of the  
25 brigade, of course.

1 He -- the vast majority, I prefer to say the vast majority, of  
2 people interviewed by the SPO didn't confirm and absolutely deny the  
3 existence of a prison inside the factory. They confirm or deny it.  
4 You have the choice. They didn't confirm or deny it. If and when  
5 asked, these people deny the holding of interrogation of people, let  
6 alone accompanied by beating inside the officer's building or  
7 anywhere inside the Kukes metal factory.

8 I don't know what was the reality, but one thing, one thing is  
9 sure, this proves at least one thing. The existence, the presence  
10 and the functioning of a prison in Kukes metal factory was definitely  
11 not obvious. And Mr. Shala's statement about this suddenly appear to  
12 be extremely credible. No need to laugh. This is one of the big  
13 difficulty we have to face in our trial.

14 These people confirm that the Kukes metal factory was a  
15 logistics base which received hundreds of soldiers passing by every  
16 day. They passed by every day to be mobilised and sent to the front  
17 line the day after. And how many of these so many witnesses, direct  
18 witnesses, appears or will be appear in the hearing? No one. No  
19 one.

20 The Kukes metal factory was closed at night, we know that, we  
21 have to prove, but we all know that. And the officer building was a  
22 place where soldiers and officers slept in very basic conditions. We  
23 will prove it. The interrogation and beating of people where  
24 Albanian and KLA military officers would sleep is absolutely  
25 unrealistic, especially, as alleged to be, please, every night, all

1 night long, for several weeks.

2 All these interviewed people confirm through their evidence that  
3 there was no place for Mr. Shala and that there was no Mr. Shala in  
4 that place.

5 This is the reality that the SPO has received from asking about  
6 the Kukes metal factory, and this is the reality against which the  
7 SPO is bringing its allegations against Mr. Shala. In fact, this is  
8 most probably why the SPO chose not to call this evidence and  
9 sometimes even withdraw -- withdrew it after announcing it could call  
10 this evidence. The SPO even withdrew the only possibility for  
11 Your Honours to hear the evidence of a witness who has footage of the  
12 reality of Kukes metal factory during the indictment period. This is  
13 telling, Your Honours. The SPO is advancing its allegations  
14 concerning Mr. Shala against this panoply of contrary evidence he  
15 collected himself. The SPO is advancing his allegations concerning  
16 Mr. Shala against the reality.

17 But we have noted that yesterday, once again, the Prosecutor's  
18 changed his case. He changed his case. Now Mr. Shala is no more  
19 present at all times. That's a new thing. It is done yesterday for  
20 the first time. And his authority and role inside the Kukes metal  
21 factory has diminished. Absolutely new. "*Ça vient de sortir du*  
22 *temps,*" we say in French.

23 While the SPO made one step closer to the reality - and I thank  
24 them - but there is still a long way to go, because the SPO made  
25 confusion and contrary submissions when he alleged Mr. Shala was not

1 stationed there but still participated at least in ten incidents of  
2 beating in 14 days. Ten in 14 days. That's -- that was the point,  
3 ah? If I've committed a mistake, you have to interrupt me. That's  
4 not a problem.

5 And more than this, yesterday we heard SPO allege that Mr. Shala  
6 participated in the bullet-proof vest incident after specifically  
7 withdrawing this allegation of the indictment.

8 When I say "contradiction," when I say "confusion," that's -- it  
9 seemed very confused, but I'm sure we will understand it at the  
10 moment we have to understand it.

11 This surprise -- I'm sorry. This surprise is not the only one.  
12 The same goes for the alleged victims in the case, Your Honour. With  
13 the exception of one particular person he knows from long before 1999  
14 war, Mr. Shala was very surprised to hear or read to have -- be part  
15 of detaining or beating some people because he never met them. You  
16 have to understand that's amazing, that excepting this very special  
17 witness he knows for a long time, there is a couple of person, two  
18 persons, who recognised Mr. Shala. I'm sorry, two person who claim,  
19 who said that Mr. Shala detaining or beating them, but they didn't  
20 recognise him. That's really amazing.

21 And the surprise of Mr. Shala to see that is quickly dissipated  
22 when Mr. Shala and his lawyers, by the way, would discover the kind  
23 of personality and character of this old acquaintance and what he was  
24 up and from before the war to this present day. [REDACTED] Pursuant to  
In-Court Redaction Order F00430RED.

25 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

1 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

2 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

4 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

5 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

6 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

7 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

8 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

9 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

10 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

11 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

12 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

13 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

14 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

15 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

16 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

17 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

18 [REDACTED] Pursuant to In-Court Redaction Order F00430RED. Disappear, no  
more investigation. But this guy, this

19 witness is coming to us to explain what he has a wish to make us

20 believe.

21 Very special situation. And the fairness of this procedure for  
22 me is really questionable. And we have to question it. Now it's too  
23 soon, of course. It's not the place, it's not the moment. And it  
24 will be highly difficult because all -- of all of this, or part of  
25 this, but the essential part for Mr. Shala is confidential. That's

1     amazing when you search the truth, when you want to make a trial to  
2     say, yes, we look after the -- we look at the reality but not all.  
3     Please. Some things are confidential.

4             So the surprise of Mr. Shala when he learned he was the monster  
5     they explained is quickly dissipated when we see the picture that one  
6     victim recognised to be Mr. Shala.

7             Thank you very much to show this picture, it's confidential,  
8     confidentially to Your Honours. And when we are able to see this new  
9     document -- yes, this is the one.

10            What a work. What a wonderful work of investigators. Really,  
11     never saw that. They show the people a guy with the name Ujku on the  
12     gun. Is he Mr. Shala? Of course, of course, he is Mr. Shala.  
13     Excepting he is not. Everybody now is aware of that. Everybody is  
14     aware of that. This is not the accused. This surprise is dissipated  
15     when you read the description given by the search of Mr. Shala, and  
16     here again I show it confidently to Your Honours. This is the third  
17     document we have to show.

18            I think it is the one who was the first one. Yes, this one.  
19     Perfect. Thank you very much. Thank you very much.

20            This is the description given by the search of Mr. Shala, a  
21     witness. The number was pronounced by my learned friend yesterday a  
22     lot of times. You have to read the description of Mr. Shala. That's  
23     more than amazing. That's just a crazy thing to see that. And this  
24     is nowhere any attributes of the accused's appearance. This is the  
25     high quality of some witnesses produced by the investigators and the



1 SPO. And I repeat - I know I repeat myself - but if you want to  
2 avoid to commit a mistake, you have to repeat it.

3 There is three persons who accused Mr. Shala. One, the other  
4 one with the picture, he is unable to recognise him. When you are  
5 put on a hook, when you are put on a hook and you are hanging, the  
6 guy who put you on the hook, you recognise him. We know that. We  
7 know that because some case about the Second World War explain it.  
8 You have the picture of the guy who makes something like this. This  
9 one was unable to recognise the one who beat him so much.

10 Finally, it is important to note that the other people alleged  
11 by the SPO to have been detained at the Kukes metal factory do not  
12 talk at all about Pjeter Shala or Ujku. They do not identify  
13 Pjeter Shala on photos and do not even know the name Pjeter Shala  
14 and/or the nickname Ujku.

15 The same, if I commit a mistake you have to interrupt me. It's  
16 not a problem. I'm not here to try to make something bad.

17 Even more, Your Honours, it appears that some alleged by the SPO  
18 to -- some people alleged by the SPO to have been detained in Kukes  
19 metal factory denied that. They denied that.

20 But one surprise did not dissipate, until today. This is a  
21 surprising lack of quality of the investigations conducted about this  
22 case.

23 The previous investigations that the SPO inherited from his  
24 predecessors and the future investigations that the SPO made  
25 confirmed that the reality lies elsewhere.

1 But the SPO made the surprising choice to put forward an  
2 allegation against Mr. Shala despite all this. To do so, he has  
3 performed what I previously described - you remember, it's possible,  
4 yes, you remember - as a best of the evidence that serves his case.  
5 And in doing so, he set aside every and all other evidence to the  
6 contrary, which was far more.

7 So our grief and our reproaches to the investigations are not  
8 limited to those conducted by the SPO but also those which precede  
9 them.

10 First, those investigations that were targeting in the  
11 establishment of the so-called organ trafficking cases. From reading  
12 of the material disclosed to the Defence, it appears - that's clear -  
13 it appears clear that their objective was to build accusations  
14 against high-level personalities belonging to the KLA, but to build  
15 it on the basis of very questionable testimony from individuals - we  
16 have to prove it, don't mind - individuals emanating from the drug  
17 trafficking and organised criminal sphere. This was so unrealistic  
18 and fantasist that the investigators themselves moved away from it.

19 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

20 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

21 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

22 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

23 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

24 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

25 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

1 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

2 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

4 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

5 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

6 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

7 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

8 [REDACTED] Pursuant to In-Court Redaction Order F00430RED.

9 [REDACTED] Pursuant to In-Court Redaction Order F00430RED. It made more  
10 apparent the lack of credibility of  
11 certain evidence, the striking contradictions and the severe untruths  
12 made by some witnesses who seem to navigate and adapt their accounts  
13 with the discovery during the investigation of new facts.

14 That is amazing to see during all the process of investigation  
15 some witnesses changing their statement a lot. A lot. But it's  
16 amazing to see that they change their statement with some discovery  
17 of the investigators, but these witnesses have not to be aware about  
18 that. How is it possible that exactly in the same time a new element  
19 appears in the investigation, those witnesses are aware, they change  
20 their statement?

21 And you know, this is amazing, but what is really a problem that  
22 these witnesses adapt their statements without to appear anyone,  
23 without to appear anyone. What kind of investigators -- and I know  
24 that's professional investigators. What kinds of investigators is  
25 that?

The same you will see, this famous witness provides some new

1 information and someone of the investigators, real professional, ask  
2 the witness: Oh, so you change it? How is it possible? Are you  
3 able enough to explain? And the answer every time is the same: Oh,  
4 I received this information, I have the name of the guy who provided  
5 me the information. I have the new document I receive at home. I  
6 will bring back it to you.

7 Never, not even one time, never, the investigators received  
8 these documents or the name of the sources of the new variation in  
9 the statement of the witness. But more than this -- that's amazing,  
10 that's sure.

11 If it was not a criminal case, we have to laugh. The  
12 investigators don't ask a second time or a third time to obtain the  
13 information. No interest for them. The problem is that's very, very  
14 interesting during a trial. Because, of course, the quality of the  
15 proof during the investigation or the pre-trial is not the same as  
16 during the trial, of course.

17 Finally, our reproaches to the investigation are even stronger  
18 towards the choices of the SPO themselves. The SPO has sought, at  
19 all costs, to validate and crediblise his chosen scenario at the  
20 price of ignoring numerous existing elements or even the opportunity  
21 to explore them. Every element of proof contradicting or likely to  
22 weaken the chosen scenario incriminating Mr. Shala has simply been  
23 discarded with no valid reason.

24 I think, I argue, that is it inexplicable and unacceptable when  
25 the aim is to discover the truth.

1           And when we see that the SPO, conscious of this problematic and  
2           questionable state of this case against Mr. Shala, will go further,  
3           it was really incredible this time. Outside the period of  
4           indictment, outside the indictment period, the SPO fish - this is the  
5           word, fish - for what he called corroborating evidence dealing with  
6           more rumours from 1998. We are talking about facts allegedly  
7           committed in 1999. Your Honour will be attentive to the fact that  
8           this has been done at the latest stages of the pre-trial phase.

9           *[REDACTED] Pursuant to In-Court Redaction Order F00430RED.*

10          *[REDACTED] Pursuant to In-Court Redaction Order F00430RED.*

11          *[REDACTED] Pursuant to In-Court Redaction Order F00430RED.*

12          *[REDACTED] Pursuant to In-Court Redaction Order F00430RED.*

13          *[REDACTED] Pursuant to In-Court Redaction Order F00430RED.*

14          *[REDACTED] Pursuant to In-Court Redaction Order F00430RED.*

15          *[REDACTED] Pursuant to In-Court Redaction Order F00430RED.*

16           Mr. Shala was summoned and explain himself before the ICTY  
17           without need to be arrested. The arrest of Mr. Shala, it's a big  
18           issue, you know. Of course, when the investigators, when the police  
19           arrived to arrest Mr. Shala, they don't have to take a risk. But the  
20           way things were was really -- really a dreadful one.

21           I'm sorry, Mr. Shala, I have to say, his daughter, his son, his  
22           wife, are obliged to go to doctors, to psychologists and so on, and  
23           even now the wife of Mr. Shala is unable to work because it was a  
24           hurt for them. There is more persons, that's amazing to see -- to  
25           see that. There is more person to arrest Mr. Shala than Bin Laden

1 when the US authorities sent some people to arrest or to kill him.  
2 It was a real army. And I understand, I know a little bit some  
3 policemen: It's okay. It's a pleasure, of course, to show muscle  
4 and the arms, a gun, and so on. But, please, not to damage the  
5 people. Perfect innocent, the wife of Mr. Shala and the children.

6 So 1999, so --

7 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel?

8 MR. GILISSEN: Yeah.

9 PRESIDING JUDGE VELDT-FOGLIA: I would like to go into private  
10 session just for two minutes.

11 MR. GILISSEN: Yeah, sure.

12 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could we go  
13 into private session, please.

14 [Private session]

15 [Private session text removed]

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1 [Private session text removed]

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11 [Open session]

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

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 Please proceed.

15 MR. GILISSEN: Thank you very much. Thank you very much,

16 Your Honour.

17 So this period in 1998, this is a period where professional  
18 investigators from the ICTY exploring the evidence have come up with  
19 this picture of Mr. Shala at the time.

20 I will -- I would like to have the other image. Perfect. Thank  
21 you very much.

22 And here, again, it shows you the photoboard confidentially,  
23 Your Honour, to see that the picture number 2, the picture number 2,  
24 is far, of course, being Pjeter Shala. And you know what? You know  
25 what, Your Honours? Some protected witness still recognised this

1 picture to be Pjeter Shala, the Wolf.

2 One more time. This is against all evidence recognition made.

3 It's against all evidence.

4 You will hear, Your Honour, that the surname Shala is not unique  
5 in Kosovo and Albania but very common. You will also hear that the  
6 nickname "the Wolf" is also common for Albanian fighters in the  
7 different documents we received from the SPO itself. We discovered  
8 multiple similar nicknames, meaning Wolf, of course, Ujku, Uki, Uka,  
9 Ukaj, Vuk, and so on, for other persons.

10 The Wolf, it's a name very used by these fighters, but we also  
11 discovered the existence of some other fighters than those who are in  
12 the Prosecution files, and one of the best examples is the Ujku whose  
13 statue is placed in the centre of Prishtine on the main Mother Teresa  
14 Street. And, for sure, this Ujku is not Pjeter Shala. It is public  
15 knowledge.

16 To sum up, Your Honours, a criminal case, of course, cannot be  
17 fed with rumours or gossip. The guilt of an accused on a criminal  
18 charge has to be proven, I'm sorry to say that, you know it perfectly  
19 well, beyond a reasonable doubt, and this means solid and strong  
20 elements of proof which eliminate any other reasonable alternative or  
21 scenario. A criminal charge of this kind has to be proven by  
22 bringing the first-hand evidence emanating from the knowledgeable  
23 people who have been there and know about the reality. That's sure.  
24 That's so simple. Not, not, never, by omitting the relevant evidence  
25 or calling peripheral hearsay from questionable sources or people



1 varying their stories several times. Several times. So many, many,  
2 times.

3 Your Honours, from the outset of this trial, we made the choice,  
4 or we tried to make the choice, to be very clear and transparent in  
5 our position, and we intend to continue to do so. We could have  
6 remained silent, and we were not required to make a pre-trial brief  
7 of the quality we made, because I think it's a real one, and an  
8 opening statement. And Mr. Shala could also have chosen not to make  
9 an unsworn statement. We could also have delayed taking any position  
10 in a brief or in a statement to after the presentation of the SPO  
11 case. But we have nothing, absolutely nothing, nothing to hide,  
12 Your Honours.

13 Because the Defence of Mr. Shala and Mr. Shala himself want to  
14 search the truth and the discovery of the truth because we firmly  
15 believe it is the reality and the truth that will bring back justice  
16 to Mr. Shala.

17 And as a final conclusion to this opening statement, I wish to  
18 reaffirm my faith, my faith that, together, all together, we will  
19 find the truth. That's sure.

20 I thank you for the time and attention, Your Honour. And with  
21 your leave, Mr. Shala will utter some words at this stage.

22 Thank you very much.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel.

24 Could you indicate how much time Mr. Shala will need for his  
25 unsworn statement.

1 MR. GILISSEN: I had the feeling Mr. Shala will make an  
2 intervention of maximum five minutes. I think so. But [Overlapping  
3 speakers] ...

4 PRESIDING JUDGE VELDT-FOGLIA: Yes. I understand.

5 Now, what we will do now, we will have a break till -- of half  
6 an hour, and then there will be time for the unsworn statement of  
7 Mr. Shala. And then there's some -- still something we wanted to  
8 discuss that was left pending from yesterday with regard to the two  
9 days that we might be hearing witnesses.

10 So, for now, the hearing will be adjourned.

11 And after -- when we come back, Mr. Shala, you will give your  
12 unsworn statement.

13 The hearing is adjourned.

14 --- Recess taken at 10.54 a.m.

15 --- On resuming at 11.25 a.m.

16 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

17 I have a look at the composition. I see that the SPO is the  
18 same; I see Mr. Prosecutor nodding.

19 The same goes for Victims' Counsel; you're in the same  
20 composition. Very well.

21 And here at the Defence side.

22 MR. AOUINI: Good morning, Your Honours. We have a slight  
23 change in our composition for this session.

24 PRESIDING JUDGE VELDT-FOGLIA: Very well.

25 MR, AOUINI: Ms. Judit Kolbe is not in the courtroom for this

1 session, and we are joined by our -- yet another intern from Paris  
2 Ms. Camille Gosson.

3 Thank you, Your Honours.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you very much.

5 We are now going to proceed with the unsworn statement of  
6 Mr. Shala.

7 Mr. Shala, before I give you the floor, I want to remind you  
8 that we will not allow for statements of a political nature. You  
9 should not be offensive in your statements with regard to the  
10 victims, the Specialist Prosecutor's Office or the Panel or the  
11 Specialist Chambers as an institution. And please make your comments  
12 and your unsworn statement relevant to the case, and if there is any  
13 information which is confidential, please do not divulge that in  
14 public. Just a reminder.

15 You have the floor.

16 THE ACCUSED: [Interpretation] Thank you very much, Your Honours.

17 Thank you for giving me the floor. I wish to thank you again.  
18 I am here in front of you because I respect the course of justice and  
19 I'm not trying to evade it. I have never tried to do that. And I  
20 have never, ever done what I've been charged with. Never, ever.

21 What has been charged in the indictment is not something I have  
22 done. It is all unknown to me. I was a simple fighter for freedom,  
23 for the freedom of my country and my people. Nothing more and  
24 nothing less. No more, no less than that.

25 I fought against a police and criminal machinery of a criminal

1 regime led by Milosevic, but not against any civilians. Never. If  
2 this institution is going to find me guilty for fighting on behalf or  
3 for the freedom of my country and -- it's fine, but slandering me is  
4 not a method that I subscribe to. It is not a method that I have  
5 adopted and neither has any of the fighters of the Kosovo Liberation  
6 Army. We have never fought against civilians. The accusations that  
7 have been raised against me are completely unknown and have got  
8 nothing to do with me.

9 Two words now with regard to the Special Prosecutor. I have  
10 been living for 25 years now, or a quarter of a century, in a  
11 democratic country, in Belgium. The prosecutor's job in the country  
12 where I live is to investigate, to submit the evidence and to search  
13 for the justice, not to fabricate and -- to fabricate facts. Where I  
14 live, this is a punishable offence.

15 As far as the Specialist Chambers or this institution at large,  
16 I have to admit that I have not supported it in the past. However,  
17 fate has dictated that I am here in front of you. And if a little  
18 justice exists here, I expect that justice to result in my innocence.

19 Let me undoubtedly reassure you that I am entirely innocent of  
20 all the charges raised against me or allegations made in this  
21 procedure.

22 Your Honours, thank you for your attention. That's all I had to  
23 say.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Shala. You may be  
25 seated.

1           Defence Counsel, the opening statements with this are concluded  
2 for you?

3           MR. GILISSEN: Yes, Your Honour.

4           PRESIDING JUDGE VELDT-FOGLIA: Very well.

5           MR. GILISSEN: Thank you.

6           PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7           Very well. For now, we have concluded the opening statements of  
8 all parties and Victims' Counsel. Before we will conclude, and  
9 before I will adjourn the hearing till the end of March, there is one  
10 issue I would like to discuss with you, and I will also give you the  
11 possibility to raise any points that we would need to discuss in  
12 addition.

13           Mr. Prosecutor, can I give you the floor with regard to the  
14 point of yesterday with regard to the two hearing days, if we could  
15 use them in the proposed manner.

16           MR. DE MINICIS: Yes, Your Honour. We, of course, are available  
17 to -- in principle to sit these days and to bring witnesses. We have  
18 contacted potential candidates for these days, of course, taking into  
19 account the limited amount of time as Your Honours had also pointed  
20 out. And another consideration, it's also -- there is a rationale  
21 behind our order of proof. The reason why we would like to a witness  
22 before another one and then -- because we believe it helps the  
23 narrative. But we have identified a couple of candidates who could  
24 be slotted on those days with no prejudice to that and which would --  
25 the time would probably, hopefully, be sufficient.

1           We have not heard back yet. We might need a few days to know if  
2 these witnesses are available to testify, so we'll let Your Honours  
3 know as soon as we have some concrete information, some final  
4 information that we can convey to the Panel. And we welcome  
5 Your Honours' directions as to how you would like us to convey that,  
6 whether by way of an official filing or by e-mail.

7           PRESIDING JUDGE VELDT-FOGLIA: I think a filing would be the  
8 best because then it's on record and this discussion is also on  
9 record, so I would have a preference for that.

10          MR. DE MINICIS: Very well.

11          PRESIDING JUDGE VELDT-FOGLIA: Yes, thank you. Thank you very  
12 much for the readiness to go forward with this.

13          Victims' Counsel, we will be adding the two days to the  
14 schedule, but I wanted to give you the possibility to say if there  
15 are difficulties in this regard.

16          MR. LAWS: No difficulties from our point of view, but thank you  
17 for asking us, Your Honour.

18          PRESIDING JUDGE VELDT-FOGLIA: And the Defence.

19          MS. CARILOU: Our team will be available for both dates,  
20 Your Honours.

21          PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you.

22          Is there something else the parties would like to raise with the  
23 Panel?

24          Mr. Prosecutor.

25          MR. DE MINICIS: No, Your Honours. Thank you.

1 PRESIDING JUDGE VELDT-FOGLIA: No? Very well.

2 Victims' Counsel, something for us?

3 MR. LAWS: No, thank you, Your Honour.

4 MR. AOUNI: Thank you, Your Honour. Just to thank you for the  
5 time and attention. Thank you very much. Nothing from our side.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 This concludes today's hearing. We will meet again on 27  
8 March with the presentation of the evidence as we have decided in our  
9 decision on the commencement of the trial.

10 And then the last thing I would like to mention is our thanks to  
11 the stenographer, the interpreters, the security and the audiovisual  
12 personnel and, of course, CMU. Thank you very much.

13 The hearing is adjourned.

14 --- Whereupon the hearing adjourned at 11.34 a.m.

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