

Additional redactions applied pursuant to F744.

1 Monday, 21 August 2023

2 [Open session]

3 [The accused appeared via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning and welcome back
6 after the judicial summer recess.

7 Court Officer, can you please call the case.

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

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 First of all, I kindly ask to indicate who is present today in
12 court, starting with the Specialist Prosecutor's Office.

13 MR. DE MINICIS: Good morning, Your Honours. For the
14 Prosecution today, Line Pedersen, Emma Poidevin, Federica Genovesi,
15 Gaia Pergolo, and Filippo de Minicis.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Victims' Counsel, you have the floor.

18 MR. LAWS: Good morning, Your Honours. I'm Simon Laws, counsel
19 for the victims in this case, together with my co-counsel,
20 Maria Radziejowska.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Defence counsel, you have the floor.

23 MR. GILISSEN: Thank you, Your Honour. I am Mr. Gilissen, and
24 we are here with Mr. Shala, Pjeter Shala, in the detention, so via
25 videolink. You know my two co-counsel, Mr. Aouini and Ms. Cariolou.

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1 We have a brand new one, associate legal officer, Hannah Allen. She
2 is coming from Canada. Of course, my case manager, Dzeneta
3 Petravica, Juliette Healy and Judit Kolbe, evidence review
4 assistants. Thank you very much.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 [Microphone not activated].

7 I cannot hear you, Mr. Shala.

8 THE ACCUSED: [via videolink] [Interpretation] Good morning,
9 everybody.

10 PRESIDING JUDGE VELDT-FOGLIA: You can hear me fine?

11 THE ACCUSED: [via videolink] [Interpretation] Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 Today we start with the presentation of the evidence by
14 Victims' Counsel, and we will hear the testimony of Ms. Karin
15 Duhne-Prinsen and Ms. Chayén Lozano Parra, who are both expert
16 witnesses.

17 Before we start with their testimony, there are two matters we
18 have to deal with. Firstly, we will issue an oral order pertaining
19 to the request made by Victims' Counsel on 21 July 2023, filing 599,
20 to allow the two expert witnesses to testify simultaneously in court.

21 Victims' Counsel submits that the report was prepared by both
22 experts acting together, with one contributing expertise in the area
23 of psychology and the other in the field of psychiatry, and the
24 proposed modality testimony would thus allow the expert witnesses to
25 explain their opinion with their respective complementing expertise

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1 and supplemented orally here in court, if necessary, in a way that is
2 consistent with the methodology applied in preparation of the expert
3 report.

4 There was no objection raised by the Specialist Prosecutor's
5 Office nor the Defence for Mr. Shala, and we informed on Tuesday last
6 week, 8 August, both Victims' Counsel and parties, via e-mail, that
7 we intended to grant this request, and we would provide reasons
8 orally in due course.

9 Now this is the moment.

10 The Panel considers that permitting the two expert witnesses to
11 testify together at the same time will make the questioning and
12 presentation of the evidence more effective and it will avoid
13 repetition.

14 Accordingly, we grant the request of Victims' Counsel as already
15 informed last week.

16 This concludes the Panel's oral ruling.

17 Secondly, we anticipate that by the end of the day we will set a
18 date and an agenda for the Defence Preparation Conference. We will
19 seek submissions primarily from the Defence, and we will also have
20 some questions for the SPO and for Victims' Counsel on the agenda
21 items, and we will also issue a further oral ruling. Yes?

22 So that's the schedule for today. We can now proceed with the
23 testimony of the expert witnesses.

24 Ms. Prinsen and Ms. Lozano Parra will testify without in-court
25 protective measures. However, part of their testimony may be given

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1 in private, depending if it's necessary to protect the identities of
2 other witnesses and victims at risk on their cooperation with the
3 Specialist Chambers.

4 Victims' Counsel, I saw you standing. Is there something you
5 would like to share with the Panel?

6 MR. LAWS: I was going to endorse what Your Honour has said,
7 that it will be necessary when we move on to their dealings with the
8 individual concerned to go into private session. I'm going to do the
9 first part, their background, et cetera, in public. But once we get
10 on to dealing with their examination and their role in this case, it
11 really has to be in private session.

12 PRESIDING JUDGE VELDT-FOGLIA: Yes, thank you.

13 We will sit for the regular sessions of one and a half hour with
14 our regular breaks.

15 Very well. Court Clerk, could you please usher the witnesses
16 into the courtroom.

17 [The witnesses entered court]

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Ms. Prinsen and Ms. Lozano Parra, welcome to the Specialist
20 Chambers. Can you hear me fine, Ms. Prinsen?

21 THE WITNESS DUHNE-PRINSEN: Yes, yes, I can.

22 PRESIDING JUDGE VELDT-FOGLIA: And Ms. Lozano Parra?

23 THE WITNESS LOZANO PARRA: Yes, I can. Thank you.

24 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, could you hear the
25 replies of the witnesses? Mr. Shala, I didn't hear a reply.

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1 THE ACCUSED: [via videolink] [Interpretation] I can only hear
2 the interpreter. Yes, thank you.

3 PRESIDING JUDGE VELDT-FOGLIA: Very well.

4 Ms. Prinsen, how are you today?

5 THE WITNESS DUHNE-PRINSEN: I'm fine. Thank you, Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: Good, good.

7 And Ms. Lozano Parra?

8 THE WITNESS LOZANO PARRA: I'm fine as well. Thank you.

9 PRESIDING JUDGE VELDT-FOGLIA: Very well. Good.

10 We will start with your testimony, starting with
11 Victims' Counsel.

12 Before we start, I have several remarks. You are called to
13 testify before the Specialist Chambers in the case of the
14 Specialist Prosecutor versus Pjeter Shala to assist the Panel to
15 reach a verdict. First, you will have to take your solemn
16 declaration. And after that, you will be asked questions by
17 Victims' Counsel, by the Specialist Prosecutor's Office sitting next
18 to Victims' Counsel, and then by the Defence counsels sitting on the
19 other side of you.

20 And at the end, it can be that also the Judges will complement
21 with some additional questions. Yes? I see you nodding.

22 Before you take your solemn declaration, I will give you some
23 guidance and some practical information for answering your questions.

24 As to the guidance. Please, listen carefully to each question.
25 If you don't understand, feel free to have the question be put again

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1 to you. Yes?

2 We want you to give your expertise to the best of your knowledge
3 and to state what your findings and opinions are.

4 Please answer the questions being put to you. If we need more
5 clarification, follow-up questions will be asked.

6 Regarding the practical advice for your testimony, please take
7 note of the following: Everything we say here is translated, as you
8 know, so it is important to speak into the microphone in front of
9 you. Speak clearly and speak at a slow pace. And what is also very
10 important: Don't speak at the same time. It's very important to
11 adhere to because if not, if we have overlapping speakers, we don't
12 have any translation.

13 And in the same line goes my following remark, that you should
14 not start speaking until five seconds have passed before the question
15 that has been put to you has been finalised, because that will allow
16 the interpreters to finalise their interpretation and for us to hear
17 everything well, and especially also Mr. Shala.

18 Before you speak, please identify yourself and then give the
19 answer because that will allow that in the transcript it is reflected
20 who of you is giving the answer. So it will be somewhat repetitive,
21 but it's important.

22 If I raise my hand, please stop talking. Because if I talk too,
23 then we have overlapping speakers.

24 It could happen that we will ask you to leave the courtroom, and
25 that could be due to the fact that we need to discuss a question that

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1 is to be put to you, and we don't want to influence you in any way.

2 And then, lastly, if there is something you would like to share
3 with the Panel, please raise your hand if you have any need or just
4 let me know. Yes? Good.

5 Lastly, you may be asked to make markings on a piece of
6 evidence. And for this purpose, you can use the device in front of
7 you. I trust you have been explained how to use it, and I see you
8 nodding.

9 Have you understood all this? Yes.

10 THE WITNESS DUHNE-PRINSEN: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: Ms. Lozano Parra --

12 THE WITNESS LOZANO PARRA: Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: -- also. Yes, very well.

14 Now, I will now ask you to take your solemn declaration. We
15 will begin with you, Ms. Prinsen.

16 I remind you that it is an offence within the jurisdiction of
17 the Specialist Chambers to give a false testimony. Have you
18 understood that?

19 THE WITNESS DUHNE-PRINSEN: Yes, I have.

20 PRESIDING JUDGE VELDT-FOGLIA: Good.

21 Court Clerk, can you please assist Ms. Prinsen with the solemn
22 declaration. You have the floor.

23 THE WITNESS DUHNE-PRINSEN: Okay. I am conscious of the
24 significance of my testimony and my legal responsibility. I solemnly
25 declare that I will perform my expert analysis conscientiously and to

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1 the best of my knowledge, and that I will state my findings and
2 opinion accurately and completely.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Ms. Prinsen. You are
4 now under oath.

5 I turn to you, Ms. Lozano Parra. I also remind you that it is
6 an offence within the jurisdiction of the Specialist Chambers to give
7 a false testimony. Have you understood that?

8 THE WITNESS LOZANO PARRA: Yes, I have.

9 PRESIDING JUDGE VELDT-FOGLIA: Very well.

10 Madam Court Clerk, could you assist the witness.

11 Please, you can read out the text.

12 THE WITNESS LOZANO PARRA: Conscious of my significance of my
13 testimony and my legal responsibility, I solemnly declare that I will
14 perform my expert analysis conscientiously and to the best of my
15 knowledge, and that I will state my findings and opinion accurately
16 and completely.

17 WITNESS: KARIN DUHNE-PRINSEN

18 WITNESS: CHAYÉN LOZANO PARRA

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Ms. Lozano Parra, you
20 are now under oath.

21 Victims' Counsel, you have estimated two hours for the
22 questioning of these witnesses. That was, however, before you made
23 your request to have the two witnesses simultaneously. Is that
24 estimation still correct?

25 MR. LAWS: Your Honour, I hope that it will be rather less than

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1 that now they're giving evidence together.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well.

3 You have the floor.

4 MR. LAWS: Thank you so much.

5 Examination by Victims' Counsel:

6 Q. And good morning to both of you. I am going to start with some
7 questions about your qualifications and experience. May I begin
8 please with you, Dr. Lozano Parra.

9 MR. LAWS: And may we have on the screen, with Your Honours'
10 leave, please, the CVs of the experts, which are ERN V4010045 to
11 V4010048.

12 PRESIDING JUDGE VELDT-FOGLIA: Please proceed,
13 Madam Court Officer.

14 MR. LAWS:

15 Q. And we can see --

16 MR. LAWS: I'm so sorry, can we just go to the top of the page.
17 We need to come down for Dr. Lozano Parra's CV, I think. That's it.
18 Thank you very much. And if we can just come a little way down the
19 page, please, Court Officer. Thank you very much.

20 Q. I'm not going to take you through this in detail, Doctor. We
21 have it in writing. But in summary, you studied medicine at
22 Maastricht University, and you specialised in psychiatry, did you
23 not?

24 THE WITNESS LOZANO PARRA: Yes, that's correct.

25 Q. And you then practiced as a psychiatrist in three different

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1 settings from 2012 to 2020?

2 THE WITNESS LOZANO PARRA: That's correct.

3 Q. I think it's going to help the interpreters if you just pause a
4 little bit more than that. You'll get used to it.

5 Did that work include diagnosing and treating people with
6 trauma?

7 THE WITNESS LOZANO PARRA: Yes.

8 Q. And then at page 2 of your CV, we can see that you volunteered
9 for an organisation called iMMO for three years. And if we go back
10 to page 1, we can see that you have been working for them since
11 October 2020; is that right?

12 THE WITNESS LOZANO PARRA: Yes, that is right.

13 Q. Could you tell us, please, what iMMO is and what it does.

14 THE WITNESS LOZANO PARRA: Yes. iMMO is the Netherlands
15 Institute for Human Rights and Medical Assessment. So it's a
16 non-governmental organisation that contributes to human rights, and
17 we do that by doing medicolegal assessments of alleged victims of
18 torture or mistreatment, and we also transfer our expertise on that.

19 Q. Thank you. Could you give the Panel some sort of estimate of
20 how many people you have diagnosed or treated who have suffered from
21 trauma in the course of your career?

22 THE WITNESS LOZANO PARRA: I think that would be in the
23 hundreds.

24 Q. Thank you. And amongst the other professional work that you
25 have done, were you involved as a co-author of a report in another

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1 case before this Court?

2 THE WITNESS LOZANO PARRA: Yes, I was.

3 Q. Thank you.

4 May I turn then, please, to you, Ms. Prinsen, and ask you really
5 the same questions.

6 If we can go to your CV, which is at the beginning of this
7 document, we can see that you studied developmental psychology at
8 Maastricht University; is that right?

9 THE WITNESS DUHNE-PRINSEN: Yes, that is right.

10 Q. And from 2003, did you work across a number of settings in the
11 field of psychology?

12 THE WITNESS DUHNE-PRINSEN: Yes, that is correct.

13 Q. And since 2015, have you worked for iMMO?

14 THE WITNESS DUHNE-PRINSEN: Yes, that is correct.

15 Q. Can you tell us what your work for iMMO has involved over those
16 eight years, please.

17 THE WITNESS DUHNE-PRINSEN: Over those years, I did a lot of
18 medical forensic examinations in which I did a psychological
19 examination of alleged victims of torture and inhumane treatment. I
20 peer reviewed a lot of medicolegal examinations of other colleagues.
21 I followed schooling. We have regular inter-vision between our
22 colleagues, and we try to transfer our expertise, and we go to court
23 to explain our examinations.

24 Q. Thank you. If I ask you the same question that I asked your
25 colleague a moment ago, if you could provide an estimate of how many

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1 people you have diagnosed or treated with PTSD or trauma, what figure
2 would you give?

3 THE WITNESS DUHNE-PRINSEN: That would also be a hundred or over
4 a hundred of people.

5 Q. Thank you. And I think it's right that you also co-authored a
6 report in another case here at the Kosovo Specialist Chambers. Is
7 that also right?

8 THE WITNESS DUHNE-PRINSEN: Yes, that is correct.

9 Q. Thank you.

10 The next topic is a short one and it's the Istanbul Protocol.
11 We have it in your report, but I wondered, Dr. Lozano Parra, whether
12 you would just give us, please, a very brief outline of what the
13 Istanbul Protocol is all about.

14 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

15 So the Istanbul Protocol has been published by the Office of the
16 United Nations High Commissioner for Human Rights. And it was first
17 published in 2001, and there has been a renewed version in 2022, and
18 we use that protocol. And this protocol sets out international
19 standards on how to do a medicolegal assessment when investigating
20 alleged victims of torture or inhumane treatment.

21 Q. Thank you. I am going to move on then to the next topic, which
22 is the report that you jointly authored in this case. Is it right
23 that you were asked to conduct a forensic medical examination on
24 someone who we will refer to, for the moment, as [REDACTED], and to
25 produce a report?

1 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

2 That is correct.

3 Q. In order to do that, were you provided with a folder containing
4 documents from the case, and did you meet with the individual
5 concerned [REDACTED] and conduct an examination in
6 accordance with the Istanbul Protocol?

7 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra. That is
8 correct.

9 Q. Thank you.

10 MR. LAWS: And, Your Honour, at that stage, for the reasons that
11 I explained, we will need to go into private session, please.

12 PRESIDING JUDGE VELDT-FOGLIA: Court Officer, can you bring us
13 into private session, please.

14 ~~{Private session}~~[Open Session]*Reclassified Pursuant
to F744*

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

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Please proceed.

18 MR. LAWS: With Your Honours' leave, we'll have that report on
19 the screen, please, if we may.

20 PRESIDING JUDGE VELDT-FOGLIA: Yes, please --

21 MR. LAWS: It is -- thank you. It is V4010023 to 4010044. Can
22 we make it a little bit smaller so we can see the whole of the first
23 page. Thank you. And could we go on to the final page, page 22,
24 please.

25 Q. I'm going to ask you the same questions in turn, if I may,

1 starting with you, Dr. Lozano Parra. Do you recognise this as the
2 report that you and your colleague, Ms. Prinsen, produced?

3 THE WITNESS LOZANO PARRA: I do.

4 Q. Is that your signature at page 22?

5 THE WITNESS LOZANO PARRA: Yes, it is.

6 Q. And does this report reflect your joint findings?

7 THE WITNESS LOZANO PARRA: Yes, it does.

8 Q. Ms. Prinsen, I'm going to ask you the same questions. Do you
9 recognise this as the report that you and your colleague,
10 Dr. Lozano Parra, produced?

11 THE WITNESS DUHNE-PRINSEN: Yes, I do.

12 Q. Is that your signature at page 22?

13 THE WITNESS DUHNE-PRINSEN: Yes.

14 Q. And does this report reflect your joint findings?

15 THE WITNESS DUHNE-PRINSEN: Yes, it does.

16 Q. Thank you. You were asked to consider three questions with
17 regard to this case, and they are set out at page 2 in the report,
18 Ms. Prinsen, are they not?

19 THE WITNESS DUHNE-PRINSEN: Yes, they are.

20 Q. And what I'm going to ask you to help me with, both of you, is
21 the answers to these questions bearing in mind that the Judges have
22 your written report. So we can take some parts, I think, quite
23 quickly.

24 But to set the scene. Ms. Prinsen, would you help us, please,
25 with your answer to the first question at page 2 --

1 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, shall we go to
2 page 2 of the report? Because now we're seeing the last page.

3 MR. LAWS: I'm so sorry, I should have said. Yes, we are at
4 page 2. If we can go to page 2, please, Madam Court Officer.

5 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, I will give the
6 floor to Defence counsel.

7 MR. GILISSEN: Thank you very much. All I ask, does it need to
8 be confidential? I think so, not in public session, because I don't
9 understand why. For this part, of course.

10 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, the question
11 from the Defence is why are we doing this part in private session.

12 MR. LAWS: Well, we're going to touch upon the issue of
13 *[REDACTED]*, and I'm perfectly happy to do it in
14 public session. If I can first caution or have Your Honour caution
15 the witnesses not to mention any name. It would be the most natural
16 thing in the world for them to illustrate what they're saying with
17 reference to this case, and so for that reason, I've asked to be in
18 private session. But if we deal with it on the basis that this
19 section is entirely anonymous and hypothetical, I'm happy to meet the
20 request of my colleague.

21 PRESIDING JUDGE VELDT-FOGLIA: I think that for sure question 3
22 and the answers to question 3 cannot be done in public. And as soon
23 as any example with relation to the -- will be given, we have to go
24 into private. So I foresee that we have to go into private at this
25 stage.

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1 So we can go into public. But, Victims' Counsel, I caution you
2 to keep it general. We cannot go to any specificities.

3 But if you feel the need in order to inform the Panel that we
4 should go into more detail, please make a request directly to the
5 Panel via the Victims' Counsel to go into private session.

6 Victims' Counsel, is that a way we can proceed?

7 MR. LAWS: Yes, I'm happy to deal with question 1. Question 2,
8 as does question 3, inevitably takes us into the history. So I'm
9 happy to deal with question 1 in that way. I'm afraid after that, it
10 isn't possible.

11 PRESIDING JUDGE VELDT-FOGLIA: No.

12 MR. LAWS: May I just say that the report, however, should not
13 be broadcast.

14 PRESIDING JUDGE VELDT-FOGLIA: No, but that is a general rule --

15 MR. LAWS: Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: -- we have.

17 MR. LAWS: Thank you.

18 PRESIDING JUDGE VELDT-FOGLIA: Court Officer, could you please
19 bring us for the first question into public session.

20 ~~[Open session]~~

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

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 Victims' Counsel, you have the floor.

24 MR. LAWS: Thank you.

25 Q. So, Ms. Prinsen, if you could please help us with the answer to

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1 the first question that you were asked: What are the typical and/or
2 possible psychological consequences of arbitrary detention and
3 ill-treatment in detention? Over to you.

4 THE WITNESS DUHNE-PRINSEN: Yes, I can. This is Expert
5 Ms. Prinsen speaking.

6 The Istanbul Protocol is based on a lot of scientific evidence,
7 and we know that torture and inhumane treatment may lead to a range
8 of physical and psychological problems and symptoms. And it has been
9 revealed that especially the psychological symptoms can be more
10 long-lasting than the physical ones.

11 And we know that not all victims of inhumane treatment or
12 torture will display psychological symptoms or physical symptoms, but
13 it just depends on what kind of torture, and it depends on how -- the
14 type of violence experienced and the context in which it happened.

15 And what we do know is that the most common psychological
16 symptoms that are resulting from torture and inhumane treatment are
17 flashbacks, avoidance of memories, irritability, negative symptoms
18 like negative changes in thoughts and feelings, feelings of guilt,
19 shame, moroseness, disassociation - that is, when persons are not in
20 reality anymore when they think about what happened to them - and
21 there are a lot of more -- you can read in our report the other
22 symptoms that are commonly seen in victims of torture.

23 And we do know that if you look at the classifications, we see
24 that PTSD, a post-traumatic stress disorder, and depression, as a
25 psychiatric diagnosis are most frequently associated with the

1 consequences of torture and inhumane treatment. Yes.

2 Q. Thank you very much.

3 Dr. Lozano Parra, is there anything that you wanted to add to
4 that?

5 THE WITNESS LOZANO PARRA: No.

6 Q. Thank you. So we're going to move on to question 2.

7 MR. LAWS: And for the reasons that we have explained,
8 Your Honour, we do have to go into private session at this stage.

9 PRESIDING JUDGE VELDT-FOGLIA: Court Officer, can you bring us
10 into private session, please.

11 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
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12 THE COURT OFFICER: Your Honours, we are now in private session.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 MR. LAWS: Thank you.

15 Q. Ms. Prinsen, I am going to ask you for your help, first of all,
16 please, in relation to question 2, which I will just read for the
17 record.

18 [REDACTED]

19 [REDACTED] To what degree of consistency is
20 this the case according to the Istanbul Protocol?

21 And before you answer that question, I'm just going to say this.
22 The chapter dealing specifically with this, Chapter 4, runs from page
23 10 to 18, so it's a very substantial part of the report. And as you
24 know, the Judges have it in writing. But what I think may be useful
25 would be to have from you a brief summary of the method and of your

1 findings in this case.

2 So, Ms. Prinsen, if I may ask you, please, to help us first with
3 that.

4 THE WITNESS DUHNE-PRINSEN: Yes, that is okay. So our method,
5 that is what you're asking for, it's -- we adhere to the
6 Istanbul Protocol, and that means that we have some fixed components
7 of our psychological and psychiatric evaluation. We, first of all,
8 need the history of torture and ill-treatment as stated by the
9 subject. We ask for the current psychological complaints. We ask
10 for the post-torture history, so we want to know what happened before
11 his account of the events. The post-torture, after, and the
12 pre-torture history is for before. We need his medical history, the
13 psychiatric history. We look at substance use and misuse history.
14 And we have an assessment of his social functioning.

15 And then we have a psychological testing, so we use
16 questionnaires because some of the victims have difficulty to talk
17 about their psychological symptoms. And then we have the
18 interpretation of the findings, so we have this summary of all the
19 psychological findings.

20 And then the last thing, what we do, is to take these findings
21 and to make our conclusions on the question being asked.

22 Q. And having followed that methodology, tell us what you learned
23 from the subject in this examination, please. And if you would then
24 summarise the problems that you came to the conclusion he had. And
25 page 17, I think, is as good a place to look as any, but your account

1 of his symptoms would be most useful.

2 THE WITNESS DUHNE-PRINSEN: Okay. This is Ms. Prinsen speaking.

3 For us, it's very important to take our observations during the
4 examination, the anamnestic data, what he tells us about -- the
5 subject, about his account of the events, about his psychological
6 symptoms, and we take the psychodiagnostic information from the
7 questionnaires and the psychiatric observation, and we take all that
8 together to come to a conclusion. And what we -- what we saw is that
9 based on all this data, [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, before we
5 proceed --

6 MR. LAWS: Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: -- I would like to go to page 19,
8 lines 24 and 25, because I realise that the transcript is not
9 concrete or not complete as to what the witness has said.

10 Madam Witness, you have also the transcript in front of you?
11 You can see it? The transcript of the hearing?

12 THE WITNESS DUHNE-PRINSEN: No.

13 THE WITNESS LOZANO PARRA: Now we have it, yes.

14 PRESIDING JUDGE VELDT-FOGLIA: And then if you go to page 19,
15 line 24 and 25. Do you see that?

16 THE WITNESS DUHNE-PRINSEN: Yes. Yes, I can see that. This is
17 Ms. Prinsen speaking.

18 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] So you
19 see that the transcript writes:

20 "So both in ..."

21 And then a word is lacking.

22 "As well in the observations as in an," and then again a word is
23 lacking.

24 And my question to you would be what are the -- could you repeat
25 that phrase but then with -- and speaking slowly, with the saying

1 what you wanted to say or saying what you have said.

2 THE WITNESS DUHNE-PRINSEN: Yes. This is Ms. Prinsen. So our
3 findings are based on our observation of the subject, the anamnestic
4 data and the psychodiagnostics. And based on those findings,
[REDACTED]

5 [REDACTED]

6 [REDACTED]

7 PRESIDING JUDGE VELDT-FOGLIA: If you now re-read what has been
8 put into the transcript, is that correct?

9 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking.

10 I think it's almost correct. It says "anamnesisic" but it's
11 anamnestic data and an anamnestic -- the history. So it's everything
12 the subject tells us about his history and about his symptoms.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay.

14 Victims' Counsel.

15 MR. LAWS: Your Honour, thank you for clarifying that.

16 MR. AOUINI: Excuse me, before we move on, just to correct
17 something on the transcript. If I may?

18 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

19 MR. AOUINI: Yes. Thank you, Your Honour. At page 19, also at
20 line 18, I think there is -- I think the same word, anamnestic, has
21 been transcribed as "military police." This is what we thought we
22 heard, and maybe that also should be corrected. Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: I'm not sure if the expert can
24 still go back to page 19, because I was informed that the transcript
25 is running, and then to line 18. You cannot go back? Okay. Yes.

1 We have found a solution to be able to show you the transcript
2 and the specific line, and then in that way, Ms. Prinsen, you will be
3 put in a position to rectify what has been transcribed in the
4 transcript.

5 Thank you, Defence counsel. We will put on the evidence screen
6 the page. So it was, let me see, page 19, line 18. Yes? Could you
7 state what you said.

8 THE WITNESS DUHNE-PRINSEN: Yes. This is Ms. Prinsen. What I
9 said is that it is very important to take our observations during the
10 examination and the anamnesis, which is also his account of the
11 event, and his psychological symptoms, and we take the
12 psychodiagnostic information, and take all that together to come to a
13 conclusion.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Ms. Prinsen.

15 Thank you, Court Officer. You can pull it down. Thank you for
16 the solution.

17 Victims' Counsel, you have the floor again.

18 MR. LAWS: Thank you very much.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) Reclassified Pursuant to F744

Witness: Chayén Lozano Parra

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Examination by Victims' Counsel

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) Reclassified Pursuant to F744

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Examination by Victims' Counsel

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Examination by Victims' Counsel

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

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Examination by Victims' Counsel

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. Thank you very much.

25 May we move on, please, to page 18 in the report. And your

1 Chapter 5, the heading is "Reliability of the Medical Picture." May
2 I ask you, first of all, Dr. Lozano Parra, were you in any doubt
3 about the diagnosis that you both made?

4 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.
5 No, we weren't. It was a very clear medical picture we had.

6 Q. Thank you.

7 Ms. Prinsen, may I ask you the same question, please. Were you
8 in any doubt about the diagnosis that you both jointly made?

9 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking.
10 No, I had no doubt. It was very clear.

11 Q. Thank you. The next chapter that I want to deal with is the
12 next one on this page, and it's Chapter 6, and it's the "Causality
13 Assessment According to the Istanbul Protocol Classification."

14 And I wonder, Ms. Prinsen, if you could start with this and tell
15 us, really, in summary what you're doing here in the causality
16 assessment and what your conclusion was.

17 THE WITNESS DUHNE-PRINSEN: Yes, I will. This is Ms. Prinsen
18 speaking.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) Reclassified Pursuant to F744

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Examination by Victims' Counsel

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

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Examination by Victims' Counsel

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 MR. LAWS:

16 Q. Understood. Anything else you wanted to add, Ms. Prinsen, on
17 that topic?

18 And over to you, Dr. Lozano Parra, is there anything that you
19 wanted to add?

20 THE WITNESS LOZANO PARRA: Yes, this is Dr. Lozano Parra
21 speaking.

22 It might help to explain that the gradation we use from the
23 Istanbul Protocol, we try to explain what kind of causality there is.
24 And we use the word "typical," but maybe I can explain what kind of
25 answers can be given.

1 So we can say the causality is not consistent with one's
2 account. It can be consistent with the account, highly consistent,
3 typical, and the last one is diagnostic. So we, as professionals,
4 have to see what kind of a gradation we want to use for that, and I
5 thought it might help to explain. So, yes.

6 Q. It certainly does. You're describing a scale --

7 THE WITNESS LOZANO PARRA: Yes.

8 Q. -- where, if I understand you correctly, typical is one below
9 diagnostic.

10 THE WITNESS LOZANO PARRA: That is correct.

11 Q. All right. Thank you. I think that deals with question 2. And
12 so we're going to move on together, if we may, to question 3, which I
13 will again read for the record and then ask your help with.

14 [REDACTED]

15 [REDACTED]

16 And, Dr. Lozano Parra, I'm going to ask for your help first of
17 all. And before you answer the question, may I take you to the first
18 sentence at page 19 under heading 7.

19 MR. LAWS: Go to page 19, please.

20 PRESIDING JUDGE VELDT-FOGLIA: Court Officer, could you please
21 go to page 19.

22 MR. LAWS: And if you come down -- there. Thank you very much.
23 Just there. It's perfect.

24 Q. So we're in Chapter 7 which is dealing with question 3. And I
25 want to ask you, please, Doctor, for your help with the second word

1 in the first sentence:

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 We're going to understand more about that in a moment, but what
6 do you mean by "hypothesis," please, in this setting?

7 THE WITNESS LOZANO PARRA: Yes, this is Dr. Lozano Parra
8 speaking.

9 I think what we mean is that it's our expert opinion. What we
10 want to answer -- how we want to answer this question. The fact is
11 that this question is not really described in the Istanbul Protocol,
12 so we cannot use our gradation to answer this question. So with this
13 word, we wanted to state that we give our expert opinion. So we
14 cannot, of course, state it as actual fact. It's our conclusion as
15 we made it as professionals.

16 Q. Thank you for that clarification. Would you then help us to
17 understand how you arrived at that expert opinion? And take us
18 through Chapter 7 if you would, please.

19 THE WITNESS LOZANO PARRA: Yes, I can. This is Dr. Lozano Parra
20 speaking.

21 I think my colleague, Mrs. Prinsen, already explained a bit
22 about the methodology that was used. We used the same methodology in
23 answering question 3.

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, you have raised your
10 hand. I cannot --

11 THE ACCUSED: [via videolink] [Interpretation] I would have
12 kindly asked for permission to leave for a few seconds. I need to go
13 to the bathroom, please.

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, if it's very urgent,
15 please go.

16 THE ACCUSED: [via videolink] [Interpretation] It is, I'm afraid.
17 Thank you very much.

18 [The accused exited the courtroom via videolink]

19 PRESIDING JUDGE VELDT-FOGLIA: We will wait till Mr. Shala is
20 back.

21 [The accused entered court via videolink]

22 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Shala.

23 THE ACCUSED: [via videolink] [Interpretation] Thank you very
24 much.

25 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, you have the

1 floor.

2 MR. LAWS: Thank you, Your Honour.

3 PRESIDING JUDGE VELDT-FOGLIA: And may -- I am sure you have
4 seen it, we are ten minutes to 11.00.

5 MR. LAWS: Yes, thank you.

6 Q. Dr. Lozano Parra, if we can go back, please, to your last
7 answer. You said, and it's line 13:

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 THE WITNESS LOZANO PARRA: Yes. This is Dr. Lozano Parra
13 speaking.

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. Can I just ask you --

16 THE WITNESS LOZANO PARRA: Yes.

17 Q. -- to pause just for a moment, and look with me at a sentence
18 under the heading "Fear," and it's on your screen, the third line
19 down. There's a sentence that starts:

20 "The extensive loss of control experienced during the reported
21 detention period ..."

22 I want to just understand, if I may, what that loss of control
23 involved for him and how it's linked to this fear.

24 THE WITNESS LOZANO PARRA: Yes. Yes, I can. This is

25 Dr. Lozano Parra speaking.

1 During the account he gave about his detention period, he
2 described he was totally subjected to whatever people had planned for
3 him during his detention. So he was not able to get out of the room,
4 he was not able to say when or where he needed anything, and he felt
5 his life was in danger, and he was tortured, as he explained, so
6 there was no way for him to control any of the things that happened
7 to him. So that's what we mean by "extensive loss of control."

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. Thank you.

15 Under the heading of "Fear," is there anything else to add,
16 Doctor? Or should we move to mistrust?

17 THE WITNESS LOZANO PARRA: I think we can.

18 Q. Yes, please do. Tell us about that, please.

19 THE WITNESS LOZANO PARRA: So the subject has experienced
20 extensive mistrust and that has started since the alleged experiences
21 he had in 1999. And he said he was detained because he was unjustly
22 accused of being a traitor, and he felt very strongly that this was
23 the reason for him to be detained and to be tortured. [REDACTED]

24 [REDACTED],

25 he had the constant thought that people were thinking of him as a

1 traitor or as someone who is not trustworthy. Especially this
2 subject had that idea with other men. So his experiences in 1999
3 were with predominantly men. So since then he had -- he has
4 continuously thought that every man he sees thinks of him as a
5 traitor or a bad person, and, therefore, he does not trust anyone.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. Thank you.

13 Does that complete what we need to know about mistrust before we
14 turn to the next topic?

15 THE WITNESS LOZANO PARRA: I think we do.

16 MR. LAWS: Your Honour, I can see the time, and if that's a
17 convenient moment.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.
19 Court Officer, can you bring us back into public session.

20 [~~Open session~~]

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

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

23 We are going to break for half an hour. Thank you for now to
24 the witnesses. I will ask the Court Usher to usher you out, and then
25 we see you back after the break at 11.30.

Additional redactions applied pursuant to F744.

1 [The witnesses stand down]

2 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, I see you
3 standing. You have the floor.

4 MR. LAWS: Your Honour, thank you. Just to say, if it helps for
5 planning purposes, I think I have probably about 20 minutes left to
6 go of my direct examination.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 Has the SPO have an estimation of how much time they estimate
9 they will need?

10 MR. DE MINICIS: Your Honour, at this time we're not planning to
11 ask any questions for the witness. Whether that changes before the
12 end of the testimony, but I don't think so.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 For now, then, we will adjourn until 11.30. The hearing is
15 adjourned.

16 --- Recess taken at 11.01 a.m.

17 --- On resuming at 11.31 a.m.

18 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. I see that the SPO
19 is in the same composition, Victims' Counsel too, and here at the
20 side of the Defence also. Okay. Thank you.

21 Mr. Shala is here with us. Very well.

22 We will resume with the testimony of Ms. Prinsen and
23 Ms. Lozano Parra.

24 So, Court Clerk, could you please usher the witnesses back in
25 the courtroom.

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

Examination by Victims' Counsel

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Additional redactions applied pursuant to F744.

1 [The witnesses take the stand]

2 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. We will proceed
3 with your examination.

4 Can you hear me fine, Ms. Prinsen?

5 THE WITNESS DUHNE-PRINSEN: Yes, I can. Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. And for you,
7 Ms. Lozano Parra?

8 THE WITNESS LOZANO PARRA: Yes, I can.

9 PRESIDING JUDGE VELDT-FOGLIA: Very well.

10 Mr. Shala, did you hear the interpretation? I see you nodding,
11 for the record. I interpret that as a yes.

12 Very well. I will give the floor back to Victims' Counsel,
13 please.

14 MR. LAWS: Thank you, Your Honour.

15 May we go back, please, to page 20.

16 PRESIDING JUDGE VELDT-FOGLIA: And we are in public session.

17 MR. LAWS: Oh, I'm so sorry.

18 PRESIDING JUDGE VELDT-FOGLIA: No, no.

19 MR. LAWS: Thank you. We need to move into private session.

20 PRESIDING JUDGE VELDT-FOGLIA: Very well.

21 Court Officer, can you bring us into private session, please.

22 ~~{Private session}~~ [Open Session] *Reclassified Pursuant*
23 *to F744*

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

25 PRESIDING JUDGE VELDT-FOGLIA: Very well. You have the floor.

MR. LAWS: Thank you.

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

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Examination by Victims' Counsel

Additional redactions applied pursuant to F744.

1 Madam Court Officer, may we have page 20, please, of the report.

2 And if we could go down the page, please, just a little bit more,

3 another paragraph. Stop there -- oh, I'm so sorry. That one. Stop

4 there. Thank you.

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

Examination by Victims' Counsel

Page 2288

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

Examination by Victims' Counsel

Page 2289

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

Examination by Victims' Counsel

Page 2290

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

Examination by Victims' Counsel

Page 2291

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

17 No. Our methods are primarily focused on doing a medical
18 assessment and seeing whether that fits into the account of the
19 subject. So it's not our purpose or our task to decide whether
20 something has factually happened or not. The primary task is to
21 paint the medical picture.

22 Q. Thank you.

23 Mrs. Prinsen, anything from you on that topic?

24 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking.

25 [REDACTED]

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Witness: Chayén Lozano Parra

Examination by Victims' Counsel

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. Yes, thank you.

8 MR. LAWS: Your Honour, those are all the questions that I have.

9 Thank you.

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

11 We will now proceed with any questioning by the Specialist

12 Prosecutor's Office.

13 You have the floor to see if --

14 MR. DE MINICIS: Your Honour, we don't have any questions for

15 these witnesses. Thank you.

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

17 Then I turn to the Defence. Are you ready to proceed with the
18 questioning of the experts?

19 MR. GILISSEN: Yes, almost. If I could have 15 minutes to
20 prepare, because I heard very interesting things in this presentation
21 and it really could be nice.

22 PRESIDING JUDGE VELDT-FOGLIA: Let me see how to proceed.

23 We could also have -- it's almost 12.00. We could have a break
24 until 1.00, and then we divide the afternoon. I will discuss with
25 CMU how to organise the afternoon, maybe in two sessions or maybe in

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

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Additional redactions applied pursuant to F744.

1 one session, depending on how things go. And then -- yes. Yes?

2 MR. GILISSEN: Thank you very much. Thank you.

3 PRESIDING JUDGE VELDT-FOGLIA: Then we are in private session.

4 Let's go back into public session first.

5 ~~{Open session}~~

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

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 So Victims' Counsel has finalised, for now, its questioning of
9 the two witnesses. The SPO has informed the Panel that they don't
10 have any questions for the two witnesses. And Defence counsel has
11 informed that it would need 15 minutes for preparation to proceed
12 with cross.

13 So what we will do is we will adjourn the hearing till 1.00 and
14 then proceed this afternoon with the rest of the examination and what
15 I informed you about, the agenda for the Defence Preparation
16 Conference, and one ruling and one question for the SPO.

17 Very well. Then I wish you a good lunch, and we adjourn till
18 1.00.

19 [The witnesses stand down]

20 --- Luncheon recess taken at 11.52 a.m.

21 --- On resuming at 1.01 p.m.

22 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. We resume the
23 testimony of Ms. Prinsen and Ms. Lozano Parra.

24 Let me see. I see a change in the composition of the SPO team.

25 MR. DE MINICIS: Yes, Your Honours. Ms. Poidevin will not be

Witness: Karin Duhne-Prinsen (Open Session)

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Additional redactions applied pursuant to F744.

1 joining the team for this afternoon.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Noted.

3 I see that you're in the same composition.

4 And on my left-hand side, the Defence team, you're in the same
5 composition, I see. And Mr. Shala is there. Very well.

6 Before we continue with the testimony of the two witnesses,
7 Defence counsel, how much time do you estimate you will be needing
8 for the cross-examination?

9 MR. GILISSEN: So I think, including the answers, something
10 around one hour. I think so.

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

12 Thank you, Defence counsel.

13 For now we foresee to sit from 1.00 till 2.30, then we have a
14 half-an-hour break, and then we will continue from 3.00 to 4.00. I
15 think that might suffice. And if not, I will liaise with CMU to see
16 if we can finalise today. And if it's necessary, we go into
17 tomorrow, of course. But for reasons of efficiency, I think it would
18 be better to try to finalise today. Very well.

19 Madam Court Clerk, could you please usher the witness in? Thank
20 you.

21 [The witnesses take the stand]

22 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Ms. Prinsen.

23 Welcome back, Ms. Lozano Parra.

24 Can you hear me fine, Ms. Prinsen?

25 THE WITNESS DUHNE-PRINSEN: Yes, I can.

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Additional redactions applied pursuant to F744.

1 PRESIDING JUDGE VELDT-FOGLIA: And Ms. Lozano Parra?

2 THE WITNESS LOZANO PARRA: Yes, as well.

3 PRESIDING JUDGE VELDT-FOGLIA: Very well.

4 Mr. Shala, could you hear the interpretation? Yes, I see you
5 nodding. Thank you.

6 THE ACCUSED: [via videolink] [Interpretation] Yes, I did.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 I will now give the floor to the Defence counsel for the further
9 questioning of these witnesses.

10 You have the floor.

11 MR. GILISSEN: Thank you very much, Your Honour.

12 Cross-examination by Mr. Gilissen:

13 Q. So good afternoon, Ms. Prinsen and Ms. Lozano Parra. Nice of
14 you to be here. I'm Mr. Shala's legal counsel. I heard you in your
15 presentation. It was very, very interesting, so I would like to ask
16 you a couple of questions to try to understand and to be able not to
17 commit a mistake. Thank you very much.

18 So my very first question relates to the information that you
19 had about the past and the person of the subject. So I would like to
20 know did you list all the documents you received by the
21 Victims' Counsel in your report on page 3 to 4?

22 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel.

23 MR. GILISSEN: Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: You are asking the question to
25 both of them?

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Additional redactions applied pursuant to F744.

1 MR. GILISSEN: [Microphone not activated] ... they share the --
2 the answering, so it depends of her.

3 PRESIDING JUDGE VELDT-FOGLIA: I think that it's easier, if
4 there are more follow-up questions, that you direct it to one of them
5 and then we can see if the other confirms, instead of having them
6 choose.

7 MR. GILISSEN: Okay. Perfect.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes?

9 MR. GILISSEN: Fine.

10 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

11 Could you please repeat the first part of the question regarding
12 to the information you were asking about.

13 MR. GILISSEN:

14 Q. Yes. You received a lot of documents from the Victims' Counsel,
15 and the question is did you list all these documents in your report
16 on pages 3 to 4?

17 PRESIDING JUDGE VELDT-FOGLIA: Allow me a remark, Defence
18 counsel, and also for the expert witnesses. We are in public
19 session. So I'm fully aware that you -- I'm sure that you're fully
20 aware of it, but I also want to emphasise it to the expert witnesses.
21 We are in public session, so caution with regard to what you say or
22 don't say.

23 Please proceed.

24 THE WITNESS LOZANO PARRA: Yes. This is Dr. Lozano Parra
25 speaking.

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1 In page 3 and 4, we listed all the documents we received. So
2 this is -- yes, maybe you want to add something?

3 THE WITNESS DUHNE-PRINSEN: Yes, this is Mrs. Prinsen speaking.

4 We noted the documents that were relevant for our examination
5 and for the questions that were asked, the three questions.

6 MR. GILISSEN:

7 Q. It was one of my questions exactly. From the information you
8 received, are there any elements you decided to not consider or to
9 dismiss for the purpose of your examination of the subject? So we
10 are talking exactly about what you were saying. And I would like to
11 know the reason why.

12 THE WITNESS DUHNE-PRINSEN: Yes, I can answer that question --

13 PRESIDING JUDGE VELDT-FOGLIA: Please -- please state --

14 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking.

15 It was a very elaborated -- there were many documents, and there
16 were also, like, small notes just about things that happened. I
17 don't even recall but, like, small notes that were -- the content was
18 not related to the questions that were asked for us. So there were
19 so many that we listed the documents we went through and that had
20 information that might have been useful.

21 MR. GILISSEN:

22 Q. So thank you very much. I'm a little bit surprised at the
23 little information about the past [REDACTED]

24 [REDACTED] of the subject you have dispose to. So if a [REDACTED]
Pursuant to Post-Session Redaction Order F620. of

25 the subject exists, would you expect to receive it for your

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1 assessment?

2 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

3 I think for our medical examination, we don't have any
4 significant legal requirements for what kind of documents are handed
5 to us. We are always handed legal documents and medical documents if
6 there are any, and we read them and we get them in order to get some
7 context. But there is no requirement that says you need all the
8 *[REDACTED] Pursuant to Post-Session Redaction Order F620.* or you need all
9 the -- so there's no -- really, no
10 standard for that. So we work with what we receive.

11 And maybe to add to that is that the main goal for our
12 examination is to get a medical picture. So whether there are or
13 there aren't any *[REDACTED] Pursuant to Post-Session Redaction Order*
14 *F620.*, it's not the primary goal
15 to receive those, because we are also not really checking -- when we
16 do the examination, we are not -- in conversation with the subject,
17 we are not checking whether those are true or exist.

18 Q. I ask you, Ms. Prinsen, if you have something to add.

19 THE WITNESS DUHNE-PRINSEN: No. Well, this is Ms. Prinsen
20 speaking. For us, it is very important to see the scripts of his
21 accounts of the events, so that's why that is important to us. And
22 if there was a prior psychological report, that would be, of course,
23 of interest to us. But that's not the case, and it's not in the
24 *[REDACTED] Pursuant to Post-Session Redaction Order F620.*

25 Q. Thank you very much. So if I understand correctly, and you have
26 to correct me, you didn't receive a *[REDACTED] Pursuant to Post-Session*
27 *Redaction Order F620.* in the documents
28 that was sent to you?

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Additional redactions applied pursuant to F744.

1 THE WITNESS DUHNE-PRINSEN: This is Mrs. Prinsen speaking.

2 We didn't receive a [REDACTED] Pursuant to Post-Session Redaction
Order F620.. We did read in documents

3 that there was a prior history, and in his history we talked about it
4 with the subject, as you can read in our report.

5 Q. Thank you very much. So did the subject explain to you what
6 type, what nature was the problem for which [REDACTED] Pursuant to
Post-Session Redaction Order F620.

7 [REDACTED] Pursuant to Post-Session Redaction Order F620. I'm referring
--

8 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]

9 THE INTERPRETER: Microphone, please.

10 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, this is really
11 something for private, because now you are getting into kind of
12 details.

13 MR. GILISSEN: [Microphone not activated]

14 PRESIDING JUDGE VELDT-FOGLIA: Yes, but you should be aware of
15 that, and it should not be us to interrupt you. This is very
16 detailed information.

17 MR. DE MINICIS: And, Your Honours, that was my observation
18 exactly.

19 MR. GILISSEN: But there are so many people who are [REDACTED]
Pursuant to Post-Session Redaction Order F620.

20 [REDACTED] Pursuant to Post-Session Redaction Order F620. so that's why
we don't have to invent a

21 non-public hearing till this morning. There's a lot, a lot, almost
22 all the information are not public. That's why we have to be ready
23 to be very careful with that. I think so. But I am sure you are
24 fully aware, of course.

25 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I am very much

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Witness: Chayén Lozano Parra

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Additional redactions applied pursuant to F744.

1 aware of the point you are making, and this morning you made the
2 point and we went directly into public. But this specific
3 information, in our assessment, is too specific, taking a whole
4 approach to this case, that it's better to do it in private.

5 MR. GILISSEN: Okay.

6 PRESIDING JUDGE VELDT-FOGLIA: But rest assured that every time
7 you think that we should be going into public, you have a listening
8 ear from this Panel.

9 MR. GILISSEN: My fault, Your Honour.

10 PRESIDING JUDGE VELDT-FOGLIA: Court Officer, could you bring us
11 into private session, please.

12 MR. GILISSEN: So the best --

13 PRESIDING JUDGE VELDT-FOGLIA: No, no, no.

14 MR. GILISSEN: To repeat the question?

15 PRESIDING JUDGE VELDT-FOGLIA: No, please. We are still in
16 public session. I am waiting for the Court Officer to inform me that
17 we have --

18 ~~{Private session}~~ [Open Session] *Reclassified Pursuant*
19 *to F744*

19 THE COURT OFFICER: Your Honours, we're now in private session.

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

21 Defence counsel, you have the floor.

22 MR. GILISSEN: Thank you very much. I prefer to repeat the
23 question to be very clear.

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

Cross-examination by Mr. Gilissen

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Q. I ask the question to Mrs. Prinsen, too. The same answer,
22 confirmation?

23 THE WITNESS DUHNE-PRINSEN: Yes. And I think I can add --

24 PRESIDING JUDGE VELDT-FOGLIA: Please.

25 THE WITNESS DUHNE-PRINSEN: Oh, sorry. Mrs. Prinsen speaking.

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Witness: Chayén Lozano Parra

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Additional redactions applied pursuant to F744.

1 Yes. And I think I can add that it's not our job to do
2 truth-finding. So we're not -- it was not an examination to see
3 whether the subject is telling us whatever happened then and we
4 were -- we wanted to see his reply and our observation.

5 And according to the Istanbul Protocol, we only -- the
6 examination was focused on the psychological problems that we wanted
7 to link to his account of the torture in 1999.

8 MR. GILISSEN:

9 Q. Thank you very much. So at page 6, paragraph 7 of the report,
10 [REDACTED]

11 [REDACTED]

12 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, you say that you
13 are on page 6.

14 MR. GILISSEN: [Microphone not activated]

15 PRESIDING JUDGE VELDT-FOGLIA: And then?

16 MR. GILISSEN: Paragraph 7 of the report.

17 PRESIDING JUDGE VELDT-FOGLIA: But on page 6, I don't see a
18 mention of a -- oh, you mean. Okay. Very well. The paragraph
19 starting with: "Upon probing about ..."?

20 MR. GILISSEN: Yes.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay, good. Thank you.

22 MR. GILISSEN: I prefer to restart the question.

23 Q. So at page 6, paragraph 7 of the report:

24 [REDACTED]

25 [REDACTED]

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Witness: Chayén Lozano Parra

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Additional redactions applied pursuant to F744.

1 Is it correct?

2 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

3 You read it from the report, so that's correct.

4 Q. [REDACTED]

5 [REDACTED] So I would like to hear you about this

6 information, even if you provide me just before some information

7 about that.

8 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra.

9 What is your question?

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I would like to
21 have the question rephrased because I'm also -- for me, it's also not
22 clear what exactly is the question you want the expert witnesses to
23 answer. So you have the floor.

24 MR. GILISSEN: Thank you.

25 Q. So we discovered altogether --

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Additional redactions applied pursuant to F744.

1 MR. DE MINICIS: Your Honour, if I may intervene. We would

2 request that counsel provides a more precise reference [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

6 Defence counsel, in addition to my question, I agree with the
7 observation made by the SPO that it's good to have the reference to
8 what you are referring to. Thank you.

9 MR. GILISSEN: [Microphone not activated]

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 MR. GILISSEN: [Microphone not activated].

12 I asked for the team to provide me with the elements, and we
13 will provide it.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 MR. GILISSEN: Do you want to have it before or after or as soon
16 as possible?

17 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

18 As soon as possible. But for now, what is important, that you
19 pose a concrete question where the expert witnesses have -- which the
20 witnesses have to answer.

21 MR. GILISSEN: Exactly. Exactly.

22 Q. So the question in reality is --

23 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait, wait.

24 MR. GILISSEN: Yes.

25 PRESIDING JUDGE VELDT-FOGLIA: Sorry, Defence counsel.

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Witness: Chayén Lozano Parra

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Additional redactions applied pursuant to F744.

1 MR. GILISSEN: I don't mind. I don't mind [Overlapping
2 speakers] ...

3 PRESIDING JUDGE VELDT-FOGLIA: I see Victims' Counsel standing.
4 You have the floor.

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 PRESIDING JUDGE VELDT-FOGLIA: I think that was a part of the
9 question of the Specialist Prosecutor's Office.

10 MR. LAWS: Forgive me, I thought it --

11 PRESIDING JUDGE VELDT-FOGLIA: But maybe I have took it too
12 largely. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 MR. LAWS: Thank you.

17 MR. GILISSEN: I think Mr. Aouini is able to provide the
18 information.

19 PRESIDING JUDGE VELDT-FOGLIA: Then he will receive the floor.

20 MR. AOUMINI: Thank you, Your Honour. Good afternoon. So I have

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Additional redactions applied pursuant to F744.

1 Those are the two references that base the questions of

2 Mr. Gilissen. Thank you.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 PRESIDING JUDGE VELDT-FOGLIA: I found it very relevant to get
11 the basis of your question at this moment in time.

12 I will now give the floor back to Defence counsel, to
13 Mr. Gilissen. You may proceed.

14 MR. GILISSEN: Thank you very much.

15 Q. So the question is, I think, simple. Such elements of the past
16 and of the personality of the subject, was it -- could it be helpful
17 to carry out your work? I don't talk about the conclusions. It's
18 not the point. It's really -- these elements, this info could have
19 been useful for you or not?

20 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

21 I think what's important is that our whole goal and our
22 information-gathering is based on a medical examination, in which we
23 earlier explained we use all kinds of history from the subject next
24 to our observations, the psychodiagnostic testing, and those are the
25 basis of our medical examination. And then we use that for

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1 eventually coming to our conclusion.

2 The information we get up front can be helpful in understanding
3 the context. But more than that, it's not. So it's contextual
4 information which we then not use to -- in conversation not give back
5 every aspect of that. That's not part of the medical examination.

6 Q. But you asked some questions about the past of the subject.
7 Now, did you consider you have a complete picture of his [REDACTED]
8 past or not? Because this is the point of my questioning, of course.
9 This is a genuine point so that's why I ask the question.

10 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

11 I think it's important to state that the goal of the history in
12 conversation with the subject is not to get a complete or accurate
13 [REDACTED] picture. As you see on page 5 as well, the chapter is
14 called "Social Background." So, therefore, we discuss the pre-torture
15 history with the subject to get some context and, of course, we
16 always ask about somebody's background - where he grew up, and what
17 kind of family, were there any problems in the family, how did he do
18 in school, how was his social functioning as an adult after, so did
19 he have a job, did he have any [REDACTED].

20 So I think his [REDACTED] past is a part of a complete picture we
21 try
22 to get from the subject, if that's answering your question.

23 Q. Yes, I think so. That's exactly the point. Did you have a
24 complete picture or an incomplete one?

25 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra.

[REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

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Additional redactions applied pursuant to F744.

1 [REDACTED], but I think my answer is that we try to paint a complete
2 picture based on the conversation we had with the subject, and we go
3 from what he states in his account. So we don't use other documents
4 to test whether what he says is accurate or not.

5 Q. Indeed, it was not the point. We are sure we fully understand
6 that. So I would like to raise another point about the

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

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Page 2313

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

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Additional redactions applied pursuant to F744.

1 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I did not get
2 the question. Sorry.

3 MR. GILISSEN:

4 Q. So all of us, we have a perception of the reality and we have
5 our own understanding, and we translate the reality with our brain,
6 of course. You know that better than me. And the question is that:
7 Is it possible [REDACTED] are
8 you able to read but not in a good way, but not in the reality way,
9 are you able to read the reality with your own perception and even to
10 create a mistake because you are translating the reality you live,
11 you understand, you feel, but it's not necessarily the truth? That's
12 what I would like to talk about and to have your feeling or your
13 information about that.

14 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

15 I think to start with is Your Honour's own words you started
16 with, that the memory in itself for everyone is a very complex system
17 that is always an interpretation of your own feelings, things you
18 see, hear, smell at that moment. So the memory itself for everyone
19 is very subjective, as I may say.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. Yes. So if I understand you correctly, can we say that

5 [REDACTED] could be a cause or one of the causes

6 of the weakness in the accuracy or the objectivity of a statement

7 provided about an event?

8 PRESIDING JUDGE VELDT-FOGLIA: I don't think that that is a
9 summary of what the expert said.

10 MR. GILISSEN: That's why I asked the question.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay.

12 MR. GILISSEN: Yes.

13 THE WITNESS DUHNE-PRINSEN: This is Mrs. Prinsen speaking.

14 I'm sorry, I missed the last part. Can you please repeat the
15 question --

16 MR. GILISSEN:

17 Q. With pleasure --

18 THE WITNESS DUHNE-PRINSEN: -- Your Honour.

19 Q. -- really. So the idea is to know if [REDACTED]

20 [REDACTED], could it be a

21 cause or one of the causes of a weakness in the accuracy or

22 objectivity of a statement provided about a fact you live?

23 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

24 I cannot comment on that, I think, because the fact that
[REDACTED]

25 [REDACTED] does not -- for us, in our

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1 examination, we don't go further on that and then say something about
2 whether something is weaker or maybe less reliable. That's not
3 actually something we examine.

4 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel.

5 MR. GILISSEN: Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: I would like to make the point
7 that this question is not something that follows from what the expert
8 witness said before. I mean, it's a completely legitimate question,
9 and you get the floor for that, but your remarks -- so if I
10 understand correctly, I want to make the point here that, as I
11 understood the answer, it was about something else. I just --

12 MR. GILISSEN: Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: -- want to make the point here
14 and --

15 MR. GILISSEN: I am sure you understand I would like to obtain
16 some answers because I don't have the tools. That's a very specific
17 technical matter. So before arguing about that, I would like to have
18 a real picture of the situation. That's why. Because that is the --

19 PRESIDING JUDGE VELDT-FOGLIA: Okay. But I wanted to make the
20 point here.

21 MR. GILISSEN: Yeah. Yeah, yeah. That's sure. Thank you very
22 much.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Page 2317

Additional redactions applied pursuant to F744.

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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Page 2318

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Page 2319

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Page 2320

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Page 2321

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 THE WITNESS DUHNE-PRINSEN: This is Mrs. Prinsen speaking.

16 I think, as we -- in the beginning, we talked about the general
17 considerations and things that -- symptoms that you might have when
18 you experience trauma. So it depends on what traumatic events you
19 might encounter. It depends on you as a person. And we didn't
20 research that. So it's -- we looked at the psychological symptoms of
21 this subject, and that's the base of our medical examination.

22 PRESIDING JUDGE VELDT-FOGLIA: Please.

23 THE WITNESS LOZANO PARRA: This Dr. Lozano Parra.

24 [REDACTED]

25 [REDACTED]

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Page 2322

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Page 2323

Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. That's very clear. Thank you very much. So I would like to
6 know did the subject ever mention someone by the name of [REDACTED]?

7 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

8 I think I can refer to our report whether he mentioned that.

9 I'll have to check it, but I think --

10 [REDACTED]

11 [REDACTED]

12 THE WITNESS LOZANO PARRA: Sorry. This is Dr. Lozano Parra
13 speaking.

14 What is the question?

15 Q. [Microphone not activated]

16 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]

17 MR. GILISSEN: Yes, I saw it. I saw it.

18 Q. So it's just to be sure that -- to have the confirmation the
19 subject mentioned to you someone by the name of [REDACTED].

20 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

21 That is correct.

22 PRESIDING JUDGE VELDT-FOGLIA: And could you explain why is it
23 relevant, or are you now coming with the question?

24 MR. GILISSEN: [Microphone not activated]

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you.

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Additional redactions applied pursuant to F744.

1 MR. GILISSEN: I think you will see very fast. I think so.

2 Q. And I would like to know also, during your work, did the subject
3 mention the name of [REDACTED]?

4 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

5 Yes, he did.

6 Q. Yes, when he quote -- he named those two persons, that's in link
7 [REDACTED]

8 THE WITNESS DUHNE-PRINSEN: Sorry, this is Mrs. Prinsen
9 speaking.

10 I don't understand your question.

11 Q. Don't mind. I will try to make better. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 THE WITNESS DUHNE-PRINSEN: This is Mrs. Prinsen speaking.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

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Additional redactions applied pursuant to F744.

1 Q. Thank you very much. That's very clear. And I would like to
2 know, during your work, did the subject ever mention the name of
3 Pjeter Shala?

4 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

5 I don't think that his name is in the report, so we haven't
6 written down that name.

7 Q. Thank you very much. And I confirm that the name is not in the
8 report. Thank you very much.

9 So this is my last question. I think so, because it depends on
10 your answer of course. So to summarise, if I understood correctly,
11 you are expert to discover how the subject is functioning and what he
12 was suffering from, but, as you said this morning, page 44 of the
13 transcript, lines 13 and 14, not to know what factually happened; is
14 it correct?

15 THE WITNESS DUHNE-PRINSEN: This is Mrs. Prinsen speaking.

16 Well, I think it's a very, very short summary of what our
17 conclusions are. So, correct. I think it's really important to
18 understand that it is a medical report and the conclusions are based
19 on our medical research. And I don't know the last sentence you
20 read, in which context this was said. Maybe you can clarify that,
21 Your Honour?

22 PRESIDING JUDGE VELDT-FOGLIA: The microphone is on. So if you
23 speak, then --

24 THE WITNESS DUHNE-PRINSEN: Yes.

25 PRESIDING JUDGE VELDT-FOGLIA: -- we can hear you.

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Additional redactions applied pursuant to F744.

1 MR. GILISSEN:

2 Q. Yes, this morning, in the transcript, page 44, lines 13 and 14,
3 you declare, it was Dr. Lozano Parra:

4 [REDACTED]

5 [REDACTED]

6 THE WITNESS DUHNE-PRINSEN: This is Mrs. Prinsen speaking.

7 Is it possible we can see this transcript? I don't know if --
8 because it's still not clear the context. I think I know in which
9 context we said that, but --

10 MR. GILISSEN: I can provide my document, or if you prefer to
11 see it on the screen?

12 PRESIDING JUDGE VELDT-FOGLIA: I will confer with the
13 Court Officer to see if we can go back with the Transcend to that
14 page or we do it in another way.

15 [Trial Panel and Court Officer confers]

16 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, thank you for
17 offering the transcript page. However, the Court Officer has
18 indicated that she can put it on the evidence screen.

19 So it's page 44, lines 13 and 14, for the expert witnesses.

20 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~)(Open Session) *Reclassified Pursuant to F744*

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 MR. GILISSEN:

3 Q. Because I don't want to put in your mouth some other ideas that
4 are yours, could I consider that on the same page, 44, lines 19 to
5 22, I read it:

6 "Our methods are primarily focused on doing a medical assessment
7 and seeing whether that fits into the account of the subject. So
8 it's not our purpose or our task to decide whether something has
9 factually happened or not."

10 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

11 I agree with this, what is stated there. I think it's important
12 to know that a medical examination, a medicolegal examination,
13 according to the Istanbul Protocol, can be used in legal proceedings
14 as substantial evidence.

15 So, therefore, the medical conclusions can be used to -- in that
16 procedure as substantial information. But, again, the examination is
17 not -- does not paint a picture of the facts. It paints a picture of
18 the medical situation.

19 Q. So thank you very much. This was my last question. Thank you
20 because it was very clear, and very useful, first; and, second, that
21 the first time that someone called me "Your Honour." So thank you
22 very much.

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

24 Court Officer, could you bring us back into public session,
25 please.

Witness: Karin Duhne-Prinsen (Open Session)

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Witness: Chayén Lozano Parra

Procedural Matters

Additional redactions applied pursuant to F744.

1 [Open session]

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

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 Mrs. Prinsen and Ms. Lozano Parra, we have finalised our first
5 round, as to say, and I will now address again Victims' Counsel to
6 see if he has any further questions.

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

8 PRESIDING JUDGE VELDT-FOGLIA: That was quick, Victims' Counsel.

9 For the SPO, are there any questions -- you have not put any
10 questions up till now, but it could be that something raised in the
11 meantime.

12 MR. DE MINICIS: [Microphone not activated]

13 PRESIDING JUDGE VELDT-FOGLIA: Please. Yes, of course.

14 [Specialist Prosecutors confer]

15 MR. DE MINICIS: Thanks, Your Honour. We don't have any
16 questions for the witnesses. Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

18 I won't ask the question here, of course. Very well.

19 Yes. Now, Ms. Prinsen and Ms. Lozano Parra, we have no
20 questions from parties and Victims' Counsel. However, from the Panel
21 there is a question from my colleague on my left-hand side, Judge
22 Bitti. I will give him the floor for an additional question in order
23 to gain some more clarity regard to an earlier answer you have given
24 to one of the colleagues here in the court.

25 You have the floor.

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Witness: Chayén Lozano Parra

Questioned by the Trial Panel

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Additional redactions applied pursuant to F744.

1 JUDGE BITTI: Thank you, Madam Presiding Judge. I have, indeed,
2 one question for both experts.

3 Questioned by the Trial Panel:

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 PRESIDING JUDGE VELDT-FOGLIA: Before you start answering, be
9 mindful that we are in public session. If you prefer to go into
10 private session, please indicate so. Then we can do that.

11 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.
12 We prefer to do it in private session.

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

14 Madam Court Officer, could you bring us into private session,
15 please.

16 ~~[Private session]~~[Open Session]*Reclassified Pursuant
to F744*

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

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Ms. Lozano Parra, or Ms. Prinsen, depending on who is going to
20 answer, you have the floor.

21 THE WITNESS DUHNE-PRINSEN: Your Honour, this is Mrs. Prinsen
22 speaking.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: Karin Duhne-Prinsen (~~Private Session~~) (Open Session) *Reclassified Pursuant to F744*

Witness: Chayén Lozano Parra

Questioned by the Trial Panel

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

18 I think in general it's important to know that scientifically it
19 has been shown that -- I think my colleague explained this well, that
20 the attention someone has to focus on a certain incident narrows when
21 your life is threatened. So there are certain details somebody can
22 really clearly see and remember and recall later, and then there are
23 certain details that are more vague.

24 And the details we know from scientific research that are
25 usually harder to recall are dates, so when things happened, but also

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Witness: Chayén Lozano Parra

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Additional redactions applied pursuant to F744.

1 when - so the time and date - and sometimes also who else was present
2 in the room. Those kind of things. So the memory in itself is not
3 the most reliable thing, so that's a hard thing, especially in legal
4 procedures. But then when something traumatising happens, then the
5 mind is also going in a survival mode and then just focuses on the
6 one thing that's the most threatening; for example, a gun, or a
7 sound, or a smell, that stays with a person.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 JUDGE BITTI: Okay. Did you have that impression when he was
12 relating that to you?

13 THE WITNESS LOZANO PARRA: This is Dr. Lozano Parra speaking.

14 As my colleague just stated, during the observations and
15 conversation we had with the subject, we did not have any doubts
16 about that specific occurrence.

17 JUDGE BITTI: Okay.

18 THE WITNESS DUHNE-PRINSEN: Can I?

19 JUDGE BITTI: Please.

20 THE WITNESS DUHNE-PRINSEN: This is Mrs. Prinsen speaking.

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Witness: Chayén Lozano Parra

Questioned by the Trial Panel

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Additional redactions applied pursuant to F744.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 JUDGE BITTI: Thank you very much. I have no more questions.
8 Thank you.

9 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

10 And now with the microphone. Can you bring us into public
11 session, please.

12 ~~[Open session]~~

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

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

15 Ms. Prinsen and Ms. Lozano Parra, we reached the end of your
16 testimony. And I would like to thank you for the efforts you put in
17 giving your testimony, and I believe it will assist the Panel in our
18 effort to find the truth. So thank you very much.

19 I remind you that you should not discuss anything we have been
20 discussing in this courtroom with regard to your testimony with
21 anybody else. Yes? And I will ask Madam Court Usher to usher you
22 out. Thank you again.

23 [The witnesses withdrew]

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.

25 Very well. What I propose is that we have a short break, 20

Additional redactions applied pursuant to F744.

1 minutes, because then I will be reading the agenda, and we will be
2 setting the dates, and some oral orders, and I think it's good to
3 have a break before that. Yes?

4 So the hearing is adjourned till 10 minutes past half past 2.00,
5 so in 20 minutes. Half past 2.00. Am I right? No. 20 minutes to
6 3.00, let's put it like that.

7 --- Recess taken at 2.22 p.m.

8 --- On resuming at 2.41 p.m.

9 PRESIDING JUDGE VELDT-FOGLIA: Welcome for this last part of the
10 hearing of today.

11 Yes, I see that the SPO has changed slightly its composition.

12 MR. DE MINICIS: Yes, Your Honour. At this point, it's only
13 Gaia Pergolo and Filippo de Minicis and Line Pedersen for the
14 Prosecution.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well.

16 The Victims' Counsel is in the same composition. And I see that
17 the same goes for the Defence team. Very well.

18 The Panel will now turn to the setting of the date and the
19 agenda for the Defence Preparation Conference. And thereafter, we
20 will issue an oral ruling, as we announced this morning, and we have
21 a request for the SPO.

22 We decide to convene the Defence Preparation Conference on
23 Thursday, 24 August, at 9.30. And in order to facilitate the
24 preparation of the conference and to ensure its efficient conduct, we
25 seek written submissions from the Defence and the SPO and

Additional redactions applied pursuant to F744.

1 Victims' Counsel - but mainly from the Defence - by Wednesday, 23
2 August at 12.00.

3 And we will mention the following agenda. On the following
4 agenda items, the Panel would like to know if the Defence has
5 finalised its investigations or if it anticipates carrying out
6 further investigative activities; and in the affirmative,
7 approximately how much time the Defence will need to finalise these
8 investigations.

9 The second point the Panel would like to know is has the Defence
10 permitted the SPO and Victims' Counsel to inspect all tangible
11 objects in the custody or control which are intended for use at
12 trial. And if that's not the case, what is the extent and type of
13 the remaining material and when the Defence foresees that the
14 inspection will be completed.

15 The third point is what is the order -- and, of course, there
16 will be an assessment of the Panel with regard to the witnesses
17 proposed. But what is the order in which the Defence intends to call
18 its witnesses, and which witnesses does the Defence envisage to
19 examine during the upcoming sixth and seventh evidentiary blocks.
20 And that is from the 18th till the 22nd September, as has already
21 been decided, and from the 2nd to 6th October of this year. And the
22 Panel urges the Defence to schedule its witnesses in a manner that
23 maximises the use of the available courtroom time, and that means
24 that, to the extent possible and foreseeable, of course, the
25 courtroom days should not be left unused. But that's no different

Additional redactions applied pursuant to F744.

1 than how we proceeded with the SPO.

2 Our fourth question for the Defence is when does the Defence
3 expect to be in a position to file applications under Rule 153, 154,
4 and 155 of the Rules. And furthermore, the Panel would like to know
5 if the Defence could clarify whether it intends to file Rule 154
6 applications for Witness 4454, Witness 4405, Witness 4441,
7 Witness 4280, Witness 4440, and Witness 3881, or a final decision on
8 this matter is yet to be made. And we also would like to know how
9 many items are concerned for each witness.

10 And the Panel recalls that the Defence was ordered to file any
11 applications under the Rules 153, 154, and 155 of the rules at the
12 latest when filing its list of witnesses. And applications under
13 Rule 154 of the rules shall in no case be made later than 30 days
14 prior to the testimony of the witness concerned. And I refer you to
15 the Decision on the Conduct of Proceedings, filing 434 RED,
16 paragraphs 68 and 69, the Panel's oral order of 16 June 2023,
17 transcript of hearing page 2020, lines 7 to 10, and the decision on
18 the Defence request for an extension of time for the submission of
19 its list of witnesses and exhibits, this is filing 591, paragraph 10.
20 And, therefore, the Defence should proceed with its applications as
21 soon as possible, including adding justification for its late
22 applications.

23 Our fifth question relates to the moment the Defence expects to
24 be in a position to file its applications pursuant to Rule 121(3) of
25 the rules.

Additional redactions applied pursuant to F744.

1 And the sixth point is does the Defence intend to request
2 protective measures for any of its proposed witnesses. And if so,
3 what protective measures and for which witnesses.

4 The seventh point is does the Defence intend to request for
5 Witness 04 to be examined via video-conference or is a final decision
6 on this matter yet to be made. And a follow-up question is if the
7 Defence envisage that it will request also other witnesses to be
8 examined via video-conference. And the Panel would like to know when
9 the Defence will be in a position to file the request, if any.

10 The Panel recalls that requests under Rule 144 of the rules
11 shall be made at the earliest opportunity and no later than 30 days
12 before the witness's expected testimony. And I refer you to the
13 Decision on the Conduct of Proceedings, which is filing 434 RED,
14 paragraph 30.

15 Eight. Does the Defence envisage that any of the witnesses will
16 need to be examined away from the trial venue pursuant to Rule 145 of
17 the rules.

18 And ninth. Does the Defence envisage that any of its witnesses
19 will need to be given assurances against self-incrimination pursuant
20 to Rule 151(3) of the rules.

21 And the tenth point is does the Defence require an *ex parte*
22 closed session next Thursday in order to address the Panel on matters
23 related to the presentation of its case. And if that is the case,
24 what are the matters concerned you would like to discuss with the
25 Panel.

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1 And then the next point, very important, the Panel observes that
2 the Defence has not disclosed any witness statements in relation to
3 certain witnesses, including Witness DW4-02, 03, 04, 05, and 06. The
4 question of the Panel is has the Defence taken any prior statements
5 from these witnesses, or does it have any notes of conversation with
6 these witnesses regarding their foreseen testimony. And in the
7 affirmative, the Panel recalls that the Defence has an obligation to
8 disclose these statements, and we direct you to inform us if there
9 are any, and by when do you intend to do so.

10 Twelfth. The Panel instructs the Defence to provide an overview
11 for each witness of their prior statements and related documents and
12 to indicate if, and in the affirmative, for which witnesses there are
13 no prior statements so that we have a good overview of what is
14 available and not.

15 And last, I mention for the record that on Friday, 18 August,
16 the Defence was ordered via e-mail to provide one-page summaries of
17 the facts on which each witness is expected to testify as set out in
18 Rule 119(2)(a)(iv) of the rules, and to do so by Wednesday, 23 August
19 2023.

20 And, Defence counsel, it would assist the Panel if you could
21 provide us with courtesy copies of the summaries via e-mail on a
22 rolling basis as soon as each summary or set of summaries is ready in
23 advance of the 23 August deadline.

24 We urge you to prioritise the summaries for the witnesses for
25 whom you have not disclosed any statements and to provide these

Additional redactions applied pursuant to F744.

1 summaries as soon as possible. And I hope you are in a position to
2 do so in order also for the Panel to proceed with its assessment in
3 the upcoming days.

4 And with regard to this last request, Defence counsel, would you
5 be in a position to do that on a rolling basis?

6 MR. AOUNI: Yes, Your Honour. We will endeavour to do that.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 With respect to these questions and these points for the agenda,
9 because following your submissions on Thursday we will be discussing
10 your submissions and seeing if there are still any questions left, is
11 everything clear to you?

12 MR. GILISSEN: Very clear. Thank you very much.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you.

14 I now turn to the Specialist Prosecutor's Office and to
15 Victims' Counsel.

16 The question for you would be do you intend to object to the
17 admissibility of any of the non-oral evidence the Defence intends to
18 present at trial; and if so, what the nature of the objections will
19 be. But that is for Wednesday.

20 And this concludes the agenda for the Defence Preparation
21 Conference, unless there are any additional remarks in this respect.

22 I look at the SPO.

23 MR. DE MINICIS: Your Honour, the only remark we're going to
24 make was the Wednesday deadline for the updated summaries *vis-à-vis*
25 the scheduled conference for Thursday, but I think Your Honour has

Additional redactions applied pursuant to F744.

1 addressed that by requesting the Defence start disclosing these
2 summaries on a rolling basis. That will allow us to make meaningful
3 submissions pursuant to Rule 119(3) if we receive the additional
4 information in advance of the conference.

5 PRESIDING JUDGE VELDT-FOGLIA: Yes. And I heard the Defence
6 saying loud and clear that they will endeavour to do that. Thank
7 you.

8 Victims' Counsel, is there something you would like to add?

9 MR. LAWS: No, nothing. Thank you, Your Honour.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 Very well. Madam Court Officer, could you bring us briefly into
12 private session for the next oral ruling.

13 [Private session]

14 [Private session text removed]

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Additional redactions applied pursuant to F744.

1 [Private session text removed]

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13 *[Open Session] Reclassified Pursuant to F744.* However, we would like to rule
on it

14 expeditiously, and because we intend to give, if possible, oral
15 orders with regard to the issues regarding the Defence Preparation
16 Conference on Friday, we would like to ask the SPO if you would be in
17 the possibility, if you would reply, to do that on Thursday either
18 orally or in writing, but so one day earlier.

19 MR. DE MINICIS: Of course, Your Honour. We will file any reply
20 by Thursday if we reply [Overlapping speakers] ...

21 PRESIDING JUDGE VELDT-FOGLIA: And you can also do it during the
22 Defence Preparation Conference or after the Defence Preparation
23 Conference orally if you would like to do so.

24 MR. DE MINICIS: Yes, perhaps we will reserve the decision after
25 we receive the filing by the Defence. But, of course, we will keep

Additional redactions applied pursuant to F744.

1 that in mind as a possibility, Your Honour.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes, but they will be filing
3 tomorrow their response.

4 MR. DE MINICIS: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. Thank you for
6 that.

7 Yes, now we can go back to public session.

8 Madam Court Officer, can you bring us into public.

9 ~~{Open session}~~

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

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 If the parties and Victims' Counsel have anything to raise? No?
13 Then we will resume on Thursday, 24 August, at 9.30, with the Defence
14 Preparation Conference.

15 Thank you very much for today's participation.

16 The hearing is adjourned.

17 --- Whereupon the hearing adjourned at 3.01 p.m.

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