

Additional redactions applied pursuant to F793.

1 Wednesday, 29 November 2023

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 9.48 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning. A little bit later
6 than usual, but we are starting. Welcome.

7 Court Officer, can you please call the case.

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

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

11 I see that the Specialist Prosecutor's Office is in the same
12 composition.

13 I now turn to Victims' Counsel.

14 MR. LAWS: Good morning, Your Honour. I'm Simon Laws, counsel
15 for the victims in this case, together with my co-counsel
16 Maria Radziejowska.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.
18 Defence Counsel, you have the floor.

19 MR. GILISSEN: [Microphone not activated].

20 I have to restart. So good morning. And we are the same team
21 excepting for Ms. Livia Veliu and Mr. Basile Mulera. Thank you very
22 much.

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

24 And, Mr. Shala, you are here with us via videolink from the
25 detention facilities. Mr. Shala, good morning. Can you confirm that

Additional redactions applied pursuant to F793.

1 you hear me well?

2 THE ACCUSED: [via videolink] [Interpretation] Good morning. I
3 can hear you very well.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 Before we continue with the testimony of Defence Witness W04280,
6 I would like to go into private session to discuss a matter that is
7 still pending.

8 So, Madam Court Officer, can you bring us into private session,
9 please.

10 ~~[Private session]~~ [Open session] *Reclassified pursuant to F793*

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

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

13 Defence Counsel, I would like -- I'm going to give you the floor
14 with regard to the question what your position is with regard to
15 DW4-01, after the information we have received yesterday that he was
16 refusing -- or he has refused to have the summons served upon him,
17 but he is aware of them. So, I mean, that is clear.

18 I would like to hear your position on that. We also have some
19 additional information, but depending on what your position is, I can
20 share that or not.

21 Please, you have the floor.

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

23 So the Defence submit that in light of the new information we
24 received yesterday by the Registry, we are no longer seeking to
25 obtain this witness. But, of course, we would like, on the basis of

Additional redactions applied pursuant to F793.

1 Rule 153, to obtain this -- not statement but testimony of this
2 witness, the testimony he gave [REDACTED]
3 [REDACTED], so we would like to obtain it in the file of the
4 Court to have all the information.

5 Thank you very much.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you. I propose that
7 you make a separate filing for that, and then we can do the usual
8 round. Very well.

9 Mr. Prosecutor, anything from your side?

10 MR. DE MINICIS: No. Thank you, Your Honour.

11 PRESIDING JUDGE VELDT-FOGLIA: Very well. Victims' Counsel.

12 MR. LAWS: No, nothing to add. Thank you, Your Honour.

13 PRESIDING JUDGE VELDT-FOGLIA: Good.

14 Thank you very much for this, Defence Counsel.

15 We can go back into public session.

16 ~~{Open session}~~

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

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

19 Very well. Madam Court Officer -- or Mr. Court Clerk, could you
20 please invite the witness to the courtroom via videolink and then
21 introduce everyone who is present in the courtroom via videolink.
22 Thank you.

23 THE COURT OFFICER: [via videolink] Good morning, Your Honours.
24 Certainly.

25 PRESIDING JUDGE VELDT-FOGLIA: And, Defence Counsel, we will be

Additional redactions applied pursuant to F793.

1 giving some oral orders after the hearing, and that means that we
2 will give a deadline for this Rule 153 request. Yes? Okay, good.

3 MR. GILISSEN: May I add, with your authorisation, it is not the
4 Petravica court, I am afraid for Ms. Petravica. It's the Mitrovica
5 court.

6 PRESIDING JUDGE VELDT-FOGLIA: That's how I understood it,
7 Defence Counsel. There was no misunderstanding.

8 MR. GILISSEN: I am sure of that. That's because in the -- it
9 was in the transcript, yeah.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. Yes, that is corrected
11 now. Thank you.

12 [The witness entered court via videolink]

13 THE COURT OFFICER: [via videolink] Good morning, Your Honours,
14 again.

15 To confirm for the record, present in the courtroom via
16 videolink are the Witness W04280 and myself, Court Officer. Thank
17 you, Your Honours.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Court Clerk.
19 Mr. Witness, welcome.

20 THE WITNESS: [via videolink] [Interpretation] Good morning.

21 PRESIDING JUDGE VELDT-FOGLIA: Can you hear me fine?

22 THE WITNESS: [via videolink] [Interpretation] Yes, I can hear
23 you well.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Mr. Shala, can you hear the witness?

Additional redactions applied pursuant to F793.

1 THE ACCUSED: [via videolink] [Interpretation] Yes, I can. Thank
2 you.

3 PRESIDING JUDGE VELDT-FOGLIA: Very well.

4 Mr. Witness, how are you today?

5 THE WITNESS: [via videolink] [Interpretation] Worse than
6 yesterday.

7 PRESIDING JUDGE VELDT-FOGLIA: I'm sorry to hear that,
8 Mr. Witness. I think that I can already tell you that today will not
9 be as long as yesterday, so bear with us a little bit more. We
10 appreciate very much your efforts, but it will not be a long day.
11 Yes?

12 And, Mr. Witness, I remind you that you are still under oath to
13 tell the truth.

14 Do you understand that?

15 THE WITNESS: [via videolink] [Interpretation] Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well.

17 Mr. Prosecutor, before I give you the floor, I have just one
18 question. Are you going to ask the witness to make any markings on
19 documents today?

20 MR. DE MINICIS: No, Your Honours. That is unlikely,
21 considering that -- well, considering how things have gone so far, we
22 are not planning to have the witness mark specific exhibits.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well. It was just in order
24 to explain the procedure we have also to the witness and to the
25 parties, but if there is no need for that, I will not go into that.

Additional redactions applied pursuant to F793.

1 Thank you.

2 That means that you have the floor, Mr. Prosecutor.

3 Mr. Witness, the Prosecution service office will continue with
4 the questions for you.

5 And if we have to go into private, Mr. Prosecutor, please tell
6 me.

7 MR. DE MINICIS: Yes, Your Honour. I think that, as it was
8 yesterday, most of this will need to be conducted in private session.
9 Even though the start of my cross-examination might not be revealing,
10 per se, but then we might just do as we usually do and unredact
11 afterwards and play it safe for now in private.

12 PRESIDING JUDGE VELDT-FOGLIA: In this case, I think it is an
13 approach. We do that -- we do it on a case-by-case basis, but this
14 one, we prefer also to go into private.

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

16 [Private session]

17 [Private session text removed]

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3836

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3837

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3838

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3839

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3840

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3841

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness:W04280 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F793*

Cross-examination by Mr. De Minicis (Continued)

Page 3842

Additional redactions applied pursuant to F793.

[Open session] *Reclassified pursuant to F793*

1 Now, where is that you did not have access? Is there a specific
2 building inside the premises where you did not have access or you did
3 not want to go?

4 A. No. That was in general where people gathered. For example, I
5 had no access to the kitchen, no access to the infirmary that was
6 there, neither access to the barber, for example. This is what I
7 remember. I don't remember any other locations.

8 Q. Mr. Witness, I'd like to show you a picture of a building that
9 we've heard evidence -- I'd like to show you a picture of a building.

10 MR. DE MINICIS: Your Honours, if I could have, please, P00093
11 on the screen, page 1.

12 PRESIDING JUDGE VELDT-FOGLIA: Before we do that,
13 Mr. Prosecutor, there's one thing I want to say to the witness.

14 Mr. Witness, you gave an oath yesterday to say the truth, but
15 also - and this is more general, it has nothing to do now with the
16 specific question of Mr. Prosecutor - that you shall not withhold
17 anything which has come to your knowledge. And I'm hearing a lot of
18 "I don't know," "I don't remember," specifically, and I just want to
19 remind you of that part of your oath.

20 Please proceed, Mr. Prosecutor.

21 MR. DE MINICIS: Thank you.

22 Q. So before we discuss the picture we are about to see, do you
23 remember if in the premises -- [REDACTED]
24 [REDACTED], if you had to go to the toilet, where would you
25 go?

Witness: W04280 (Resumed) (Private Session)

Page 3843

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 A. There were toilets there and there was a bathroom too, but I
2 don't remember in which part they were.

3 MR. DE MINICIS: Well, now if we could have the picture on the
4 screen at this time.

5 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please
6 proceed.

7 MR. DE MINICIS:

8 Q. Mr. Witness, does the building depicted in this picture look
9 familiar to you? Please take your time to look at it.

10 A. No, it doesn't. I don't remember it.

[Private session]

11 [Private session text removed]

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3844

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3845

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3846

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3847

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3848

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3849

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3850

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]
[Open session] *Reclassified pursuant to F793*

2 Q. Then for completeness, I put to you that the Prosecutor then
3 continued to ask you:

4 "But when you were there, is it correct that there were
5 prisoners being held at [the] location on that site?"

6 And you stated:

7 "I do not know whether there were any people that were being
8 imprisoned or detained ... there were a lot of soldiers and civilians
9 there, but I do not know if they were held ... because the prosecutor
10 ... that was in charge if -- they were -- they was dealing with them,
11 if there were any people in prison there."

12 Now, what prosecutor were you referring to here, when you stated
13 that the prosecutor was in charge of the detainees, in case there
14 were any?

15 A. My statement has been misunderstood. When this question was
16 asked, my answer was that in every military barracks there are also
17 disciplinary measures. And I'm talking about the time when I was a
18 soldier in Yugoslavian army. If somebody breached the orders, that
19 person would be taken.

[Private session]

20 [Private session text removed]

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3851

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3852

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3853

Cross-examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3854

Procedural Matters

Additional redactions applied pursuant to F793.

[Private session text removed]

1

2

3

4

[Open session]

5

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

6

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

7

Mr. Witness, before I give you the floor -- Mr. Prosecutor has concluded his examination, Mr. Witness, and before I give the floor, if need be, to Victims' Counsel, I will give first to you the floor.

8

9

I saw that you raised your hand. What do you want to say?

10

11

THE WITNESS: [via videolink] [Interpretation] Could we have just a short break? I need to go to the bathroom.

12

13

PRESIDING JUDGE VELDT-FOGLIA: Yes, Mr. Witness, you -- we can have a break. But what I will do then is that we anticipate our break. We have still -- yes. I think we will do that.

14

15

16

Victims' Counsel, do you have any questions? I remember something from yesterday.

17

18

MR. LAWS: Your Honour, no, I don't. Thank you.

19

20

PRESIDING JUDGE VELDT-FOGLIA: Would there be a need for redirect from your side?

21

22

MR. AOUNI: Yes, Your Honour. Three small topics for clarification, so it would take a few minutes, for you to consider.

23

24

PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you. Very well.

25

Mr. Witness, please, we will have -- you are excused, and we will wait here for you in the courtroom.

Witness: W04280 (Resumed) (Open Session)

Page 3855

Procedural Matters

Additional redactions applied pursuant to F793.

1 Court Clerk, could you please accompany the witness out of the
2 courtroom? Thank you.

3 [The witness stands down via videolink]

4 MR. AOUINI: Can we, in the meantime, Your Honour, request a
5 reference from our learned friends when they suggested to the witness
6 one specific allegation coming from evidence. This was at page 15
7 and 16 of the provisional transcript. And we would very much -- for
8 the completeness of the transcript, and for us to be able to
9 understand where exactly it comes from and to respond to it later on,
10 to have the reference of the source of that allegation that they have
11 put to the witness.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel. It
13 was page 15 and 16, because I'm already there and I don't have to go
14 back. And which lines?

15 MR. AOUINI: It starts at page 15, line 20.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes.

17 MR. AOUINI: It goes to page 16, line 15, if we are not
18 mistaken.

19 PRESIDING JUDGE VELDT-FOGLIA: Very well. I give Mr. Prosecutor
20 the time to have a look at it.

21 [The witness takes the stand via videolink]

22 THE COURT OFFICER: [via videolink] Your Honour, for the record,
23 the witness is back via videolink.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Court Clerk.

25 I see Mr. Prosecutor standing. The reference can also be given

Witness: W04280 (Resumed) (Open Session)

Page 3856

Procedural Matters

Additional redactions applied pursuant to F793.

1 at a later stage. I give the floor to you.

2 MR. DE MINICIS: Yes, Your Honours, I have them at the ready.

3 This was a summary of a number of witnesses that we have heard or

4 introduced evidence in writing in this trial. The first one is

5 TW4-01, and the references are to be found in the transcript of

6 31 May 2023, pages 1537 and 1539. Speaks about possibility of

7 family --

8 PRESIDING JUDGE VELDT-FOGLIA: We are in public.

9 MR. DE MINICIS: Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay.

11 MR. DE MINICIS: Finally having the possibility of an increased

12 level of hygiene. The same is confirmed by 1448, that this happened

13 at a certain point. And this is to be found in

14 SITF00013736-SITF00013767 RED5, page 15.

15 The information about the origin and the personal details of the

16 witness is also given by TW4-02. This can be found at 060664-TR-ET

17 Part 5 RED4, page 12.

18 Similarly, TW4-04 speaks about these changes that happened after

19 a certain event took place. And that can be found at 064716-TR-ET

20 Part 3 RED4, page 16, and Part 5, pages 21, 29, and 30.

21 These are just references to some of the sources from which I

22 drew the information that I summarised in putting that to the

23 witness -- that evidence to the witness.

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

25 Defence Counsel, I have understood that you would like to

Witness: W04280 (Resumed) (Open Session)

Page 3857

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 redirect, and you have the floor for that.

2 MR. AOUINI: Thank you very much, Your Honour.

3 MR. DE MINICIS: Your Honour, sorry, one last reference just to
4 guide.

5 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

6 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

7 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Mr. Witness, we will now continue with some questions by the
10 Defence Counsel for Mr. Shala.

11 Defence Counsel, you have the floor.

12 MR. AOUINI: Thank you, Your Honour.

13 Re-examination by Mr. Aouini:

14 Q. Good morning, Mr. Witness. We're almost done. I have a few
15 clarifying questions as follow up to the Prosecution questions.

16 A. Good morning.

17 Q. And I will start by something that was just addressed this
18 morning.

19 Our colleagues from the Prosecutor, at page 17 of today's
20 provisional transcript ...

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

22 MR. AOUINI: Yes, Your Honour, we shall move to the private
23 session.

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can you
25 bring us into private session.

Witness: W04280 (Resumed) (Private Session)

Page 3858

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 [Private session]

2 [Private session text removed]

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3859

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

[Open Session] *Reclassified pursuant to F793*

14 Q. And were you able to distinguish between civilians and soldiers,
15 who they are, what they were doing, or you were not? Can you clarify
16 your evidence on that, please.

17 A. Upon arriving at the barracks, a civilian would arrive as a
18 civilian. Then he would be instructed on how to proceed further,
19 where to register, where to get his uniform. That was it.

20 Q. Thank you, Mr. Witness.

21 MR. AOUINI: Your Honour, if we could address another topic that
22 is on the previous page. So we don't move back and forth, maybe we
23 address that. On the previous page, that is page 9 in the English.

24 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
25 Officer.

Witness:W04280 (Resumed) (~~Private Session~~) (Open Session) Reclassified Pursuant to F793

Page 3860

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 MR. AOUINI:

2 Q. Mr. Witness, yesterday at pages 3813 to 3815, you were
3 questioned by the Prosecution colleagues about whether had you fears,
4 and that in your prior statements you were questioned about having
5 fears or receiving threats. And I would like to read to you one
6 portion that was not read to you and ask you a question about it.

7 MR. AOUINI: With your leave, Your Honour, it would at page 9 in
8 the English, starting from line 7. It should also be the previous
9 page in the Albanian.

10 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

11 MR. AOUINI: Thank you, Your Honour.

12 Q. Mr. Witness, you were questioned in this statement, prior
13 statement, this question:

14 "Have you ever had anyone threaten or make you understand that
15 it could be a problem to speak to investigators or prosecutors about
16 any event that you were a witness to?"

17 And the answer is:

18 "No, I haven't. Up to now, nobody's told me anything. But it
19 might or I could."

20 And I have two questions on this. Was this correct what you
21 stated in [REDACTED]? Does that represent your evidence in [REDACTED]?

22 A. Yes. I didn't have any contact with anyone and I was not
23 threatened by anyone.

24 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please. I have a
25 question or a submission to make by Victims' Counsel.

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 MR. LAWS: Your Honour, I just wanted to point out that for us
2 the transcript is no longer working. I don't know if that's the case
3 for others as well.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. Yes, for everybody. We
5 don't lose hope. Yes.

6 You may proceed. Were you finished with your -- no, not yet?
7 No, I see it. We wait a moment because experience has learned that
8 sometimes it -- it starts working again.

9 Yes, it's good again. Good. Hope springs eternal. Good.
10 Defence Counsel.

11 MR. AOUINI: Thank you, Your Honour. Just checking that the
12 answer was transcribed. Yes, we have an answer at page 29, lines 22
13 to 23.

14 Q. And so, Mr. Witness, my second question is, up until today, as
15 opposed to [REDACTED], from after the war, during the war, until today,
16 did
17 you receive any threats or did anybody contact you or make you
18 understand that there is a problem if you say something about
19 something you were a witness to?

20 A. No, nobody threatened me, and I had no contact with anyone
21 with -- apart from the justice bodies of the Special Court.

22 Q. Thank you, Mr. Witness.

23 MR. AOUINI: Your Honour, we can -- unless there is any
24 follow-up, we can pull away from this document and use the last
25 document we have a question on.

26 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please pull

Witness: W04280 (Resumed) (Private Session)

Page 3862

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 the document down. And if could you explain to the Panel the
2 purposes of this next document.

3 MR. AOUINI: Yes, sorry, Your Honour. So this last document
4 comes to the signature of the document of [REDACTED] that we addressed
this
5 morning, my learned colleague. We had inscriptions in the Albanian
6 in the bottom, we wanted to put it in the record and ask the witness
7 if he has any commentary on it.

8 PRESIDING JUDGE VELDT-FOGLIA: Please proceed with this
9 document.

10 Madam Court Officer, you can pull it up. Thank you.

11 MR. AOUINI: Thank you very much. And please, Madam Court
12 Officer, if we can have number 2 in our presentation queue. That is
13 ERN SITF --

14 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]. I saw
15 that we have a -- I see that we have a problem with the transcript,
16 but at the same time all the information is coming in as I speak.
17 Very well. If that's the same for all participants in the courtroom.
18 Yes, good.

19 Please proceed, Defence Counsel.

[Private session]

20 [Private session text removed]

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3863

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3864

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3865

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3866

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04280 (Resumed) (Private Session)

Page 3867

Re-examination by Mr. Aouini

Additional redactions applied pursuant to F793.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 [Open session]

Additional redactions applied pursuant to F793.

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

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

3 The Defence has finished its examination in redirect. We will
4 now have a break. The Specialist Prosecutor's Office will take the
5 break to see if there is any reason for further questions.

6 Mr. Witness, I will ask Mr. Court Clerk now to accompany you out
7 of the courtroom, and we will see you back in half an hour. Thank
8 you very much for now.

9 Thank you, Mr. Court Clerk.

10 [The witness stands down via videolink]

11 THE COURT OFFICER: [via videolink] Your Honours, the witness has
12 left the courtroom.

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

14 Then we will adjourn the hearing for 30 minutes.

15 The hearing is adjourned.

16 --- Recess taken at 11.11 a.m.

17 --- On resuming at 11.47 a.m.

18 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

19 Mr. Shala, welcome back. Can you hear me?

20 THE ACCUSED: [via videolink] [Interpretation] Yes, I can. I
21 hear you very well. Thank you.

22 PRESIDING JUDGE VELDT-FOGLIA: Good, very good.

23 Yes, Mr. Prosecutor, you indicated you would use the time of the
24 break to see how you would like to proceed or not.

25 MR. DE MINICIS: Yes, Your Honour. We don't have any further

Witness: W04280 (Resumed) (Open Session)

Page 3869

Procedural Matters

Additional redactions applied pursuant to F793.

1 questions for this witness. Thank you.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

3 And, Victims' Counsel, I know you didn't have questions before,
4 but could have changed.

5 MR. LAWS: No. Thank you, Your Honour.

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

7 I already -- yes, very well. I will usher the witness in to
8 inform him where we stand. Also the Panel has no questions. So very
9 well.

10 Mr. Court Clerk, could you please usher the witness in? Thank
11 you.

12 THE COURT OFFICER: [via videolink] Yes, Your Honour.

13 [The witness takes the stand via videolink]

14 THE COURT OFFICER: [via videolink] Your Honours, the witness has
15 joined the videolink.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you very much,
17 Mr. Court Clerk.

18 Mr. Witness, welcome back.

19 THE WITNESS: [via videolink] [Interpretation] Thank you.

20 PRESIDING JUDGE VELDT-FOGLIA: There are no questions anymore
21 for you from the side of the parties and Victims' Counsel, and
22 neither from the side of the Panel, and that means that we have
23 reached the end of your testimony. And I would like to thank you
24 again for the efforts you have put into giving your testimony before
25 this Panel, so thank you very much.

Additional redactions applied pursuant to F793.

1 THE WITNESS: [via videolink] [Interpretation] You are welcome.

2 PRESIDING JUDGE VELDT-FOGLIA: I remind you that you shall not
3 discuss with anyone the testimony you have given before this Panel.

4 You understand that?

5 THE WITNESS: [via videolink] [Interpretation] Yes, I do.

6 PRESIDING JUDGE VELDT-FOGLIA: Then I wish you a good day. And
7 I will ask Court Officer now to assist the witness in disconnecting
8 the videolink. Thank you.

9 THE WITNESS: [via videolink] [Interpretation] Thank you as well.

10 [The witness withdrew via videolink]

11 PRESIDING JUDGE VELDT-FOGLIA: Very well. Before concluding
12 today's hearing, the Panel would like to address a number of
13 procedural matters. We will be issuing a number of oral orders and
14 rulings, and we will also put on record some deadlines already given,
15 but they are still in correspondence and not on record here.

16 Very well. The first one pertains to the Defence request to
17 call expert witness Mr. Stefan Lerz to testify in court.

18 On 8 November, the Defence filed the Defence objection to the
19 admissibility of Victims' Counsel's expert witness report and request
20 to call the expert witness to testify live. This is filing 711.

21 The Defence objects to the admissibility of this report into
22 evidence on the basis that it is unreliable and its probative value,
23 if any, is outweighed by its prejudicial effect. And the Defence
24 submits that, should the Panel admit Mr. Lerz's report into evidence,
25 he should be called to testify in court. And in this regard, the

Additional redactions applied pursuant to F793.

1 Defence argues that the written answers provided by Mr. Lerz to the
2 Defence are insufficient and ambiguous, and that not calling the
3 expert witness to testify would be in violation of the fundamental
4 rights of Mr. Shala.

5 On 20 November of this year, Victims' Counsel filed a response
6 to the Defence request, which is filing 723, submitting that the
7 arguments presented by the Defence are vague and unpersuasive.

8 At the outset, the Panel recalls its determination that
9 reparation proceedings shall be conducted in principle in writing,
10 and that Mr. Lerz would not be called to testify live unless the
11 Defence can provide the Panel with reasons to proceed differently.
12 And I refer to decision filing 598 of 21 July 2023, paragraphs 10 and
13 11; oral ruling of 20 September 2023, page 2455, line 15, to page
14 2456, line 8.

15 The Panel further recalls that, contrary to the Defence
16 submissions, in the context of reparation proceedings, Rule 168 of
17 the procedure and evidence before the Kosovo Specialist Chambers
18 applies as a *lex specialis* over Rule 149 of the rules.

19 The Panel also notes that the Defence has had the opportunity to
20 familiarise itself with the report prepared by Mr. Lerz and submit
21 written questions to the expert witness. And, moreover, the Defence
22 has presented its objections to the report's admissibility into
23 evidence, and it has further presented its own expert evidence in
24 response to Mr. Lerz's report. And, in this light, the Panel
25 disagrees with the Defence argument that Mr. Lerz's report and

Additional redactions applied pursuant to F793.

1 written answers are insufficient and that they leave the parties with
2 "evident ambiguity that necessitates calling him in person."

3 Therefore, the Panel finds that the Defence has failed to
4 provide sufficient reasons for calling Mr. Lerz to testify live in
5 court, and we reject the Defence request in this regard.

6 And this concludes the Panel's first oral ruling.

7 Second, the Panel would like to put on record a set of
8 time-limits related to the reparation proceedings that were
9 communicated via e-mail earlier this month.

10 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

11 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

12 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

13 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

16 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

17 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

18 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

19 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

20 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

21 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

22 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

23 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

24 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

25 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

Additional redactions applied pursuant to F793.

1 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

2 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

3 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

4 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

5 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

6 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

7 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

8 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

9 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

10 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

11 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

12 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

13 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

16 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

17 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

18 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

19 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

20 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

21 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

22 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

23 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

24 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

25 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

Additional redactions applied pursuant to F793.

1 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

2 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

3 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

4 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

5 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

6 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

7 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

8 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

9 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

10 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

11 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

12 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

13 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

16 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

17 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

18 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

19 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

20 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

21 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

22 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

23 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

24 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

25 *[REDACTED] Pursuant to In-Court Redaction Order F730RED.*

Additional redactions applied pursuant to F793.

1 [REDACTED] Pursuant to In-Court Redaction Order F730RED.

2 [REDACTED] Pursuant to In-Court Redaction Order F730RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F730RED.

4 MR. LAWS: Thank you, Your Honour.

5 PRESIDING JUDGE VELDT-FOGLIA: Good. Next point.

6 On 8 November 2023, the Panel granted, via e-mail, the Defence
7 urgent request for an extension of the time-limit for the submission
8 of the expert report. It's filing 709 dated 7 November 2023. And
9 the e-mails of the Panel is registered as correspondence CRSPD 132.

10 We found that the Defence had shown good cause as their expert
11 required additional time to finalise the report and to address issues
12 that had only recently come to light.

13 In addition, the requested extension was limited, was not going
14 to delay the proceedings, and it was not opposed by Victims' Counsel.
15 The Defence was accordingly ordered, pursuant to Rule 9(5)(a) of the
16 rules, to submit the expert report by 13 November 2023, which it did.

17 We further set the following time-limits. Should
18 Victims' Counsel wish to put any questions to the Defence expert, or
19 present any objections to the admissibility of the report, he was
20 directed to do so, in writing, by Monday, 27 November 2023. The
21 Defence shall file the expert's responses on the record by Wednesday,
22 6 December 2023. So that deadline is still pending. And should
23 Victims' Counsel wish to ask the Panel to call the expert to testify
24 in court after having received her responses, he shall file a request
25 to this effect, providing reasons, by the deadline we said was 13

Additional redactions applied pursuant to F793.

1 December 2023. And Victims' Counsel may include in his filing any
2 further observations and objections he may have to the admissibility
3 of the report.

4 And the Panel intends to issue a decision on that matter in the
5 first week of the winter judicial recess.

6 Victims' Counsel, with reference to the Panel's instructions on
7 the above point, we note your filing from last Monday with the
8 questions to the expert and some remarks on admissibility, which is
9 filing 728. And we would like to know, if you are already in a
10 position to indicate whether you wish to request for the expert to be
11 called to testify in court. And, if not, in any event, the
12 instructions of the Panel setting out the deadline of Wednesday,
13 13 December 2023, continue to apply. Meaning that you can also file
14 a request, if any, once you have received the responses from the
15 expert witness, to call the witness.

16 You have the floor, Victims' Counsel.

17 MR. LAWS: Your Honour, thank you. We're not going to ask for
18 the Defence expert to be called to testify, and the principal reason
19 for that is, as set out in our filing on this topic, that we regard
20 the figures of the competing experts as providing a useful frame of
21 reference to the Panel. But it seems to us, even looking at the
22 figures given by the Defence expert, it seems to us that those are
23 very significant sums in the context of this case, and that there
24 isn't really very much to be gained from a dispute between the
25 parties. Ultimately, we suggest that the reference that both experts

Additional redactions applied pursuant to F793.

1 give are going to be useful to the Panel, but the final figure that
2 is arrived at in the reparation order is unlikely to be directly
3 related to either of them.

4 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]. Thank
5 you for this clarification, Victims' Counsel.

6 Yes. Then we have the third oral order, and that is the
7 forthcoming request, Defence Counsel, to introduce the prior
8 testimony of Defence Witness 401 in writing in lieu of his testimony.
9 And we direct you to file a request by Monday, 4 December.

10 And then the SPO and Victims' Counsel shall respond, if they so
11 wish, by Friday, 8 December.

12 And, Defence Counsel, you may reply, if you wish by Tuesday 12
13 December. And we will come soon after that, is our intention, with
14 the decision.

15 And this concludes the Panel's third oral order.

16 And the fourth and last oral order concerns the next steps in
17 the proceedings.

18 We have finalised today the examination of the last witness from
19 this evidentiary block. Our next evidentiary block will be from 9 to
20 12 January 2024, when we will hear the testimony of Defence witness
21 4405. And we find it necessary to set the next procedural steps
22 already now so that can you prepare accordingly and we can proceed
23 efficiently, subject, of course, to any changes that might be
24 necessary.

25 So we consider it appropriate to set Monday, 15 January 2024 as

Additional redactions applied pursuant to F793.

1 the target date for the closing of the Defence case, pursuant to
2 Rule 131 of the rules.

3 Accordingly, on that date, the Defence shall file a written
4 notice, under Rule 131 of the rules, informing the Panel, the SPO,
5 and Victims' Counsel that there are no more witnesses to be called or
6 other evidentiary material to be presented and shall close its case.

7 Before doing so, by the same date, the Defence shall submit any
8 remaining applications for the admission of evidentiary material, be
9 it under Article 37 of the Law or other material.

10 Also, by that date, the parties and Victims' Counsel shall
11 submit any applications for admission of material used during their
12 respective questioning of the witnesses heard during the next
13 evidentiary block. And objections and observations, if any, shall be
14 filed within the five-day limit set in the decision 461,
15 paragraph 56.

16 I recall the Panel's oral order from 25 October, where the
17 Defence was directed to file any requests tendering evidence for the
18 purpose of sentencing by the closing of its case; and the SPO was
19 directed to submit the criminal record of the accused as well as any
20 other record of previous convictions for criminal offences, in
21 accordance with Rule 163(3) of the rules, also by closing of the
22 Defence case.

23 So, please, keep that in mind.

24 As for the next steps following the closing of the Defence case,
25 the Panel does not intend - as it stands now - to call any additional

Additional redactions applied pursuant to F793.

1 evidence under Rule 132 of the rules.

2 Then, pursuant to Rule 127(2) and 133 of the rules, the SPO and
3 Defence may present evidence in rebuttal and rejoinder with the leave
4 of the Panel. So the Panel directs the SPO to file any request to
5 present evidence in rebuttal, if it so wishes, of course, by Friday,
6 8 December 2023 at 4.00. Responses may be filed by Wednesday,
7 13 December 2023. And the SPO may reply, if it so wishes, by Friday,
8 15 December 2023. We will take a decision the week after.

9 The SPO will be allowed to modify its motion to present rebuttal
10 evidence after the closing of the Defence case, pursuant to Rule 133.
11 We don't want to limit you on that. But for planning reasons,
12 however, it is efficient, if possible - and I see you nodding - to
13 anticipate this request, if any.

14 Mr. Prosecutor, are you in a position to indicate already
15 whether you envisage making a request to present evidence in
16 rebuttal; and, if so, could you indicate to the Panel how many
17 witnesses you would intend to call?

18 MR. DE MINICIS: Your Honours, we'd like to get back to the
19 Panel on this point by the deadline of 8 December. We're not in a
20 position to give an answer at this time.

21 PRESIDING JUDGE VELDT-FOGLIA: Fair. Thank you very much. Well
22 noted.

23 Okay. If - if - the Panel would grant leave to present evidence
24 in rebuttal, we would like to hear such evidence in the days of 19
25 and 22 January 2024. So we ask you to plan accordingly, if that

Additional redactions applied pursuant to F793.

1 would be the case.

2 After hearing any evidence in rebuttal, if any, the Defence will
3 be given the opportunity to make a request to present evidence in
4 rejoinder, if it so wishes.

5 The deadlines, of course, are for a later stage.

6 And I emphasise, if we need to revisit these deadlines, we will.
7 The directions are also without prejudice to conduct of the
8 reparation proceedings which will run parallel with the proceedings
9 on the guilt or innocence of the accused.

10 And if we decide to hear the Defence financial expert live, we
11 may also do that after the closing of the Defence case. We will have
12 a look if -- how things proceed.

13 Are the Panel's directions clear to everyone?

14 MR. DE MINICIS: Yes, Your Honour, very clear.

15 MR. LAWS: Yes, they are. Thank you.

16 [Specialist Counsel confer]

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have the
18 floor.

19 MR. GILISSEN: Thank you very much. It is very clear. Thank
20 you very much.

21 It's just one thing. I would like address the subject of the
22 visit, the possible visit on the spot in the Kukes metal factory. We
23 would like to provide you with an additional and new file about this,
24 but after hearing all the witnesses, because we learn a lot of
25 things. We have the feeling that with the new information we receive

Additional redactions applied pursuant to F793.

1 during the testimony, we have something to add. We supposed, we
2 supposed, you have the intent to issue a decision about this possible
3 visit, or this possibility of a visit, after hearing all the people
4 we have to hear.

5 PRESIDING JUDGE VELDT-FOGLIA: But after having heard all -- we
6 don't know if there will be rebuttal, so -- but we want to hear all
7 the evidence, and then we will take a decision on that.

8 MR. GILISSEN: Yes. That's why I was sure it was a decision of
9 the Panel. But we would like to add this additional filing about
10 this subject, and that's why I permit myself to talk about. But it
11 seemed very clear, so we don't have any problem with -- no issue
12 that.

13 Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay. To be sure that I have not
15 missed anything in this respect, by when would the Defence intend to
16 file this document?

17 MR. GILISSEN: May I say as soon as possible, but the same, to
18 wait, of course, to have all the information to be sure not to be
19 obliged to make an addition in the submission. But as soon as
20 possible, really.

21 PRESIDING JUDGE VELDT-FOGLIA: But as soon as possible, in terms
22 of witnesses, we will be hearing still one witness in the upcoming
23 evidentiary block. Would that mean that you would file this document
24 thereafter?

25 MR. GILISSEN: Exactly.

Additional redactions applied pursuant to F793.

1 PRESIDING JUDGE VELDT-FOGLIA: Yes. It is for you to decide --
2 we have a deadline in that respect, and there are not so many days
3 between the last witness and the closing of the Defence case.

4 My suggestion would be that -- to file this document, and then
5 you can always add something if the last testimony would give rise to
6 an addition, because I think the SPO, Victims' Counsel, but also the
7 Panel, would like to give it the time needed to -- to read it. So --
8 yeah, I would suggest that if there's only one witness to go, to find
9 the solution, as I proposed. But I leave that to you.

10 MR. GILISSEN: I may say that we are already busy to write it
11 but we have to complete it. That's the question. So we don't need
12 special time for that, I think so.

13 PRESIDING JUDGE VELDT-FOGLIA: No, not special time, but my
14 point is that I would prefer not to receive it on Monday, two hours
15 before you file your notice to close the Defence case. I mean, that
16 would not -- just that.

17 MR. GILISSEN: Well understood.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you very much.
19 Good. Almost at the end of our hearing.

20 On other subject matter, is there something the Specialist
21 Prosecutor's Office would like to raise with this Panel?

22 MR. DE MINICIS: No, Your Honours.

23 PRESIDING JUDGE VELDT-FOGLIA: No? Good.
24 Victims' Counsel.

25 MR. LAWS: Your Honours, just this, so that we're clear about

Additional redactions applied pursuant to F793.

1 the schedule. In the course of the oral orders, we learned that
2 we're going to sit the 9th to the 12th to hear the last Defence
3 witness. Does that mean - so that we're clear - that the 8th is no
4 longer a sitting day?

5 PRESIDING JUDGE VELDT-FOGLIA: No. It is not going to be a
6 sitting day. Yes.

7 MR. LAWS: Thank you very much. Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you. It's good to clarify
9 that.

10 And, Defence Counsel, is there anything you would like to raise
11 with the Panel in addition to the point you just made? I'm making my
12 usual round at the end of the hearing.

13 MR. GILISSEN: No. Thank you very much. That's very clear.
14 Thank you very much.

15 PRESIDING JUDGE VELDT-FOGLIA: Good. Then we will reconvene on
16 - and here it is, Victims' Counsel - Tuesday, 9 January 2024, at
17 9.30, with the testimony of Defence Witness 4405. And I know it's
18 quite soon, but in this official setting it is the last moment we
19 will be seeing each other, I still want to wish everyone a good end
20 of the calendar year.

21 Then I thank the parties and Victims' Counsel and the Registry
22 for their attendance, including from the video-conference location.
23 I would like to thank the interpreters for their assistance, the
24 stenographer - this week, stenographers - our audiovisual
25 technicians, and our security personnel for their assistance today

Additional redactions applied pursuant to F793.

1 and the rest of the week.

2 The hearing is adjourned.

3 --- Whereupon the hearing adjourned at 12.20 p.m.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25