

1 Monday, 21 March 2022

2 [Victim's Evidence]

3 [Open session]

4 --- Upon commencing at 11.00 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Madam Court Officer, can you please call the case.

7 THE COURT OFFICER: Good morning, Your Honours. This is case
8 KSC-BC-2020-05, The Specialist Prosecutor versus Salih Mustafa.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 First of all, I will call appearances.

11 Mr. Prosecutor, could you tell us who is present for the
12 Specialist Prosecutor's Office.

13 MR. MICHALCZUK: Good morning, Your Honours. Good morning,
14 everyone. The Prosecution is represented today by Silvia D'Ascoli,
15 Associate Prosecutor; Line Pedersen, the case manager; and myself,
16 Cezary Michalczuk, SPO Prosecutor.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 And now Victims' Counsel.

19 MS. PUES: Good morning, Your Honours. Good morning, everybody.
20 The participating victims in this case are today represented by
21 Liesbeth Zegveld, my co-counsel; also may I introduce my new addition
22 to the team, my co-counsel Brechtje Vossenbergh, after a previous team
23 member is off on a new career path; and by myself, Anni Pues, as
24 counsel. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

1 And now, Defence counsel, you have the floor.

2 MR. VON BONE: Good morning, Your Honour. The Defence is
3 represented by myself, Julius von Bone. And joining via remote is
4 Mr. Mustafa today.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 Mr. Mustafa, does the connection work okay? Can you hear us
7 fine?

8 I'm not --

9 THE ACCUSED: [Via videolink][Interpretation] Yes, Your Honour.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well.

11 And, for the record, you are appearing before Trial Panel I.
12 Judge Mikula is participating remotely. Equipment has been installed
13 to enable him to follow remotely the proceedings both in public and
14 in private or in closed session.

15 Today we will hear the views and concerns presented by Victim 05
16 as well as submissions by the Victims' Counsel, and before that, the
17 Panel wants to discuss a few issues.

18 Court Officer, could we please go into private session, please.

19 [Private session]

20 [Private session text removed]

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8 [Open session]

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

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 Yes. Last week the Panel received, through CMU, two e-mails -
12 on 11 March at 10.59, and on 17 March at 12.52 - from the
13 Victims' Counsel, in which she raised certain concerns regarding the
14 Panel's order of 9 March, where the Panel appointed the
15 Dutch Forensic Institute - in Dutch, the Nederlands Forensisch
16 Instituut, abbreviated as NFI - as the expert to medically assess the
17 physical and psychological damage and injuries suffered by Victims
18 08, 09 and 10, as a result of alleged torture, cruel treatment, and
19 arbitrary detention to which they were subjected and to prepare a
20 report by 13 May of this year.

21 As the Panel considered those concerns to amount to substantive
22 issues, it did not find it appropriate to provide the requested
23 clarification to the Victims' Counsel through e-mail correspondence,
24 particularly when the other parties are not copied. And in this
25 regard, the Panel reminds the parties and Victims' Counsel to refrain

1 from raising substantive issues by e-mail unless absolutely
2 necessary, and that could be if there's no time to lose. Otherwise,
3 this should be done only with the consent of the Panel.

4 In response to the e-mail of the Victims' Counsel, the Trial
5 Panel invited her to submit a filing last Friday or to raise the
6 issue in court today. A filing was submitted on Friday, that is,
7 filing F346, in which the Victims' Counsel request the Panel to
8 clarify which institute it intended to appoint. And insofar as the
9 intention was to appoint the NFI, the Victims' Counsel request the
10 Panel to reconsider the appointment in light of their written
11 submissions.

12 The Panel finds merit in the arguments of the Victims' Counsel,
13 especially regarding the type of expertise the NFI has and the need
14 to reach out, for example, to the Netherlands Institute for Forensic
15 Psychiatry and Psychology - and in Dutch, that is the Nederlands
16 Instituut voor Forensische Psychiatrie en Psychologie, also
17 abbreviated as NIFP - for a substantial part of the requested
18 assessment.

19 Therefore, the Panel decides to reconsider its order dated
20 9 March 2022 on the appointment of the expert and to appoint the
21 Netherlands Institute for Human Rights and Medical Examination -
22 which is the Instituut voor Mensenrechten en Medisch onderzoek,
23 abbreviated as iMMO - to conduct the aforementioned assessment.

24 The Panel clarifies that the scope of the assessment and the
25 deadline to prepare the report remain unchanged. The Panel

1 furthermore orders the Victims' Counsel to keep the Panel updated
2 with the filing at the end of March and the end of April on the
3 progress of the assessment by the expert.

4 This concludes the oral order.

5 The second order concerns the use of private e-mail addresses in
6 communications regarding the proceedings. We have noticed multiple
7 times, and as recently as last week, in a communication sent by the
8 Defence, the use of private e-mail addresses. The Panel reminds the
9 parties and Victims' Counsel to use exclusively the KSC e-mail which
10 is provided to all of us to ensure secure communication of
11 confidential information. And we have already addressed this issue
12 on 22 November of last year, and I would prefer not do it again for
13 obvious reasons.

14 The third matter concerns the material to be used with the
15 witness next Wednesday by the calling party, by the Defence. The
16 Panel would like you to remind to provide the Panel, the CMU, and the
17 non-calling entities with a list via e-mail of any material to be
18 used during its examination of that witness, if any, by today. It
19 should have been done already last week. Yes, I see you nodding.
20 And I refer to paragraph 34 of the conduct of proceedings, which is
21 filing 170, where the Panel indicated that it should be provided five
22 days before the commencement of a witness testimony. And any
23 objections to the use of such material shall be notified via e-mail
24 to the Panel by tomorrow. It's all a little bit more shortened, but
25 we have to -- we need the time to have a look at it on Wednesday, if

1 there are any objections.

2 Yes. For now, I think, yes, I have dealt with all of the issues
3 I wanted to discuss with you. We can move to today's business.

4 Madam Court Officer, can we please usher the victim into the
5 courtroom.

6 [The victim entered court]

7 PRESIDING JUDGE VELDT-FOGLIA: Mr. Victim, good morning.

8 VICTIM 05: [Interpretation] Good morning.

9 PRESIDING JUDGE VELDT-FOGLIA: And welcome to the Specialist
10 Chambers.

11 VICTIM 05: [Interpretation] Thank you.

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

13 VICTIM 05: [Interpretation] Yes, yes.

14 PRESIDING JUDGE VELDT-FOGLIA: How are you, first of all?

15 VICTIM 05: [Interpretation] I'm well. Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: Before you start presenting your
17 view and concerns, I have some remarks for you. Okay?

18 VICTIM 05: [Interpretation] Go ahead, please.

19 PRESIDING JUDGE VELDT-FOGLIA: Let me first explain the
20 protective measures that you have been granted for your presence in
21 court.

22 Your identity will not be revealed to the general public. This
23 means that we will never mention your name, but we will all refer to
24 you as "Mr. Victim," to make sure that the public does not know your
25 name. You also have face and voice distortion, which means that no

1 one outside the courtroom watching the broadcast can see your face or
2 hear your real voice. And when you describe anything that relates
3 specifically to you or mention facts that might reveal your identity,
4 we will do so in private session, and this means that there is no
5 broadcast and no one outside the courtroom can hear what is said in
6 the courtroom.

7 And if anything is said during open session that may identify
8 you, we will protect this information. What you will say today will
9 be broadcast with a delay, and we can remove any such information
10 from the broadcast that will be seen and heard by the public, also
11 from the public transcript of the proceedings.

12 And in addition to these protective measures, the Panel has
13 ordered on 18 March - so on last Friday - one additional special
14 measure, upon request of the Witness Protection and Support Office,
15 also I will refer to it as WPSO, pursuant Rule 80(4)(c)(i) and (5) of
16 the Rules, which is filing 350, and this special measure is
17 attendance of a psychologist during your testimony. And the decision
18 of the Panel has been shared through CMU to the parties and the
19 Victims' Counsel by an e-mail dated Friday, 18 March, at 20.28.

20 And, for the record, I mention that the psychologist is present
21 in the courtroom.

22 Are the protective measures that I just explained to you clear,
23 Mr. Victim?

24 VICTIM 05: [Interpretation] Yes, they are clear.

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

1 Mr. Victim, you are called today to present your views and
2 concerns before the Specialist Chambers in the case of The Specialist
3 Prosecutor versus Mr. Salih Mustafa. I would like to stress in this
4 regard, Mr. Victim, that the Panel expects you not to repeat what you
5 have already said in your statement before the SPO. That has already
6 been admitted into evidence. Rather, you shall focus on and convey
7 your views and concerns going beyond what you already said in your
8 statement.

9 Yes? Okay. What you say here today will not be subject -- I
10 see the Victims' Counsel standing.

11 MS. PUES: Yes, but, Your Honour, you may finish this part
12 first. But as communicated earlier, before Mr. Victim will present
13 his views and concerns, I will issue a statement first and address
14 the Court before then he will do so, as was conveyed.

15 PRESIDING JUDGE VELDT-FOGLIA: Of course. Of course. You will
16 get the floor and -- we will get to that, but thank you for pointing
17 that out. But we had not forgotten you.

18 What you say will not be subject to examination or
19 cross-examination by the parties and the Victims' Counsel and will
20 not be considered as evidence, unless it is considered necessary to
21 call you as a witness, according to Rule 132 of the Rules. But that
22 is not envisaged.

23 I would like to give you some practical advice before you start.

24 Everything that we say here, Mr. Victim, is translated and
25 recorded, so it is important to speak into the microphone, you see it

1 before you, to speak clearly, and to speak at a slow pace. That will
2 allow the interpreters to translate everything. And you should only
3 start speaking when the person addressing you has finished. And it
4 helps to count in your head till five before you speak because that
5 allows the interpreters to do their job and translate what you are
6 saying.

7 If you have any questions, if you need a break or you need
8 assistance, raise your hand, and I will give you the floor in order
9 to tell us what you need. Yeah?

10 Have you understood all this, Mr. Victim?

11 VICTIM 05: [Interpretation] Yes, it's fine, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well.

13 Before we start, the Panel has allowed Victims' Counsel to make
14 submissions before and/or after Mr. Victim has presented his views
15 and concerns for a total of one hour.

16 And I would like to ask Victims' Counsel if she intends to make
17 any submissions now, and if she does that, if it should be done in
18 public or in private session.

19 You have the floor.

20 MS. PUES: Thank you, Your Honours.

21 I will make submissions now before Mr. Victim addresses the
22 Panel and I will do so in public session so that -- yeah. We can do
23 that. I've gone through the statement and am sure that this is fine.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then you have the floor,
25 Victims' Counsel.

1 MS. PUES: Thank you very much.

2 Once again, good morning, Your Honours. And good morning,
3 everybody.

4 Good morning, Mr. Victim, as well.

5 Today is a day in which victims are provided with the
6 opportunity to present their views. And already at the start of the
7 trial, we have provided an opening statement which set out the key
8 points of importance for victims participating in this trial. We
9 also actively seized the opportunity to contribute to the
10 truth-finding efforts of the Trial Panel throughout the hearings so
11 far by asking questions and making submissions, where appropriate.

12 In today's hearing, we will proceed as follows.

13 At first, I, as Victims' Counsel, will address some issues
14 important for the participating victims. After that, the victim
15 authorised by the Panel will provide views and concerns that
16 complement the statement he provided to the Prosecution and which
17 has, as you have already explained, been admitted into evidence by
18 Your Honours.

19 For the audience who may be following these proceedings from
20 afar, it may be useful to know, as I have already pointed out now,
21 that my address will be held entirely in open session. The views
22 presented by the participating victim will, to a large extent, have
23 to be presented in a private session, as it is nearly impossible to
24 separate out identifying information from his observations. For this
25 period, the public will therefore not be able to follow these

1 observations. However, Mr. Victim will finish with some more general
2 remarks which can and will be done in open session, and I will
3 indicate accordingly, and this will allow the public to at least gain
4 some insight into the views and concerns presented.

5 Your Honours, during the Prosecution's case, you've heard
6 first-hand from direct and indirect victims about their experiences
7 and their suffering. As witnesses, they have provided direct
8 insights into the crimes they experienced and how this has impacted
9 them.

10 For those following the proceedings from elsewhere, for the
11 public, perhaps listening and watching in Kosovo, tuning in through
12 the live stream provided by this Court, I want to say this. It is
13 with heartfelt, with deep regret that large parts of the Prosecutor's
14 case had to be heard in private, without the public being able to
15 engage and to listen. We have heard people describing acts of
16 torture, seeing visibly how shaken they were, and these witnesses
17 having to recall and relive their experiences. We have heard
18 witnesses describing the recovery, for example, of a dead body, a
19 murdered man, months after this person's death.

20 This was a much-loved person. And we have seen pictures of this
21 body and we have heard many witnesses describing in detail how badly
22 this person had been treated, how he had been more dead than alive
23 while held in Zllash by the BIA unit.

24 And the victims realise that their experiences were not singular
25 events. The war and Kosovo's struggle cost many lives. For the

1 victims participating here, it is important to emphasise that they
2 are part of this past, of Kosovo's past, of its present, but also of
3 its future.

4 What they want is recognition of what happened, understanding,
5 and being able to break the silence.

6 I have spoken about this at length during our opening statement.
7 The reason why I reiterate this here is that I do realise that the
8 victims' perspective is largely hidden from the public view through
9 the need for protection. Those who have watched regularly will be
10 too aware of the "private session" signal. Hidden behind this signal
11 of a "private session" were stories of pain, of loss, and of trauma.
12 And it is our concern that this is publicly known.

13 Those victims participating in the proceedings have felt the
14 tension and the stress of going through the experience of recalling
15 and reliving the events from 1999. Also, the stress of appearing
16 here before Your Honours and being exposed to rigorous questions, but
17 also realising that those questions are part and parcel of justice
18 and of the need for a fair trial.

19 On behalf of those victims who have appeared before this Court,
20 I want to convey a word of thank you, as they have felt that they
21 received important support by those working for this court, often
22 actually quietly in the background and in many different roles.

23 It has been important for each of them to have space, not only
24 to tell their story, but to feel that this will contribute to the
25 Court's effort to establish the truth. This is, for all of them,

1 actually the most important aspect: the truth.

2 These victims have been on a roller coaster of emotion over the
3 last few months. Stress and fear, anticipation of what the trial may
4 bring, overwhelming emotions when reliving their experiences, and
5 recalling as many details as they could during their testimonies.
6 They also experienced some elation after giving testimony because
7 finally their voice had been heard. But, then again, worry and fear
8 set back in.

9 In our view, it is important to share this broad set of emotions
10 and strain with the Trial Panel, with you, Your Honours, and with
11 actually everybody present here who is listening. None of them have
12 taken the decision to play an active part in these proceedings
13 lightly, none of them. None of them want to go through this
14 experience. Yet, they do, to contribute to establishing the truth
15 and to achieve justice.

16 We also want to acknowledge the Trial Panel's efforts in
17 realising the rights victims have in international law. Not only the
18 rights to truth and justice but also to receive reparations for the
19 harm that they have suffered and the damage done.

20 The Panel already decided not to refer the victims to civil
21 litigation in other courts of Kosovo with regard to reparation. This
22 means, Your Honours, that in your judgement, you may include a
23 decision on damage, loss and injury, in respect of victims. In the
24 event of a conviction, you may make an order directly against the
25 accused specifying the appropriate reparations.

1 Reparation proceedings here are, of course, somewhat intertwined
2 and yet they are separate from the criminal proceedings, leading
3 eventually to that reparation order in accordance with Article 22(8)
4 and Article 44(6) of the Law of this court. This was made clear by
5 the Panel, by Your Honours in your decision of 12 July 2021 on
6 victims procedural rights during trial.

7 These proceedings fall within the scope of Article 6(1) of the
8 European Convention on Human Rights. Victims enjoy the procedural
9 rights under that article with regard to their reparation claims, and
10 this, of course, includes the right to submit any observations and
11 evidence that the victims would consider relevant to support their
12 claims.

13 We use this opportunity today to lay out how we see the further
14 development of the reparations case for the victims.

15 We have already asked for a medical expert to be appointed to
16 assess the physical and psychological damage and the injuries
17 suffered by the direct victims. And in your oral order of
18 9 March 2022, combined with today's oral order, Your Honours have
19 appointed an expert accordingly. This will be implemented over the
20 next few months.

21 During the court hearing of 8 March 2022, Your Honours asked
22 whether we are also considering to request the appointment of an
23 expert who can assist in the determination of the compensation to be
24 awarded. The Panel indicated that it would not need any response at
25 this point in time, but would like to envisage what is coming in

1 possible future phases.

2 I use this opportunity to give some further clarification of our
3 views on this point. We will, in due course, file a separate
4 submission on compensation, how it should - in our view - be
5 calculated or estimated in case of a conviction. However, to assist
6 all parties and the Panel to plan and think ahead, we will outline
7 our thoughts and plans on this now.

8 As for the material damage, we will ask the Trial Panel to
9 appoint an expert to calculate such damage. All direct victims have
10 suffered material damage. We should think of loss of ability to
11 work, and the impact of their psychological and physical injuries on
12 their earnings and professional development. Normally, courts'
13 awards will reflect the full calculated amount of the material
14 damage. This is why we believe an expert should be appointed to aid
15 in calculating such an actual material damage, specifically in the
16 complex context of a post-war situation.

17 Non-pecuniary damage, however, does not lend itself to such
18 calculations. All direct victims experienced torture or inhumane
19 treatment, leaving them with permanent physical and mental injuries.
20 Also the arbitrary detention has left its mental scars. And our view
21 is that this immaterial damage should be estimated on the basis of
22 fairness.

23 We will ask the Trial Panel to make an assessment on an
24 equitable basis, having regard to statements of the victims
25 themselves, the report of the medical expert, as well as standards

1 which are emerging from international and national case law. And in
2 a submission to be presented at a later date, we will detail that
3 case law that then can assist the Trial Panel in its reparations
4 order, suggesting options concerning appropriate individual
5 reparations for immaterial damages.

6 I hope that these points will help the Trial Panel to plan ahead
7 and to advance the proceedings swiftly, which is, I believe, in
8 everybody's interest.

9 Lastly, we welcome the Trial Panel's efforts to ensure that a
10 tangible outcome may stand at the end of the trial proceedings. In
11 this context, we have noted the Trial Panel's request to the Kosovo
12 government and the most recent response received. While this
13 response will warrant a more detailed analysis, it is noted here that
14 some points remain open, such as the applicability of the cited
15 legislation to crimes committed before the Republic of Kosovo as an
16 independent state actually existed, as this is the entity the
17 legislation refers to. This temporal scope is not addressed, in my
18 view, in the government's response, although it is critical. Also,
19 other issues such as the need for continued anonymity are not fully
20 addressed.

21 As I have said before, we will offer further thoughts on this in
22 due course. But what we do want to acknowledge is the -- actually,
23 the laudable efforts that the Trial Panel has made in this regard,
24 and we hope that the government can remove any doubts or ambiguities
25 and ensure that a constructive approach will be taken that will allow

1 victims to realise their reparations claims.

2 With these points, I want to conclude my observations as
3 Victims' Counsel today.

4 Mr. Victim is present and ready to provide views and concerns
5 directly. And for this, as indicated before, could I please suggest
6 that we do move into private session, as the statement does contain a
7 wealth of personal information that would undermine the protective
8 measures in place. However, as indicated at the beginning, the last
9 part of the victim's statement will be held in public, and I will
10 indicate when this can be done.

11 Thank you for your attention. Thank you.

12 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Thank
13 you, Victims' Counsel.

14 THE INTERPRETER: Microphone for Your Honour, please.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes. Thank you,
16 Victims' Counsel.

17 We can now proceed to hearing Mr. Victim's view and concerns.
18 The Panel has allowed the victim one hour for expressing his views
19 and concerns, and to show a photograph which was shared with the
20 parties and the Panel by Victims' Counsel as an attachment to a
21 filing last Friday, and that was filing 352.

22 Very well.

23 Mr. Victim, we will now go into private session and then I will
24 give you the floor to share with us your concerns and views. Yes?

25 Madam Court Officer, could you bring us into private session,

1 please.

2 [Private session]

3 [Private session text removed]

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6 [Open session]

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

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

9 Mr. Victim, we are now in public session. You have the floor
10 again.

11 VICTIM 05: [Interpretation] As a participating victim in these
12 proceedings, I had the opportunity to speak a lot about [REDACTED]
Pursuant to Post-Session Redaction Order F357

13 We kept silent all these years out of fear, [REDACTED] *Pursuant to*
Post-Session Redaction Order F357

14 [REDACTED] *Pursuant to Post-Session Redaction Order F357*

15 [REDACTED] *Pursuant to Post-Session Redaction Order F357* My thoughts and
prayers go out to all the families whose

16 loved ones disappeared.

17 We eventually found [REDACTED] *Pursuant to Post-Session Redaction*
Order F357

18 [REDACTED] *Pursuant to Post-Session Redaction Order F357* I can only
imagine how difficult it is

19 if you don't know what happened [REDACTED] *Pursuant to Post-Session*
Redaction Order F357

20 [REDACTED] *Pursuant to Post-Session Redaction Order F357* It is important
to remember this, and I want to

21 say that our minds and hearts are with these families.

22 Lastly, I want to say that I hope one day we will all be free to
23 speak out about what we've lived through. I hope for a future free

24 from crime, murder, and fear. All I'm asking for is freedom. We

25 love our country, Kosovo, and it has never been our intention to say

1 anything bad about it. All I'm asking is to be free to speak out
2 about what we went through without any fear. I hope that one day we
3 will be able to.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Victim.

5 Victims' Counsel, is there something you would like to submit
6 further?

7 MS. PUES: No, Your Honours. No further observations. I think
8 those words stand for themselves, and speak for themselves.

9 And thank you, Mr. Victim, as well.

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Victim, we have finished
11 listening to your views and concerns and to the submissions of the
12 Victims' Counsel.

13 I would like to thank you for your time today. I can imagine
14 that it must have been demanding, and I would like to thank you
15 because I believe that what you shared us with today will help us in
16 our effort as a Panel to find the truth.

17 So thank you very much.

18 VICTIM 05: [Interpretation] Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: We wish you a safe journey home,
20 Mr. Victim. And I remind you that you should not discuss what you
21 said today before the Kosovo Specialist Chambers. Yes?

22 Madam Court Usher, could you escort the victim out of the
23 courtroom.

24 You will now be accompanied out of the courtroom.

25 [The victim withdrew]

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

2 Before we adjourn, I would like to make a round to see if
3 there's anything we need to discuss before we adjourn and we continue
4 tomorrow.

5 Mr. Prosecutor, anything you would like to raise?

6 MR. MICHALCZUK: Nothing, Your Honours.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 Victims' Counsel?

9 MS. PUES: Nothing from our side. Thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, anything you
11 would like to raise with the Panel?

12 MR. VON BONE: Yes, Your Honour, I have one question.

13 The order that -- the most recent order that the Panel gave to
14 the Defence regarding the addition of a person.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes.

16 MR. VON BONE: Yes, that order said that I should file on the
17 record in the case available to the SPO and the Registry only. Just
18 to be clear, it means that the Victims' Counsel is not going to be
19 copied in that?

20 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] It was
21 not copied at an earlier moment.

22 MR. VON BONE: No.

23 PRESIDING JUDGE VELDT-FOGLIA: And --

24 MR. VON BONE: Okay. So it -- then I --

25 PRESIDING JUDGE VELDT-FOGLIA: It's good that you clarify.

1 MR. VON BONE: It is because there is a question of CMU about it
2 and then I will refile it, and that's why. I will do that today. I
3 did it on Saturday, but I will do it today and just write
4 "confidential *ex parte*."

5 Thank you very much. That was all the issue that I wanted to
6 have clarified. I have no further issues. Thank you very much,
7 Your Honour.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 If the parties and the participants don't have anything to
10 raise, we will resume tomorrow at 9.30.

11 I thank the parties and the Victims' Counsel for their
12 attendance, and the interpreters, the stenographer, the people of the
13 audiovisual booth, and also the security.

14 We resume tomorrow.

15 The hearing is adjourned.

16 --- Whereupon the hearing adjourned at 12.09 p.m.

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