

1 Wednesday, 18 February 2026  
2 [Open session]  
3 [Closing Statements]  
4 [The accused entered the courtroom]  
5 --- Upon commencing at 9.01 a.m.

6 PRESIDING JUDGE SMITH: Mr. Court Officer, you may call the  
7 case.

8 THE COURT OFFICER: Good morning, Your Honours. This is the  
9 file number KSC-BC-2020-06, The Specialist Prosecutor versus  
10 Hashim Thaci, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi. Thank  
11 you, Your Honours.

12 PRESIDING JUDGE SMITH: Good morning, and welcome, everyone. I  
13 note that the accused are all present in court today.

14 Today, we will continue hearing the closing statements in the  
15 case. We will hear the response from Victims' Counsel. Thereafter,  
16 we will hear the comments by the Defence teams to the SPO's responses  
17 we heard on Monday, and statements by the four accused pursuant to  
18 Rule 135(4). Finally, unless there is any objection, we will proceed  
19 with the closure of the case, pursuant to Rule 136.

20 We will follow the agenda set out in the Panel's order on the  
21 closing statements, which is filing F03639. However, as the SPO  
22 concluded its response on Monday, there should be no need for an  
23 extended hearing day as initially foreseen in F03639. Therefore,  
24 today's hearing will conclude no later than 1645. We will take a  
25 break at 10.30 of approximately 15 minutes, and resuming at 10.45,

1 and then a half hour for lunch at 1300. In the afternoon, we'll take  
2 a break if necessary. And we will make adjustments during the day as  
3 needed to the time schedule. I'm thinking we will probably have the  
4 accused's statements after lunch so that it doesn't get interrupted,  
5 and they can get the full attention of everybody at that time. But  
6 we'll see.

7 Before we start with the closing statement, there is one  
8 preliminary matter the Panel wishes to address in relation to  
9 transcript reclassification.

10 The Panel notes that there are a number of transcript  
11 reclassification requests pending before the Panel. The Panel would  
12 like to hear from the parties and participants whether they have any  
13 objection to the case closing while transcript reclassification  
14 requests are pending.

15 First from the SPO.

16 MR. HALLING: No objection, Your Honour.

17 PRESIDING JUDGE SMITH: Victims' Counsel.

18 MR. LAWS: No objection, Your Honour.

19 MR. MISETIC: No objection from the Thaci Defence.

20 MR. DIXON: None from us either, Your Honours.

21 MR. ROBERTS: No objection, Your Honour.

22 MR. ELLIS: No objection, Your Honour.

23 PRESIDING JUDGE SMITH: All right. That will be the practice,  
24 then.

25 This concludes the remarks from the Panel. We will issue

1 decisions on the pending requests for the transcript reclassification  
2 in due course.

3 We will begin now with Victims' Counsel's statement. Mr. Laws,  
4 you asked for approximately 15 minutes. Please proceed when you're  
5 ready.

6 MR. LAWS: Thank you. And good morning, Your Honours.

7 PRESIDING JUDGE SMITH: Good morning.

8 MR. LAWS: First of all today, I'm going to address some points  
9 made by the Selimi Defence in their submissions last Friday, and then  
10 I'll turn to submissions made by the Krasniqi Defence on Monday.

11 The first matters that I wanted to address is the issue of  
12 causation and Victims' Counsel's role in relation to it.

13 And we have just a couple of slides to assist this morning. And  
14 with the Court Officer's help, please, if we could have our first  
15 slide on the screen. All three slides can be shown to the public.  
16 Thank you. If we could move to slide 2, please.

17 At the top of the page, we have an extract from the transcript  
18 at page 28908 from the Selimi submissions last Friday:

19 "The Victims' Counsel's submission also relies heavily on  
20 emotionally compelling narratives, which, while serious and deserving  
21 of recognition, repeatedly fail to establish a legally sound and  
22 individualised link to the crimes charged."

23 Not on the screen but in the transcript on the following page,  
24 28909, this was said:

25 "Against this backdrop, the Trial Panel is left not with a

1 question of whether suffering occurred, but with whether the evidence  
2 can legally connect that suffering to the crimes charged and to  
3 Mr. Selimi personally."

4 So the Selimi Defence appears to be proposing two things:  
5 First, that we have failed to show a link between the harm suffered  
6 by the victims and the crimes charged, and I will address this in a  
7 moment while responding to the Defence remarks on the expert  
8 evidence; second, that we have failed to establish a link between the  
9 crimes and Mr. Selimi.

10 Our response to this second point is twofold. One, that there  
11 is no legal requirement for us to establish a link between the crimes  
12 and Mr. Selimi nor any of the other accused, not at this stage or,  
13 indeed, at any later stage of these proceedings. Secondly, as a  
14 result, we were certainly not trying to do anything of the kind -  
15 namely, attempting to prove a link between Mr. Selimi - and so the  
16 criticism that we have failed to do so is misplaced.

17 What we have done is to put information and evidence about the  
18 harm of the victims before the Court. That is what is required of  
19 us. It is not our job to prove the case against Mr. Selimi, that is  
20 the Prosecution's role, and we certainly were not attempting to do so  
21 with the evidence adduced from the experts.

22 The position is this, we submit: In the event that any of the  
23 accused are convicted, then in order to establish their liability for  
24 reparations, what is to be proved is a link between the harm and the  
25 crime for which an accused has been convicted. In particular, it is

1 not the law that a link between an individual's conduct and the harm  
2 has to be proved. That was the argument put forward by the Shala  
3 Defence in Case 04 before the Trial Panel and before the Court of  
4 Appeals Panel, who rejected it on 29 January this year. And that's  
5 filing, in Appeal Case 03, F73.

6 The Shala Defence, like the Selimi Defence, argued that it was  
7 necessary to show a link between the acts of the accused and the harm  
8 of the victims. We can confidently say that that is not the law, and  
9 the citation on the screen from slide 2 shows that. The  
10 Appeals Panel observes that the causation standards set out above,  
11 beginning with Article 22(1) of the Law and Rule 2 of the Rules, and  
12 irrespective of whether factual or legal causation is concerned --  
13 sorry, we're still on slide 2. Thank you. Whether factual or legal  
14 causation is concerned, require a link between - and here are the key  
15 words - the crime and the harm, not the conduct of the accused and  
16 the harm. The Appeals Panel considers that the ordinary meaning of  
17 Article 22(1) of the Law and Rule 2 of the Rules is clear in this  
18 respect. Thus, reparations are to be awarded based on the harm  
19 suffered as a direct result of the commission of a crime within the  
20 jurisdiction of the Specialist Chambers in relation to which a person  
21 has already been convicted. The Appeals Panel also observes that  
22 this interpretation is consistent with the well-established  
23 jurisprudence of the ICC.

24 In other words, the link is not between the accused and the harm  
25 suffered but between a crime of which he has been convicted and the

1 harm suffered. Importantly, in a joint enterprise case, that can  
2 include individual crimes in which the accused was not a direct  
3 perpetrator. See especially para 160 of the Shala reparation appeal  
4 decision.

5 My next topic this morning does take us on to slide 3, with the  
6 Court Officer's help, please, and it's the purpose of the expert  
7 evidence in Case 06, the expert evidence adduced by Victims' Counsel.  
8 Slide 3 again has the Selimi submission on this topic from Friday at  
9 the top of the page.

10 "The expert evidence tendered by Victims' Counsel was incapable  
11 of establishing a causal nexus between the crimes charged and the  
12 harm alleged. Not because the experts were dishonest. Not because  
13 the Defence sought to deny trauma. But because the experts  
14 themselves repeatedly and expressly disclaimed the ability to  
15 determine causation, attribution, diagnosis, or perpetrator-specific  
16 linkage."

17 That submission effectively repeats earlier submissions made by  
18 the Defence in writing in this case. See F3251 and F3356.

19 The Case 06 expert report was never intended to provide  
20 individual assessments of the harm caused to the victims. It served  
21 numerous other purposes, including explaining significant conditions  
22 like PTSD and setting the harm of the victims in the context of the  
23 relevant research and expertise. In so doing, it is certainly  
24 capable of assisting the Panel in determining if there is a link  
25 between the crimes and the harm. We have made it clear more than

1 once that individual assessments were never intended and were not  
2 necessary, and the Panel has held that their absence does not render  
3 the evidence either irrelevant or inadmissible.

4 And on slide 3, we have an extract from our submission in  
5 relation to experts' reports saying that the iMMO report prepared for  
6 Case 06 gives context to, and provides a fuller understanding of, the  
7 harm suffered by all of the victims in this case as it explains the  
8 victims' experiences of harm from a professional psychiatric and  
9 psychological perspective.

10 And then to the right of the screen, the Panel's decision on the  
11 admission of expert evidence from F03451 at para 26:

12 "While the Experts agreed that to link particular symptoms to  
13 alleged crimes would require examining the person concerned, this is  
14 not the evidence that was offered in this case. The absence of  
15 individualised examinations of victims does not render the evidence  
16 irrelevant or the expertise unreliable. The absence of such  
17 assessment simply limits the scope of relevance of the proposed  
18 evidence and what conclusions could be drawn from it, if accepted."

19 It appears to be the case that the Defence want to keep  
20 repeating that the report does not achieve a purpose that it was  
21 never intended for. They are, of course, free to do so, but it is,  
22 with respect, not an argument that is going anywhere.

23 Finally, in relation to the Selimi submissions, Witness W4444.  
24 The Selimi Defence took a little time to say to Your Honours that we,  
25 in our impact statement, had mischaracterised their approach to this

1 victim in footnote 306 of the impact statement, and that's at  
2 transcript 28908.

3 That footnote makes the accurate assertion that the Selimi  
4 Defence cross-examination of this witness misstated his SPO  
5 interview, so just a word of explanation on that.

6 Witness 4444 was beaten unconscious in Likoc. In his SPO  
7 interview, he was asked a clear question:

8 "Was your body hurting?"

9 That was after the beating, and he replied:

10 "Yes."

11 And that's at P703.2\_ET, page 24, lines 6 to 7.

12 Despite that answer, the Selimi Defence asked this question of  
13 the witness:

14 "You told the SPO in 2019 that you didn't have pain as such  
15 during those four days," the "four days" referring to his detention.

16 And that's the transcript for 9 November 2023 at 9809.

17 It's not a fair question. It's referring to an earlier exchange  
18 in the interview in which the witness himself was obviously not  
19 referring to the beating that he had suffered. It put the witness at  
20 a disadvantage, and so we pointed that out at footnote 306. But the  
21 Selimi Defence, instead of apologising, suggests that we are at fault  
22 in pointing out their error. It is also, we would say, impossible to  
23 see what purpose the question could have had if not to undermine  
24 Witness 4444 and the pain that he had suffered.

25 So in our submission, that footnote stands.

1           Finally, a few words in response to the Krasniqi submissions on  
2 Monday. I'm going to be referring to what was said at the transcript  
3 at 29045.

4           It was submitted by counsel that there was "a long-standing  
5 social phenomenon" of stigma against collaborators in Kosovo, that it  
6 was part of the pre-existing social fabric, and that it was therefore  
7 wrong to suggest that the KLA was responsible for victims suffering  
8 this stigma. We respectfully disagree.

9           The fact that there was historically stigma attached to alleged  
10 collaborators is logically not a bar to victims suffering from the  
11 stigma of being accused by the KLA of being a collaborator. Rather,  
12 social conditions of that kind provided a perfect background to the  
13 KLA's use of the label.

14           We deal with this multiple times under the specific heading  
15 "Stigma as a result of KLA crimes" in our impact statement, and I'm  
16 not going to repeat that material. But I would like to end by saying  
17 that it wasn't "a long-standing social phenomenon" which abducted  
18 people at gunpoint and took them to KLA detention sites.

19           To take just one example. It wasn't any such "phenomenon" at  
20 work in the life of W4870. She was publicly vilified. She had  
21 people spit at her in the street. She ultimately had no option but  
22 to leave Kosovo. This was not as a result of a pre-existing social  
23 attitude. It was because a member of her family had been murdered by  
24 the KLA during the war having been accused of being a collaborator,  
25 and because she had had the courage to speak out about it.

1           And, Your Honour, thank you for the time. Those are my  
2           submissions this morning.

3           PRESIDING JUDGE SMITH: Thank you, Mr. Laws.

4           We turn now to the Thaci Defence. You have asked for and  
5           received 45 minutes.

6           MR. MISETIC: Thank you. Before I begin, Mr. President, may I  
7           have leave to pass around hard copies of PowerPoints to the Panel,  
8           CMU, Prosecution, and Victims' Counsel?

9           PRESIDING JUDGE SMITH: Fine, yes.

10          MR. MISETIC: Thank you.

11          Mr. President, members of the Trial Panel, last Wednesday you  
12          heard the Thaci Defence make some assertions that go to the most  
13          basic questions in any war crimes trial involving political and  
14          military leaders.

15          We told you there are no orders from Hashim Thaci to  
16          perpetrators of crimes.

17          We told you there are no reports from perpetrators of crimes to  
18          Hashim Thaci.

19          We told you there is no credible evidence that Hashim Thaci had  
20          a role in preparing or distributing communiqués or political  
21          declarations.

22          We told you the SPO offers no rational explanation for why the  
23          JCE members would have to transmit the alleged common criminal  
24          purpose through communiqués if the KLA had a functioning chain of  
25          command.

1           And we told you that the consensus of evidence of international  
2           and insider KLA witnesses was that Hashim Thaci was not suspected of  
3           being involved in war crimes, and that he was not suspected of being  
4           involved in any alleged policy of targeting so-called opponents.

5           The SPO, on Monday, had no rebuttal to these basic points. They  
6           have no answers. It's not as if they ran out of time on Monday and  
7           couldn't cover all important issues. They still had 45 minutes  
8           available to them when they ended their rebuttal. They had the time.  
9           They didn't have the answers.

10           After being unable to rebut these fundamental Defence arguments,  
11           the SPO concluded its rebuttal on Monday by claiming that it is the  
12           Defence that doesn't want you to do your jobs, and doesn't want you  
13           to be Judges. On the contrary, the Defence knows you will do your  
14           jobs and that you will recognise the consensus of evidence we have  
15           described for you. It is the Prosecution that does not want you to  
16           do your jobs. They want you to do their job. They want you to see  
17           if you can make a case that they couldn't make. But as I noted on  
18           Monday, the Mustafa Trial Panel was clear: the burden of proof is on  
19           the SPO and the SPO alone. And they have failed.

20           My mentor taught me a long time ago that the cardinal sin of  
21           trial advocacy is to overpromise and underdeliver. And the SPO has  
22           committed that cardinal sin throughout this trial. They promised  
23           fireworks but delivered duds, and it happened again on Monday. You  
24           heard the refrain: "They did what they said they were going to do,  
25           and then they did it." It seemed like the SPO might finally be

1 leading into an explanation of what exactly it is that Hashim Thaci  
2 said and did. But what did they deliver to you on that argument?  
3 What exactly, according to the SPO, did Mr. Thaci say he was going to  
4 do? What exactly, according to the SPO, did Mr. Thaci do to  
5 implement what he said? The SPO had no answers. Overpromising,  
6 underdelivering.

7 Let me turn to a point raised about meetings where the common  
8 purpose was allegedly discussed. Our closing statement last week  
9 addressed the SPO's arguments as laid out in their 870-page final  
10 trial brief. You are aware of how hard the Defence argued during the  
11 trial that the SPO should put its case to witnesses, and you are well  
12 aware that the SPO's response was always that "we don't have to state  
13 our case until our final brief." So the first time we got to see  
14 their case was in the final brief, and we addressed that case in our  
15 closing submissions.

16 A huge problem with litigating the way the SPO did in this case  
17 is that when you hide your case until your final brief, you don't get  
18 to see how the other side will attack your case. And so the SPO  
19 learned about more holes in its case only beginning last Wednesday  
20 with Defence submissions. And, predictably, the SPO in rebuttal is  
21 now changing its case in order to try to plug the holes in the dam.

22 Slide 3, please.

23 One example is the SPO claim in its final brief that the issue  
24 of opponents and special warfare was discussed on a recurring basis  
25 at General Staff meetings. That's at paragraph 75 of their brief.

1 You see that on this slide. We took you through the footnotes last  
2 Wednesday which only reference two meetings: 16 August and  
3 29 December.

4 Slide 4, please.

5 Now in rebuttal, the SPO claims there are many more meetings  
6 than the ones they cited to the Panel in their brief in this  
7 footnote. You are now told that opponents and special warfare were  
8 discussed in meetings on 23 July, 12 and 13 November, 20 December,  
9 and 30 December 1998. But these meetings were not cited in support  
10 of paragraph 75 of their trial brief. You can check that yourselves.  
11 Mr. Thaci cannot be expected to address evidence that was not cited  
12 by the SPO in support of its case in paragraph 75.

13 Now, we all know as advocates that when making written  
14 submissions, especially a final trial brief, you cite to your best  
15 evidence. The fact that the SPO did not cite to any of these  
16 meetings that they mentioned only in rebuttal is itself an admission  
17 that the SPO does not really believe that these meetings assist them  
18 in proving their case.

19 Slide 5.

20 You should note that with respect to the newly referenced  
21 meetings in December, the SPO does not allege that Mr. Thaci was even  
22 there, nor could they.

23 Slide 6.

24 With respect to the 23 July meeting, the only discussion was  
25 about how the KLA was being targeted for takeover by Tahir Zemaj and

1 the LDK, not the other way around. And you've already heard my  
2 submissions on that issue.

3 Slide 7.

4 The 12 to 13 November meeting concerning reorganisation of the  
5 KLA was followed immediately thereafter by Zyrapi issuing 1D29 and by  
6 the setting up of the military court, which demonstrates a reasonable  
7 inference that the purpose of that meeting was not to target  
8 civilians, but rather to better protect all "persons" and to comply  
9 with international law, as we explained last week.

10 Slide 8.

11 Indeed, a review of the minutes of the meeting of 12 to  
12 13 November shows that it contains no reference to opponents or  
13 special warfare.

14 Finally, we note that in every one of these additional meetings,  
15 Bislum Zyrapi was at least present, if not presiding over the  
16 meeting.

17 Slide 9.

18 Last week we highlighted the SPO position taken in paragraphs  
19 1431 and 1432 of their final brief that Zyrapi was "not part of the  
20 General Staff inner circle to which the Accused belonged," and "was  
21 not fully trusted by all KLA members, including certain members of  
22 the General Staff," and therefore, "such factors would affect the  
23 extent to which the JCE Members would openly discuss Opponent policy  
24 with him."

25 Slide 10.

1           We also note the SPO position taken in its closing submission  
2           that Zyrapi was "the one General Staff member who did not form part  
3           of that group of trusted persons. He was [an] outsider." That's  
4           transcript page 28468.

5           On Wednesday, we then asked the SPO to explain how, in light of  
6           those positions, any of these meetings could have been discussions  
7           about advancing the common criminal purpose in light of Zyrapi's  
8           presence in all of them. We heard no answer to that question on  
9           Monday because they have no answers. It makes no sense.

10           THE INTERPRETER: The interpreters kindly ask the speaker to  
11           slow down when reading. Thank you.

12           MR. MISETIC: Yes. Slide 11, please.

13           Instead, the SPO on Monday attempted to walk back its position  
14           on Zyrapi, now aware of how much they damaged their own case by  
15           admitting that Zyrapi was not part of any JCE.

16           You were told that it is the Defence that is advancing red  
17           herrings; namely that it is the Defence that is claiming that "anyone  
18           not a named JCE member has been specifically determined not to be in  
19           the JCE," and that we said Zyrapi "could not have known about or  
20           participated in the implementation of the common purpose."

21           Slide 12.

22           Taking these arguments in turn. First, it is not the Defence  
23           that placed him outside the JCE but the Prosecution. We note that  
24           the Appeals Panel in this case found that the indictment identifies  
25           the alleged JCE members by category with sufficient specificity, but

1 held "the SPO should provide the Defence with all information in its  
2 possession as to the alleged JCE Members," and stressed "that should  
3 the SPO be in a position to identify additional alleged JCE Members  
4 by name, it should provide such information to the Defence."

5 If by now they don't have enough evidence to name Zyrapi as a  
6 member of the alleged JCE, you can confidently conclude that the SPO  
7 does not allege him to be a JCE member or else they stand in  
8 violation of the Appeals Panel's decision.

9 Second, it is the SPO, not the Defence, who told you that Zyrapi  
10 was "the one General Staff member who did not form part of that group  
11 of trusted persons. He was [an] outsider." It is the SPO, not the  
12 Defence, that produced an organigramme to you last week that  
13 specifically noted that Zyrapi is not alleged to be a JCE member. It  
14 was the SPO who said he was "not fully trusted by General Staff  
15 members," and that "such factors would affect the extent to which the  
16 JCE Members would openly discuss Opponent policy with him." There is  
17 no other way to interpret those submissions other than that the SPO  
18 does not allege him to be part of a JCE. The fact that they now  
19 regret those submissions after hearing the Defence closing does not  
20 make their own submissions go away. It requires an explanation of  
21 how the SPO reconciles its position that Zyrapi was an outsider to  
22 the JCE with its position that Zyrapi attended every meeting where  
23 they allege the common criminal purpose was discussed. They made no  
24 attempt in rebuttal to reconcile these positions because they have no  
25 answers.

1           The SPO claims that Zyrapi testified he "was aware of the  
2           opponent policy." That's at transcript page 29106. This is not  
3           correct. At no time, ever, has Bislum Zyrapi stated or suggested  
4           that he was aware of a policy in the General Staff to target  
5           so-called opponents for detention, mistreatment, or killing. In  
6           fact, the passage that the SPO cited in support of its position was  
7           incomplete.

8           Slide 13.

9           Zyrapi went on to say in the Milutinovic trial that:

10          "... I heard from zone commanders and civilians that some  
11          soldiers and officers had exceeded their competencies.

12          "At that time I could not do anything because I did not have any  
13          function. After I became Chief of Staff, we mentioned on Monday what  
14          measures I took to discipline the army."

15          That's P1356 at page 6051.

16          Members of the Trial Panel, you know those measures to be 1D29.  
17          That is the context of what he said. He never claimed to have any  
18          knowledge that any such policy was emanating from the General Staff.  
19          He never claimed, for example, that he encountered any resistance  
20          within the General Staff to his order 1D29.

21          The next slide is not for public broadcast. Slide 14, please.

22          Indeed, as I stated to you last week, Zyrapi said in 2005 that  
23          prior to late November 1998, the General Staff had issued no orders  
24          on the issue of detentions, and that detentions were a matter that  
25          had been handled by the zone commanders. He's been consistent on

1 this point for 20 years. He could not simultaneously have said he  
2 was aware of a General Staff policy to target collaborators and also  
3 have been saying for 20 years that detentions were a matter handled  
4 by zone commanders and not the General Staff. The SPO did not even  
5 attempt to explain to you how you can disregard that evidence from  
6 long ago, because they have no answers.

7 This slide may be broadcast to the public. Slide 15.

8 Turning to communiqués. The Defence told you last week that the  
9 SPO has no evidence that Mr. Thaci had anything to do with authoring  
10 communiqués or political declarations other than the untested claims  
11 of Mr. Selimi in his SPO interview about Communiqué 59, which are not  
12 credible for the reasons we have explained. Indeed, the fact that  
13 the SPO has no other evidence of Mr. Thaci being involved in  
14 preparing communiqués further discredits Selimi's evidence about  
15 Communiqué 59. Moreover, we told you last week that the SPO does not  
16 even have evidence of someone having a hearsay recollection, in a  
17 book, unpublished manuscript, newspaper interview, contemporaneous  
18 note, and the like, of Mr. Thaci being involved in preparing  
19 communiqués. The SPO, in rebuttal, did not dispute that assertion.

20 You may confidently conclude that there is a reasonable  
21 interpretation of the evidence that Mr. Thaci was not involved in the  
22 preparation and distribution of communiqués and political  
23 declarations.

24 We also told you that there is no evidence of any temporal or  
25 geographic nexus to any communiqués and charged crimes. It was,

1 indeed, remarkable that the SPO still failed to explain in rebuttal,  
2 in simple terms, the actual evidence it relies on to establish the  
3 nexus. What is the link between Mr. Thaci and communiqués? We still  
4 don't know. Which of Mr. Thaci's public statements significantly  
5 contributed to the charged crimes, and how? We still don't know.

6 Instead, we heard a citation of exhibit numbers being read out  
7 one after the other. And this is not because the SPO ran out of  
8 time. This is deliberate. Rather than reading from the evidence  
9 itself, the SPO chose to give you a list of exhibit numbers which you  
10 are then required to dig out and piece together like a puzzle.

11 Prosecutors who have the smoking gun evidence spend a few  
12 minutes reading that evidence to the court. One famous example of  
13 this practice is the trial of Radovan Karadzic, where the prosecution  
14 established Karadzic's criminal intent by, quite rightly, quoting  
15 Karadzic giving a speech in the Bosnian parliament referring to  
16 Bosnian independence as a "highway of hell" that would risk "the  
17 disappearance of the Muslim people."

18 Can you imagine the prosecutor in that case standing up during  
19 closing arguments and instead of proving Karadzic's criminal intent  
20 by reading out his speeches from the Bosnian parliament, the  
21 prosecutor instead read out a list of P numbers and told the trial  
22 chamber to figure it out themselves? That would never have happened.

23 Why is it happening in this case? Because the evidence doesn't  
24 give the SPO the answers they need. The substance of the documents  
25 is so weak that discussing them, either in their brief or in closing

1 statements, would only highlight the weakness of the SPO's case. The  
2 SPO's case at its highest is a patchwork of documents that it has  
3 left you to try to sew together. This does not meet their burden.

4 Slide 16.

5 The SPO also continues to claim that the internationals were  
6 uninformed about KLA documents and communiqués, citing, amongst  
7 others, the testimony of Witness Clark. But recall the testimony of  
8 General Clark about his three October meetings with Milosevic,  
9 wherein he told him that NATO would bomb his country if Milosevic  
10 failed to stop his assault on the Kosovo Albanian population  
11 generally and the KLA in particular. Milosevic was certainly aware  
12 of the communiqués. Kosovo was a province of the FRY, and he had the  
13 entire province under surveillance, as you know. It would have been  
14 in Milosevic's self-interest to show General Clark, NATO, the  
15 Contact Group, and the UN Security Council these allegedly insightful  
16 communiqués if he and his services believed that the communiqués were  
17 making a significant contribution to war crimes and crimes against  
18 humanity. The fact that General Clark and Ambassador Hill have no  
19 recollection of Milosevic raising any issue about communiqués  
20 demonstrates that even the Serbian authorities did not see a nexus  
21 between communiqués and crimes.

22 The SPO raised several straw man arguments on Monday, one of  
23 which was that the Defence allegedly said that internationals did not  
24 see any KLA crimes being committed. The Defence never said that, nor  
25 did the Defence witnesses. The Defence said that international

1 witnesses did not suspect Hashim Thaci to be involved in the  
2 commission of war crimes and crimes against humanity. The SPO does  
3 not dispute that this was, indeed, the position of the international  
4 witnesses. We also said the internationals did not see communiqués  
5 as inciting crimes, and the SPO does not dispute this assertion. It  
6 is simply not plausible that the international community would not  
7 have been aware of the effective communiqués if the SPO case were  
8 really the only reasonable inference. I mentioned before the cases  
9 of Rwanda, Bosnia, and Serbia as examples where the world was almost  
10 immediately aware of inciteful propaganda. The SPO in reply had no  
11 explanation for why it took 20 years to uncover such allegedly  
12 inciteful rhetoric in Kosovo.

13 Turning to the military court. You were told on Monday that  
14 during his SPO interview, Mr. Thaci distanced himself from 1D29 and  
15 the setting up of the military court, but that is not the case.  
16 Mr. Thaci simply stated that by the time 1D29 was issued and the  
17 military court had been set up in late November, he had already left  
18 the country and he has no knowledge about it. It is undisputed that  
19 Mr. Thaci had, indeed, already left Kosovo by that time. That in no  
20 way means that Mr. Thaci said he did not relay his conversation with  
21 Fred Abrahams to other members of the General Staff, or that he said  
22 his conversation with Fred Abrahams did not lead to 1D29 and the  
23 establishment of the military court.

24 Slide 18.

25 As for the argument that neither the 28 November order nor the

1 military justice court were aimed at ending the opponent policy or  
2 its implementation, we note that this argument was directly refuted  
3 by Zyrapi, who told you that he issued these orders precisely to  
4 provide due process, including to people being accused of  
5 collaboration. And you see that on this slide. That's transcript  
6 page 17539 to 17540.

7 The next two slides are not for public broadcast.

8 We turn to the case of the two Serb journalists, so-called  
9 journalists. There, the SPO raises another straw man argument -  
10 slide 19 - that the Defence allegedly took the position that they  
11 were stopped because one of them was a suspected war criminal in  
12 Croatia and Bosnia. We never said that.

13 As I stated to Judge Barthe on Monday, the fact that one of the  
14 so-called journalists is now known to have not only been a combatant  
15 in the Croatian and Bosnian wars, but also a member of a notorious  
16 Serb paramilitary force, and that they were heading to an area of  
17 combat where Serb paramilitary forces were active, supports a  
18 reasonable inference that they were acting suspiciously and that they  
19 were stopped for military reasons and not to "gain and exercise  
20 control over all of Kosovo." We direct you to my cross-examination  
21 of Witness Byrnes on this point, transcript page 13690 to 691.

22 The next slide may be broadcast to the public, slide 21.

23 The Prosecution on Monday then attempted to address only part of  
24 the ICRC report we rely on, but they completely ignore the second  
25 part of the report, namely that "it may take time and resources to

1 define and implement effective review procedures." The SPO's  
2 position that non-state armed groups must have a fully functioning  
3 system of due process on Day 1 is not only unreasonable, but it is in  
4 conflict with the ICRC position.

5 Again, as a matter of policy, we encourage you not to set a  
6 dangerous international precedent that non-state armed groups should  
7 take no prisoners until they have a fully functioning due process  
8 system in place.

9 Slide 22.

10 Turning to Qirez. You were told in rebuttal that even if the  
11 delegation in Qirez was advocating for disarming, this does not rise  
12 to the absolutely necessary threshold for detention. But this does  
13 not address our submissions and relates to a question Judge Barthe  
14 asked me on Monday. The question is whether the detention was  
15 intended to pursue a military objective, even if with an insufficient  
16 legal basis for detention, or whether it was a stop intended to gain  
17 and exercise control over all of Kosovo. Whether there was a mistake  
18 of fact or law in making stop is beside the point. The SPO's case is  
19 not the only reasonable inference, and the Defence case provides at  
20 least one reasonable inference that it was intended to further a  
21 military objective.

22 Slide 23.

23 We know here that the SPO's case centres around an alleged  
24 common criminal plan, which is alleged to be running alongside what  
25 is a legitimate war effort. We heard Judge Barthe's question on

1 Monday asking the SPO for help here: How the Panel can distinguish  
2 acts that were a significant contribution to the common purpose to  
3 gain and exercise control over all of Kosovo through the commission  
4 of crimes from conduct that merely contributed to the KLA and/or to  
5 the KLA general war effort. The SPO replied that it depended on  
6 context, and then followed up later by saying that we, the Defence,  
7 had "failed to understand how the scope of the JCE charged can extend  
8 to acts which are claimed as advancing military objectives or  
9 personal motivations." The SPO then said:

10 "People can have multiple reasons for doing something, and  
11 that's why motive is generally irrelevant to criminal intent," citing  
12 to Tadic.

13 Four brief points here at slide 24.

14 First, those Tadic paragraphs discuss whether there is an  
15 additional motive requirement as part of the *mens rea* requirements  
16 for crimes against humanity generally, so they do not support the  
17 SPO's larger JCE point.

18 Second, the SPO cannot just assert that there is an alternate  
19 explanation other than a military objective. They have to prove this  
20 with direct evidence. The SPO is required to prove, for example,  
21 that the two so-called journalists were detained because of the KLA's  
22 alleged goal to gain and exercise control over all of Kosovo through  
23 crimes.

24 Third, if the SPO cannot prove this with direct evidence, then  
25 they are asking you to draw an inference. Where there is a question

1 of whether an arrest or detention was carried out for a military  
2 purpose, or in support of the common plan, then the SPO is asking you  
3 to draw an inference by concluding it was the latter. But this must  
4 be the only reasonable inference available on the evidence. All  
5 other reasonable conclusions must be excluded. And the SPO has  
6 consistently failed to engage with this exercise in this case.

7 It is simply wrong to say, as the SPO did in reply, that "people  
8 can have multiple reasons for doing something, and it's why motive is  
9 generally irrelevant for criminal intent." This argument ignores the  
10 SPO's burden of proof as set out in Rule 140(3). If there are  
11 multiple reasonable inferences for why a detention occurred, and one  
12 of those reasonable inferences is consistent with innocence, then the  
13 SPO has failed and you must acquit.

14 Fourth, the Limaj trial judgment explained this well when it  
15 separated out the KLA policy that was "linked to its military  
16 objectives, to target those individuals thought to be collaborating  
17 with Serb forces," as opposed to the phenomenon of "Kosovo Albanian  
18 civilians [who] may have been abducted for other reasons, such as  
19 personal revenge of individual KLA members and other motives." And  
20 that's Limaj trial judgment paragraph 216.

21 This is the same war as in the Limaj case. Motive is not  
22 irrelevant. It's the entire point.

23 Slide 25.

24 On Qirez, we again note that the SPO does not even attempt to  
25 engage with the question of how the video of the Qirez press

1 conference impacts the credibility of Dedaj's 2014 EULEX statement.  
2 Again, you can reasonably conclude that the SPO has nothing to say  
3 about it that would refute the Defence position.

4 Slide 26.

5 Instead, you were told on Monday that Dedaj stated in 2014 he  
6 had produced to EULEX a photograph of himself taken two or three days  
7 after his release. But no such photograph has been produced in this  
8 case and it is therefore not in evidence. The SPO, I suppose, wants  
9 you to imagine what the alleged photograph might have looked like,  
10 rather than look at actual video of his condition in your possession  
11 taken shortly after his release. They tell you, don't let your lyin'  
12 eyes deceive you, let your imagination do the work.

13 When you hear submissions like this one by the SPO, ask  
14 yourselves: Is it the Defence or the SPO that doesn't want you to be  
15 Judges, and doesn't want you to do your job?

16 Finally, Mr. Thaci never told the SPO that he had knowledge of  
17 "detainees having been beaten." If you re-read that portion of  
18 Mr. Thaci's SPO interview, you will see that he is asked a series of  
19 questions in which the question is asked whether he knew any of the  
20 members of the delegation had been "beaten or mistreated." They were  
21 compound questions to which Mr. Thaci responded, either to having  
22 been told by soldiers about a beating or having been told about  
23 mistreatment. Mistreatment could mean many things, including verbal  
24 abuse or limited physical alteration, such as pushing, shoving, and  
25 the like. Towards the end of that line of questioning, the

1 interviewer uses the words "mistreatment" and "beating"  
2 interchangeably, so that it is not clear what Mr. Thaci understood as  
3 the question. We do know that Mr. Thaci said he personally did not  
4 observe any physical injury on anyone, which is consistent with the  
5 Qirez video before you.

6 Turning to the issue of the LDK boycotts.

7 Slide 27.

8 The SPO cites no evidence that the LDK boycotted the PGoK  
9 because of alleged mistreatment by Mr. Thaci or anyone else. As we  
10 said last week, the SPO cites no contemporaneous evidence of any such  
11 position by the LDK, and did not cite any on Monday. It is a  
12 made-for-trial argument.

13 In contrast, you have contemporaneous evidence that the LDK was  
14 boycotting the PGoK because it did not want to split seats equally in  
15 the PGoK. Moreover, the LDK was running its own parallel government  
16 at the same time as PGoK, and, in fact, refused to give up its own  
17 parallel government until February 2000. You heard that through  
18 Witness Covey. These were the real reasons why the LDK didn't join  
19 the PGoK, not because of alleged abuse.

20 And Mr. Thaci was, indeed, being meaningfully inclusive. You  
21 see on this slide, 27, that in paragraph 64 of our final brief, we  
22 cited to at least 15 different instances of Mr. Thaci calling on the  
23 LDK to join the provisional government. The SPO in reply challenged  
24 only one of them.

25 On the issue of the personnel council, slide 28, there is no

1 mention of a personnel council in the indictment or in the pre-trial  
2 brief.

3 ICL case law establishes that an indictment lacking precision  
4 may be cured "if the prosecution provides the accused with timely,  
5 clear and consistent information detailing the factual basis  
6 underpinning the charge."

7 A mention in the opening statements is not clear and consistent  
8 information capable of providing adequate notice, let alone ample  
9 notice.

10 We could have asked Zyrapi questions on this topic had we had  
11 notice, and therefore we've been prejudiced.

12 On Monday, the SPO stated that the accused repeatedly  
13 acknowledged their roles as pioneers, as founders, as key members of  
14 the General Staff, and cited P186 in support of that claim.

15 Slide 29.

16 P186 are unsigned notes from a meeting with several former KLA  
17 members where they discuss the history of the KLA. If you flip  
18 through these pages, you will see that in the discussion, there, in  
19 fact, is confusion and disagreement among the members as to how the  
20 KLA was established and who its founders were, and we have those  
21 excerpts on the slide before you.

22 Turning to the issue of whether there is proof of PGoK meetings  
23 in the summer of 1999. The SPO disputed our claim that there was no  
24 evidence of provisional government meetings.

25 Leaving to one side the fact that the SPO referred to

1 General Staff records when the Defence allegation was about PGoK  
2 meetings only, the SPO cited only three documents purportedly showing  
3 meetings of the PGoK in this period.

4 All of the cited evidence was untested, it was admitted through  
5 the bar table, and no witnesses were able to authenticate and  
6 corroborate the relevant portions.

7 Turning to the question of whether the common criminal purpose  
8 was conveyed through orders. The Prosecution argues that the Thaci  
9 Defence made a misstatement when we said that the Prosecution does  
10 not allege that the common criminal plan was disseminated through  
11 written orders. But there is no misstatement.

12 Slide 31.

13 Once again, we will show you the Prosecution's final brief table  
14 of contents, where they devote an entire section to answering the  
15 question of how they allege the common criminal plan was  
16 disseminated. You see that on this slide. There is no section that  
17 claims that the common criminal plan was disseminated through written  
18 orders.

19 Once again, Mr. Thaci can only be expected to address the SPO  
20 case as they made it in their final brief.

21 The next slide is not for public broadcast.

22 Moreover, in rebuttal, the SPO claimed that P1581, an unsigned  
23 SPRK witness interview, was evidence of a direct order from the  
24 General Staff conveying a common purpose. It is extraordinary that  
25 the SPO seeks to rely on this witness at all given his clear

1 credibility issues. Moreover, the witness testified that he did not  
2 know if the order was, in fact, issued by the General Staff. He only  
3 claimed to know what he had been told by a man who is now dead. More  
4 unsubstantiated hearsay.

5 The SPO's reliance on this kind of evidence to substantiate a  
6 key tenet of their case is emblematic of their entire case.

7 The next slide may be broadcast to the public.

8 The SPO next told you that exculpatory evidence was never  
9 rejected because it was exculpatory. But we draw your attention  
10 again to the case of W04760 and the inability of the SPO to provide  
11 any plausible explanation for their withdrawal of that witness, other  
12 than that they realised that the witness's evidence was too  
13 exculpatory.

14 Slide 33.

15 Turning to Sokol Bashota. The SPO claims that Bashota's  
16 evidence is "impossible to read" as being hypothetical. I told you  
17 last week that no ICTY investigator would have failed to ask  
18 follow-up questions seeking details of any General Staff orders to  
19 execute collaborators if they believed Mr. Bashota was not speaking  
20 hypothetically.

21 Let me add that the same applies to the SPO. You will note that  
22 in his preparation session, the SPO never asked Bashota any basic  
23 follow-up questions to establish when, where, or who in the  
24 General Staff participated in any discussion about executing  
25 collaborators.

1 Slide 34.

2 The SPO then never asked him such basic investigatory questions  
3 on direct examination. There could only be two reasons an  
4 SPO Prosecutor would not ask any basic follow-up questions: Either  
5 the Prosecutor was grossly negligent, which is unlikely, or else the  
6 SPO Prosecutor knew that Bashota's answer to those questions would  
7 likely lead to disclosable exculpatory material.

8 The SPO knows that Bashota's 2006 ICTY statement is of little  
9 credibility.

10 Slide 35.

11 It is of even less credibility when one considers the context in  
12 which he gave that statement. As I pointed out in cross-examination,  
13 Bashota had been approached by associates of the then-accused  
14 Ramush Haradinaj before he met with ICTY OTP. He then gave an  
15 account that hypothetically placed authority in the General Staff for  
16 detentions and executions rather than on the zone commanders like  
17 Haradinaj, thus giving exculpatory information for the accused  
18 Haradinaj at a time when the ICTY no longer had the ability to indict  
19 Bashota or anyone else.

20 In reality, Bashota's 2006 statement posed little danger to lead  
21 to the prosecution of anyone given the ICTY's completion strategy,  
22 while providing exculpatory evidence for Haradinaj in his trial, so  
23 much so that the ICTY OTP did not call Bashota as a witness in the  
24 case. Enough said.

25 The next three slides are not for public broadcast.

1           Next, I would like to address the evidence of W04489 and the  
2           issue of the witness's preexisting notes. The assertion was made on  
3           Monday that the witness only produced the pre-existing notes to the  
4           Trial Panel on the request of the Defence, and that therefore "the  
5           notion that the witness would lie about an event in a note to herself  
6           so she could somehow use it later as corroboration when the notes  
7           were suddenly requested mid-testimony defies belief."

8           No, it doesn't. Context is indeed required here. The SPO  
9           admits, in footnote 3156 of its brief, that W04489 had first changed  
10          her testimony in her preparation session with the SPO. She brought  
11          the pre-existing notes to her SPO preparation session. That's  
12          T11538. It is reasonable to infer that she used her pre-existing  
13          notes as an aide-memoire to highlight what she wanted to tell the  
14          SPO. There is nothing here that is inconsistent with the Defence  
15          position.

16          Slide 37.

17          The fact that the witness claimed not to know when she wrote  
18          these notes, and, in fact, could not exclude that she wrote them  
19          sometime in 2023, only further establishes the reasonable inferences  
20          sought by the Defence.

21          Slide 38.

22          You were also told that "the circumstances of how these notes  
23          came to become an exhibit show high indicia of reliability,  
24          especially considering other witnesses who heard the same information  
25          from the same person." Curiously, the SPO provided no citation to

1 any such witness who heard the same information from the same person  
2 as early as the time in question in the pre-existing notes. We  
3 submit the absence of citation was not an oversight. We know of no  
4 such witnesses. In fact, as we said, the other witnesses who  
5 testified made no claim of ever having heard any such information.

6 Finally, and quickly, on the required contribution to the JCE.  
7 And I'm loath to come back to the question of the required  
8 contribution to a JCE, as we have all had several bites of the apple  
9 on this question. But let me say, the SPO accused us in rebuttal of  
10 "collapsing a distinction between a contribution to the common  
11 purpose and a personal contribution to each ... crime," and said "the  
12 latter is not a jurisprudential requirement."

13 The SPO then relied on paragraph 1535 of the Prlic appeals  
14 judgment for the proposition that "the accused does not have to  
15 contribute to a specific crime in order to be held responsible for it  
16 ... because a contribution to a JCE may take the form of contribution  
17 to the execution of common criminal purpose."

18 We are confident that you will go to this paragraph of the Prlic  
19 appeal judgment and see that the language selectively quoted by the  
20 SPO was in response to a specific submission from the Accused Stojic,  
21 who had argued on appeal that the Prosecution was required to  
22 demonstrate a direct link between his assistance and "individual  
23 crimes," namely, individual incidents. And this is in the same  
24 paragraph the appeals chamber relied on and cited to, the Krajisnik  
25 appeals judgment at paragraph 659, which says that for JCE liability,

1 it is not required that the accused physically committed or  
2 participated in the *actus reus* of the perpetrated crime. It is  
3 sufficient that the accused "perform acts that in some way are  
4 directed to the furthering" of the JCE in the sense that he  
5 significantly contributed to the commission of the crimes involved in  
6 the JCE.

7 So we come full circle. We have collapsed nothing. We have  
8 never said that the SPO must prove a significant contribution to each  
9 specific act of detention or mistreatment alleged in the indictment.  
10 But the standard at the KSC, which mirrors the standard of the  
11 tribunals, is that there must be a significant contribution to the  
12 charged crimes. The SPO has never shown you how to get there.

13 And in conclusion, Your Honours, let me once again ask you to  
14 enter a judgment of acquittal on all counts.

15 And I take the opportunity now, in my final remarks, to thank  
16 all of the members of the Trial Panel, as well as our colleagues on  
17 the Prosecution, the Defence, Victims' Counsel, for the spirit of  
18 cooperation and collegiality that was the norm rather than the  
19 exception in a nearly three-year trial.

20 I likewise thank our Court Officers, support staff,  
21 interpreters, members of the Registry and Defence Office, and all of  
22 those inside and outside the courtroom who assisted us. Your  
23 contributions did not go unnoticed.

24 Finally, I would like to extend my personal gratitude to each  
25 and member of the Thaci Defence team, past and present. Your

1 contributions have been invaluable, and your excellent work and  
2 dedication will not be forgotten.

3 Members of the Trial Panel, it was an honour to appear before  
4 you. Thank you very much.

5 PRESIDING JUDGE SMITH: Thank you, Mr. Misetic.

6 Mr. Dixon, you take your entire half-hour. We won't take the  
7 break until you have finished so that we don't have to interrupt you.  
8 All right?

9 MR. DIXON: Yes, thank you, Your Honours. I'm grateful for  
10 that.

11 PRESIDING JUDGE SMITH: You'd be finished at about 10.40, using  
12 those figures.

13 MR. DIXON: Yes. Thank you, Your Honours.

14 Your Honours, in the SPO's reply on Monday, there was yet again  
15 very little mention of Mr. Veseli until deep into it, right at the  
16 end, when Mr. Halling returned to the SPO's faking of the law and  
17 facts in one final last gasp to scoop in Mr. Veseli. In our  
18 submission, until then there was nothing, and even then, there was  
19 nothing.

20 Nothing at the very, very end for the SPO because, we submit,  
21 they have provided no answer to the fatal challenges we have raised  
22 to their case against Mr. Veseli. Instead, they claim, in a somewhat  
23 belittling tone, that we have not addressed "the merits" - the merits  
24 - of the SPO's allegations. Now, that is very rich coming from the  
25 SPO as a final word, when all I did last week was go through each

1 nonsense allegation one by one for Your Honours, demonstrating that  
2 they were plainly unfounded. And I had another 500 slides I could  
3 have presented.

4 This is, Your Honours, not some kind of technical defence that  
5 we are putting up, as though we are somehow trying to score a cheap  
6 point. The defence rests on the most fundamental right in a criminal  
7 trial; namely, to test, cross-examine the evidence against the  
8 accused. There has to be probative evidence presented in court in  
9 the first place, and then it must be there for testing. It is the  
10 golden thread of criminal law that the SPO attempts to abuse to  
11 string up my client. That legal principle is beyond dispute. A  
12 court cannot convict someone, whether that concerns direct  
13 participation or a common criminal plan or superior responsibility,  
14 if in any of those situations a conviction is based solely or  
15 decisively on untested evidence and rumour.

16 If I spread a rumour, for example, that someone told me -- let's  
17 say Mr. Pace is the source, he told me that Mr. Halling did something  
18 unlawful. Now, whether or not Mr. Pace reduced that allegation to a  
19 witness statement or just told me, or posted it, or whatever,  
20 Mr. Halling cannot be convicted on my rumour evidence alone if  
21 Mr. Pace doesn't come to court to testify to be cross-examined. Now,  
22 if he does, then it's a different matter altogether. Then it comes  
23 down to hearing his evidence and his credibility. But it's really as  
24 simple as that, Your Honours.

25 But look at the convoluted matter in which Mr. Halling tries to

1 upset that cardinal principle of criminal law in the SPO's very last  
2 word on my client's case. The acrobatics, in our submission,  
3 continue as it seems old habits are very hard to shake. He said  
4 "nobody disputes that Rule 140(4)(a) ... concerns untested evidence."  
5 He went on to say that is why the Shala Appeals Panel considered the  
6 European Court's jurisprudence on untested evidence, and even  
7 referred Your Honours to paragraph 486 of the judgment in this  
8 regard.

9 But then the SPO swings 360 degrees to say this, and I quote:

10 "But the provision," this is 140(4)(a), "by its plain language,  
11 only covers a subset of untested evidence, namely the statements of  
12 witnesses whom the Defence had no opportunity to examine."

13 And he says, this is the second part of it:

14 "For every other kind of evidence that is not a witness  
15 statement," however that is defined, he didn't come back and say  
16 exactly how it was defined, "the general principles in Rule 139(3)  
17 apply."

18 Now, Your Honours would have noted that the SPO cited no  
19 authority at all for that entirely fabricated - fabricated -  
20 interpretation of Rule 140. And he did not refer Your Honours to the  
21 Shala appeals judgment, which is squarely on point because it's  
22 squarely against him. Paragraph 486, the very paragraph that was  
23 cited, and every paragraph before that, and every paragraph after  
24 that, refers to Rule 140(4)(a) as covering all untested evidence,  
25 without any exception. That is the rule of this Court.

1 Paragraph 486, and I quote, says in terms, it says:

2 "... the Panel interprets Rule 140(4)(a) ... as precluding it  
3 from upholding a conviction based solely or decisively on untested  
4 evidence, irrespective of whether the trial proceedings evaluate it  
5 as a whole were fair."

6 Irrespective of that, the first stage that you have to look at  
7 is, are they relying on untested evidence as a sole or decisive basis  
8 for seeking a conviction.

9 Now, Your Honours, in our submission it could not be more  
10 clear-cut. The Appeals Panel did not narrow the application of the  
11 rule to a subset of witness statements with any particular  
12 definition. The proper thing for the SPO to have done would have  
13 been, as the Prosecution, at least to say to Your Honours, well, the  
14 Appeals Chamber said that, they said that in terms, but we disagree,  
15 or come up with some other argument. But, no, they just stumble  
16 along as though it does not exist. It's just a mere inconvenience  
17 for them, the law.

18 And Rule 139(3) that Mr. Halling did refer Your Honours to could  
19 also not be more clear-cut. It's not a get-out-of-jail card for the  
20 SPO. I mean, it provides, and I'll quote, Your Honours:

21 "Subject to Rule 140(4)," subject to that very rule, "a Panel  
22 shall not impose a legal requirement that corroboration is required  
23 in order to prove any crime or criminal conduct ..."

24 So, in other words, the requirement of corroboration is always,  
25 it is always subject to Rule 140(4), which flatly prohibits, without

1 exception, untested evidence to be used as the sole or decisive basis  
2 for a conviction. The two rules obviously have to be read together  
3 and applied that way.

4 Now, the upshot of this is that the whole case against  
5 Mr. Veseli is imploded. The direct allegations as well as those that  
6 are circumstantial come crashing down. For example, it means that  
7 when Mr. Halling last Tuesday showed Your Honours a video-clip of  
8 W4760 in an SPO interview saying he allegedly heard a story from  
9 someone that my client was involved, that is pure hearsay as the  
10 alleged source evidence was not available to be tested. That clip is  
11 thus entirely worthless. It was played for some kind of impact for  
12 Your Honours because it mentions my client's name, but it is of no  
13 worth as a matter of evidence. And as Your Honours will recall, I  
14 was not even able to cross-examine 4760, having opposed the admission  
15 of that very clip. And as our brief explains, he would have been  
16 shown to be unreliable in any event had he attended. And exactly the  
17 same applies to the other allegation of direct involvement, the  
18 transfer of the single detainee, and the countless other  
19 circumstantial allegations that are relied on.

20 Your Honours, this is not some kind of procedural trick the  
21 Defence is playing. This is not a game. This is the cornerstone law  
22 of testing evidence in a criminal trial, and it has been the law for  
23 decades. It is rather the SPO, we say, who are up to their usual  
24 trickery here.

25 Indeed, Your Honours, we threw down the gauntlet to the SPO. We

1 said: Are you saying, for the direct allegations, you can rely on  
2 untested evidence to convict just because it is not in the form of a  
3 witness statement as defined by the Court? And expecting them,  
4 perhaps naively, to row back from that unashamedly wrong position in  
5 law, they did not. Yet Mr. Halling still also did not have the  
6 follow-through to go on and apply that wrong law to the allegations  
7 of direct involvement and say to Your Honours: Okay. This is how,  
8 this is how we say you could possibly get to a finding of guilt, A,  
9 B, C, D. They did not walk Your Honours through it step by step.  
10 They are still not putting their case because they know it's wrong.  
11 They're just hoping Your Honours will somehow join the dots for them.

12 But there's no way of doing that as a matter of law and fact.  
13 Far from the Defence wanting Your Honours not to be Judges, or "don't  
14 do your job," as the SPO claim in a most peculiar twist on Monday,  
15 the Defence asks Your Honours to do exactly that, to apply the  
16 elementary law.

17 In addition, and which the SPO again completely fail to  
18 acknowledge, we have dealt at length with the machinations of the  
19 whole pile of hearsay regarding these direct allegations - the  
20 "merits" which absolutely have no merit. It's a wrong choice of  
21 words. See, for example, our brief at paragraphs 233 to 248. And  
22 that's 15 pages just on this one allegation, setting out how the  
23 hearsay on that allegation is really a mound of trash which does not  
24 show that Mr. Veseli was involved at all, let alone anywhere near  
25 where this was all meant to be happening.

1           There is also nothing in the half suggestion that a  
2 non-objection to a Rule 155 tender can be a relevant factor when  
3 considering such evidence. I couldn't follow exactly what the SPO  
4 was trying to drive at, but I do wish to emphasise this: That the  
5 Veseli Defence clearly objected to the tenders under Rule 155 of  
6 4747, 4760 that I've just mentioned, and 4839. This is the sole  
7 witness concerning the Klecke detention. And in this regard,  
8 Your Honours, see, for example, our filing of 4 December 2025,  
9 paragraph 4, where we state in terms that we oppose the admission of  
10 4670's statement on the basis that it clearly violates Rules 155 and  
11 138. And we sought to appeal that decision as well. I mean,  
12 moreover, this is irrelevant as it was purely hearsay evidence. It's  
13 not the source evidence that we're talking about here.

14           And for 4747, our opposition to the admission of that evidence  
15 was, of course, also based on the Defence's right to cross-examine  
16 him. The fact that his evidence was admitted does not change the  
17 rule in any way that his evidence cannot be relied upon unless  
18 corroborated, and it certainly does not change the brimming portfolio  
19 of his lies. Your Honours, we don't even need the evidence we  
20 assembled and cited at footnote 62 of our brief that the SPO referred  
21 to to show the raw deceit of the man. In this regard, see our brief  
22 at paragraph 54 for examples of his lies which are - they are - in  
23 evidence, such as his claim that he fought for the army of another  
24 country, which he simply just didn't do. He made that up. And see  
25 paragraph 56 of our brief for examples of the internal

1 inconsistencies and contradictions in his evidence.

2 For the full list of his demonstrable lies that are in evidence,  
3 we'd ask Your Honours to look at our filing F3147 and its annexes.  
4 And all this not even to mention the sensational allegations which he  
5 makes that are uncorroborated. We've set out a list of examples of  
6 that at paragraph 55 of our brief.

7 And the same arguments apply to the evidence of 4839. This is  
8 the sole witness regarding Klecke. I mean, he's a proven liar. We  
9 set that all out at paragraph 601 of our brief.

10 So it was thus, we say, thoughtless of Mr. Halling on Monday to  
11 say that we have not even bothered to explain how Witness 4747, for  
12 example, was going to be ripped apart if he attended here and gave  
13 evidence. The reason we referred to the statements that are not in  
14 evidence in that footnote 62 was to highlight the profound prejudice  
15 we have suffered from him not coming here to give evidence live.  
16 It's not for the truth of its contents. It shows the prejudice,  
17 because, after all, we are here in the context where the SPO chose to  
18 call no one else from his zone. And there, you'll see in that  
19 evidence statements which were taken, *inter alia*, from his very zone  
20 commander, his brigade commander - these are all people the SPO could  
21 have interviewed and brought - and also a member of a group of  
22 fighters in his zone that he makes false allegations against.

23 And as his evidence is untested, uncorroborated, there is no  
24 evidence that can be used to support a finding of guilt, and that is  
25 why we did not call these persons as witnesses. No burden on us to

1 do so.

2 Even 4747's evidence of being too afraid to attend here comes  
3 from him alone. It is not corroborated, and it must be viewed in the  
4 lot of his litany of lies. Another available inference that can be  
5 reasonably made on the evidence is that he did not wish to attend for  
6 fear of his falsehoods that we've set out in our submissions would be  
7 exposed.

8 What then did Mr. Halling say on Monday about corroboration and  
9 the JCE case? Well, Your Honours, in sum, a lot that was wholly wide  
10 of the mark and which brought on a sharp grimace when it was uttered.  
11 And there are three brief points that I wish to make in this regard.

12 First, the SPO said that collaboration is only required in light  
13 of Rule 140(4)(a) for big picture points, like *mens rea*, like the  
14 JCE, and that is just plainly wrong. As I pointed out last week, the  
15 Shala Appeals Panel overturned findings of crime-base torture, not of  
16 the accused's involvement, but just the crime base, on the basis that  
17 they were based on multiple hearsay accounts alone. I gave examples  
18 of that. Predicate findings must comply with the rule as well.

19 Secondly, the SPO said that there's no requirement for this  
20 specific fact at issue. But that's exactly what the Appeals Panel  
21 has found in the 4747 decision that I took Your Honours to at  
22 paragraph 36. They said the same fact. There can be different kinds  
23 of evidence but it must go to the same fact.

24 Mr. Halling referred to cases the SPO cited in this appeal, but  
25 he did not refer to the key dicta of that decision. According to the

1 SPO, then, what Mr. Veseli may have been doing somewhere else in  
2 Kosovo at a different time, whenever that might be, could be used in  
3 conjunction with untested evidence of alleged direct involvement, for  
4 example, the transfer of the single person, to support the allegation  
5 that he contributed to the JCE. So you can take all the untested  
6 evidence on direct involvement and somehow link it together with  
7 other unrelated evidence, and then come up with a finding that that  
8 supports a JCE. I mean, that is really just hot air. And the  
9 Prosecution haven't even tried to show you how you can join all of  
10 those dots. It's beyond doubt that each fact relied on that is  
11 needed for a conviction has to be corroborated.

12 And using just the example of that one person of that was  
13 transferred, when it comes right down to it, Your Honours, look at  
14 what is cited, each bit of evidence that is cited by the SPO, to try  
15 and show that Mr. Veseli was in the general area at the general time.  
16 None of it places him where the allegations occurred on the specific  
17 dates or anywhere near there at the time. So if they can't even do  
18 that for that one direct allegation, how do they expect to use that  
19 evidence to show somehow, if they haven't established that, that's  
20 relevant for proving a JCE.

21 And then thirdly, Your Honours, the SPO says that Defence has  
22 underplayed Mr. Veseli's other contributions. They say we somehow  
23 just brush over that. But they don't specify what those  
24 contributions exactly are.

25 Your Honours will know I dealt with the two direct allegations,

1 and the others that they could be referring to, scooping everything  
2 up. And then thereafter, on the broader circumstances, we  
3 highlighted the largely undisputed evidence that Mr. Veseli was  
4 abroad for lengthy periods, from late July 1988 and into September  
5 and October, which included the FARK negotiations abroad, and then  
6 from 12 November 1998 to March 1999 after Rambouillet, without there  
7 being any reliable evidence. Of him being in contact with persons in  
8 Kosovo during these extensive times. Your Honours should see  
9 paragraph 520 of our final brief for that timeline and the supporting  
10 evidence and, of course, the paragraphs surrounding it.

11 And even when in Kosovo, as we have shown, Mr. Veseli attended  
12 very few meetings and trips of the General Staff. He was not  
13 commanding any functioning intelligence structure or anyone for that  
14 matter. And he was not active in the political directorate; that he  
15 was even in it has not been proven, as it only stems from limited  
16 untested evidence. See paragraph 298 of our brief in this regard.

17 But in any event, there's no evidence of Mr. Veseli acting in  
18 this directorate in any way, let alone ways that contribute to him  
19 intending to be part of a JCE, having knowledge of crimes within that  
20 context.

21 We are not running from our role as the SPO claim, running from  
22 who Mr. Veseli is. We are showing that it was not a role that was  
23 criminal. He was performing his roles but it was not a criminal one.  
24 And therefore, don't say, SPO, that we are not dealing with the  
25 merits of this case.

1           In fact, accepting that we were absolutely engaging with the  
2 merits, it was after I answered a question about being abroad from  
3 the Bench that the SPO leapt in to say, well, Mr. Veseli is doomed  
4 because his most sustained and direct interaction is in the early  
5 months of the indictment, with the command edifice, this is the SPO's  
6 words, being set up before the time he is absent from Kosovo. That  
7 is a concession, we say, for the first time, on Monday, from the SPO  
8 turning to focus now on the early months for command and control.  
9 But that is when the levels of organisation were logically at their  
10 very earliest of stages and most disorganised, most disjointed. That  
11 is the height of horizontalism. There is certainly no proof of any  
12 intelligence structure then, with directorates only coming later, in  
13 November 1998, on a wealth of evidence, and even then without any  
14 centralisation and connection to the zones. That's the time when  
15 Mr. Veseli leaves and goes abroad.

16           Now, before concluding Your Honours, we did wish to revert to  
17 Judge Barthe's question on the state practice to support the  
18 customary law for detaining for security reasons. It's an important  
19 question because, as Your Honours will know, and I expect this is  
20 where the question was coming from, the ICJ's North Sea Continental  
21 Shelf case made very clear that state practice must be widespread and  
22 representative. Now, we may not be in that realm when we are  
23 addressing state practice and when surveying state practice on this  
24 issue, but nor are we for the existence for a crime in the first  
25 place of unlawful detention in an international armed conflict under

1 customary law. The Appeals Panel in Shala has recognised that  
2 deprivation of liberty can occur for security reasons, and they've  
3 said in terms that the SPO must prove in a reasoned, clear way that  
4 detention was absolutely necessary, with reference to ICTY case law.  
5 So there is case law here which has addressed this point, and that's  
6 at paragraphs 724 to 734. And the ICRC expert consultations and case  
7 study confirm as much with reference to national legislation,  
8 military manuals, and state practice from states, and through  
9 international organisations. And I refer Your Honours here to the  
10 ICRC Customary Law case study, Rule 99, Deprivation of Liberty,  
11 Volume I, on the rules, and the Chatham House/ICRC Expert Meeting of  
12 2009, that's in 91 International Review of the Red Cross at 859.

13 In conclusion, Your Honours, the SPO asserted at the end of  
14 their reply submissions on Monday that we divide and conquer when we  
15 should be assessing the totality of the evidence. Again, a deeply  
16 ironic metaphor associated with occupation to use against us, but,  
17 more importantly, deeply ill-advised as the Defence is perfectly  
18 entitled to show that the core allegations are based on mere rumour  
19 and hearsay, including all those 155 statements, and are thus  
20 untested and unfounded, and then that what is left is just drivel.

21 Where in the vast universe of evidence is the actual criminal  
22 case against Mr. Veseli? The SPO has not provided any roadmap. They  
23 leave it to Your Honours to try fathom that out for them. It is, in  
24 our submission, lazy, and it shows contempt for the foundation of the  
25 Court that it was not established to punish for the sake of doing so,

1 just because a cardboard cutout of a case is put up in a shop window.  
2 That is - that is - classic divide and rule. Control the false  
3 narrative by fragmenting the truth. The Court needs, in the  
4 shattered pieces that are lying around on the courtroom floor, to  
5 find that there is no thread of proof in the mess that is the SPO's  
6 case, and to unite behind the truth of Kadri Veseli's innocence.

7 Thank you, Your Honours. And thank you to everyone.

8 PRESIDING JUDGE SMITH: Thank you, Mr. Dixon.

9 We'll break now until 11.00, and then we will come back for the  
10 final two submissions by Selimi Defence and the Krasniqi Defence.  
11 And then we will -- after that, we'll break for lunch and come back  
12 after lunch to hear the statements from the accused.

13 Yes, Mr. Ellis.

14 MR. ELLIS: Your Honour, if it helps in determining schedule,  
15 I'm not intending to use the full 30 minutes. It's more likely to be  
16 20 minutes.

17 PRESIDING JUDGE SMITH: Thank you. The same schedule anyway,  
18 though. We're running a little ahead of schedule as it is.

19 So we will see you back here at 11.00. We're adjourned until  
20 then.

21 --- Recess taken at 10.40 a.m.

22 --- On resuming at 11.00 a.m.

23 PRESIDING JUDGE SMITH: The interpreters have kindly notified me  
24 that I misspoke this morning about the lunch break, so I didn't want  
25 to leave too much confusion. When we're finished with these next two

1 submission, we will then break until 1.30 for lunch, we'll be back  
2 here, and that will give plenty of time for submissions this  
3 afternoon from the accused. I just wanted to make sure that they got  
4 to have their time devoted to them, so that we wouldn't be  
5 interrupting them with things like lunch.

6 So, anyway, sorry about that if there was a misunderstanding.  
7 Not in my mind but ...

8 All right. We will proceed now with the comments from Selimi.  
9 Mr. Roberts, you have the floor.

10 MR. ROBERTS: Thank you, Your Honours.

11 Your Honours, this is my last opportunity to make submissions  
12 before you in this case in response to the SPO's oral submissions  
13 from Monday. However, to be frank, as we've always tried to be with  
14 Your Honours, I have a problem. There really is nothing from the  
15 Prosecution's submissions to which I actually specifically need to  
16 respond. Despite having been allotted a full two and a half hours  
17 for their submissions on Monday, the Prosecution's arguments and  
18 assertions in response to our oral submissions amounted to nothing  
19 more than a handful of discrete points that we've already largely  
20 previously addressed.

21 Your Honours, to put it bluntly, the Prosecution is embarrassed  
22 about their case against Mr. Selimi. There really is no other  
23 conclusion that can be drawn from both their oral submissions on  
24 Monday and their written final brief. If the Prosecution cannot even  
25 convince itself of its case against Mr. Selimi, how can it convince

1 Your Honours.

2 However, I will simply address a few of these minor discrete  
3 points that arose from the Prosecution's submissions, not because we  
4 believe they advance the Prosecution's case in any meaningful way,  
5 but because they actually underscore the fundamental evidentiary and  
6 legal deficiencies that already permeate it.

7 First, despite extensive and detailed submissions we made on  
8 every aspect of the alleged joint criminal enterprise, from its  
9 alleged membership, the lawful objective at its heart, the purported  
10 means through which this lawful objective was achieved, all the  
11 Prosecution could respond to us was that the evidence relating to  
12 events mentioned in communiqués was apparently set out in  
13 footnote 6206 of the SPO final brief. But looking at this footnote,  
14 this simply actually repeats claims or assertions in the communiqués,  
15 and doesn't actually identify evidence underlying those claims or any  
16 support that those claims actually were correct. This is not  
17 underlying evidence but merely repetition of assertions in the  
18 communiqués. The inability of the Prosecution to know the difference  
19 between assertions or allegations and evidence is as concerning as it  
20 is, at this stage of proceedings, somewhat unsurprising. But its  
21 inability to even address any of the other issues raised in relation  
22 to joint criminal enterprise highlights what we say is the lack of  
23 clarity and confidence that the Prosecution has in its own case.

24 In response to our extensive submissions on the ubiquitousness  
25 and irrelevance of the phrase "special war," the Prosecution stated

1 generally that the accused used the term, and then referred to  
2 Mr. Selimi's speech during the first public appearance of the KLA in  
3 November 1997. Yet, this phrase wasn't used at all by Mr. Selimi  
4 during this speech, and no other reference to him using it was  
5 identified. All other documents cited by the Prosecution in court in  
6 relation to this concept have such evidential shortcomings that the  
7 Panel can have no confidence whatsoever in them.

8 As so often, Your Honours, I urge you to carefully check every  
9 single document relied on by the Prosecution, in writing and orally,  
10 to see if the SPO's lofty claims are sustainable. We would submit on  
11 every count that they are not.

12 On the role of inspector general, the Prosecution claims that  
13 although Mr. Selimi didn't have formal authority under the  
14 disciplinary regulations, that didn't really matter because those  
15 regulations, apparently, generally authorise superiors to take  
16 disciplinary measures. The Prosecution also asserted that Zyrapi  
17 testified that the inspector general had undefined authority to  
18 exercise control, and also referred to a concept paper saying that  
19 one of the responsibilities of the inspector general was to identify  
20 "weaknesses."

21 Is that really it? Can the Prosecution's case on Mr. Selimi's  
22 disciplinary authority really rest on such generic foundations which  
23 wholly ignore all of the rest of Mr. Zyrapi's evidence and also the  
24 rest of evidence of other witnesses? Do they do this in the vain  
25 hope that Your Honours won't notice? It appears that they do.

1           On handwritten notes, the Prosecution counsel referred to  
2   Defence submissions as an attempt to expertise the process of  
3   determining authorship of these notes. But what the Prosecution  
4   appears to have forgotten is that the burden remains on it to clearly  
5   allege, demonstrate, and prove attribution of these notes to  
6   Mr. Selimi. The Prosecution failed to call any witness of fact to  
7   identify any piece of handwriting from any notebook that the  
8   Prosecution now attributes to Mr. Selimi. No burden can now be  
9   placed on the Defence to refute any allegations of authorship based  
10   on the evidence before Your Honours.

11           The Sesay trial judgment, in paragraph 517, specifically  
12   criticised the defence for not calling expert evidence where  
13   witnesses of fact had created a rebuttable allegation. Yet, there is  
14   no rebuttable allegation in this case. And the inverse is true.  
15   Where the Prosecution wishes to establish authorship without a  
16   witness of fact, it must present all relevant evidence to establish  
17   this authorship, which, in this case, we say could only be by expert  
18   evidence. Again, the Prosecution has conspicuously failed to do so.

19           In criticising Defence written submissions on some of these  
20   handwritten documents, the Prosecution erroneously attempts to place  
21   the Defence and the Prosecution on the same footing by obfuscating  
22   the clear difference between the parties and their respective  
23   burdens, as well as the purpose for each submission was made. It is  
24   not that the Prosecution is merely noting similarities or  
25   dissimilarities in handwriting as was claimed. Instead, the

1 Prosecution is calling upon the Panel, at this very late stage, to  
2 look across multiple notebooks relied upon by the Prosecution and to  
3 make a firm conclusion on specific authorship of Mr. Selimi which  
4 goes to material issues to be considered in the determination of his  
5 guilt. In these circumstances, the Prosecution was obliged to have  
6 stated their case clearly from the outset about the attribution of  
7 these notebooks to Mr. Selimi and then led appropriate evidence in  
8 support. It has failed on both counts.

9 The Panel must not be swayed by these late-stage pleas to  
10 compensate for its notice failures and evidentiary omissions.

11 In relation to each and every individual allegation of  
12 contribution against Mr. Selimi, the Defence made extensive  
13 submissions about the credibility and reliability of witnesses,  
14 inherent contradictions between their accounts, and lack of relevance  
15 of their evidence, regardless whether or not the evidence was in  
16 favour or not of Mr. Selimi. The one substantive response by the  
17 Prosecution to these detailed submissions? That they were not  
18 formally withdrawing the allegations in Qirez against Mr. Selimi.  
19 However, even on that one specific issue, we invite Your Honours to  
20 view, side by side, the allegations originally set out in the  
21 Prosecution pre-trial brief against Mr. Selimi on this issue and  
22 compare them with how those submissions and allegations are now made  
23 at the end of the case. See for yourselves how much the Prosecution  
24 no longer relies upon.

25 As for the rest of Mr. Selimi's alleged significant

1 contributions to the JCE, the silence from the Prosecution is  
2 deafening. The Prosecution simply did not address direct Defence  
3 challenges to their own allegations and their own evidence as to  
4 Mr. Selimi's alleged contribution to the JCE. There is simply  
5 nothing else for the Defence to reply to.

6 Now, we did note that the Prosecution further addressed the  
7 legal issue of the nature of the contribution to a JCE. And  
8 according to the Prosecution on Monday - this is transcript  
9 page 29136 - the question is not whether the accused directly caused  
10 each charged crime, but whether their conduct significantly furthered  
11 the criminal purpose whose crimes are charged.

12 Now, we're not asserting that the contribution needs to have  
13 directly caused the crime for it to be significant for the purposes  
14 of JCE liability. This is a deliberate distraction by the  
15 Prosecution. What matters is that the alleged contribution must  
16 actually significantly contribute to the crimes charged. And you  
17 heard from counsel for Mr. Thaci earlier in relation to the appeals  
18 chamber in Prlic on this issue.

19 We say that, in this case, the Prosecution is implicitly trying  
20 to artificially separate the lawful objective at the heart of the JCE  
21 from the underlying crimes charged as the means through which that  
22 objective was allegedly achieved. It is then saying to Your Honours  
23 that as long as the contribution is to the objective, this is  
24 sufficient for criminal liability. It is absolutely not.

25 The objective of the JCE is not inherently criminal and can only

1 potentially give rise to JCE liability, if at all, because it was  
2 supposedly carried out by unlawful means. We addressed this  
3 substantively and extensively last week. As such, the criminal  
4 purpose as a whole encompasses both the objective and the allegedly  
5 criminal means. Your Honours cannot artificially separate them.  
6 Furthering the criminal enterprise requires that the accused  
7 contribute directly to the underlying crimes.

8 Now, we say this is one of the many places where the  
9 Prosecution's case against Mr. Selimi ultimately collapses. The  
10 contributions that Mr. Selimi is alleged to have made to the JCE,  
11 which the Defence has addressed in detail in writing and orally,  
12 cannot be shown to have contributed significantly to the underlying  
13 crimes in the indictment. No conviction for JCE can therefore be  
14 upheld against Mr. Selimi.

15 That's it, Your Honours. There is no final hidden piece of the  
16 jigsaw that the Prosecution can suddenly pull out like a rabbit from  
17 a hat to suddenly secure a conviction against Mr. Selimi. On each  
18 and every allegation against Mr. Selimi in this case, the  
19 Prosecution's case has been found wanting.

20 Your Honours, after five years of pre-trial and trial  
21 proceedings in this case, hundreds of witnesses, thousands of  
22 exhibits, and the weight of an entire prosecution office behind this  
23 case, you would quite rightly have expected the Prosecution case on  
24 Monday to go out with a bang. However, as we all saw on Monday  
25 afternoon, it quite literally went out with a whimper.

1 All I can do now, Your Honours, is to reiterate my request from  
2 last week. Mr. Selimi must be acquitted on all charges and released  
3 immediately to return to Kosovo with his family. No other verdict  
4 can be reasonable or justified on the evidence in this case.

5 Thank you very much, Your Honours. I have tried to be as brief  
6 as possible, and I will now end our submissions. Thank you.

7 PRESIDING JUDGE SMITH: Thank you, Mr. Roberts.

8 We now turn to the comments from the Krasniqi Defence.

9 Mr. Ellis, you have the floor.

10 MR. ELLIS: Thank you, Your Honours.

11 I, too, will be relatively brief because we stand by our final  
12 brief and the closing arguments that we have made, much of which was  
13 untouched by the Prosecution on Monday.

14 There are three discrete points made by the Prosecution which do  
15 merit a brief reply from me this morning.

16 First, as to the role of Bislím Zyrapi.

17 On Monday, once again, the Prosecution tried to minimise  
18 Bislím Zyrapi's role, and to rely, we say wrongly, on the submission  
19 that after November 1998, Zyrapi was subordinate to Mr. Krasniqi.  
20 It's remarkable in this regard that the Prosecution's case continues  
21 to be marked by sustained selectivity. Even in the oral response on  
22 Monday, it extracts fragments that suit its theory while disregarding  
23 oral clarifications and unchallenged exculpatory testimony from the  
24 Prosecution's own witnesses. That isn't analysis. It's distortion.  
25 The Panel must not be drawn, we submit, into preferring selective

1 excerpts from written documents over the sworn testimony heard in  
2 this courtroom. To do so would invert the normal hierarchy of proof  
3 and risk a grave miscarriage of justice.

4 Thus, the Prosecution relied on certain pages from P189.1,  
5 without acknowledging that some of the very pages they cited were put  
6 to both Bislím Zyrapi and Sokol Bashota and both highlighted mistakes  
7 and exaggerations in its account of roles and responsibilities in the  
8 General Staff. That's transcript pages 18400 to 402, and 23029 to  
9 23031.

10 Then the Prosecution relied on P712, which is the diagram put  
11 together by Sadik Halitjaha. But strikingly, that diagram only  
12 identified Sokol Bashota as the deputy commander and depicted  
13 Mr. Krasniqi's role to the side as spokesperson. It is not,  
14 therefore, capable of proving that Mr. Krasniqi was superior to  
15 Mr. Zyrapi. So the documents relied on by the Prosecution in that  
16 regard are unconvincing.

17 But moreover, in cherry-picking those documents, what the  
18 Prosecution ignores and fails to engage with is the overwhelming body  
19 of evidence identifying Bislím Zyrapi as the chief of the  
20 General Staff, which, as Naim Maloku said, is the highest command  
21 position in the army. That's transcript page 26022 to 26023.

22 In brief, what is that overwhelming body of evidence? Well,  
23 first, Zyrapi referred to himself by the title chief of the  
24 General Staff. That's the references set out in our final brief at  
25 paragraphs 581 to 582.

1           Second, Zyrapi signed orders as the chief of the General Staff.  
2           That's the references set out at paragraph 583 of our final brief,  
3           including orders such as P624, 628, 630, 631, and the list goes on.

4           Third, other KLA members, including former career officers who  
5           would know all about military titles, address documents to Zyrapi as  
6           Chief of General Staff. See P1432, P1360.

7           Fourth, witnesses came to this Court to testify that  
8           Bislim Zyrapi was Chief of General Staff. Those are set out in  
9           paragraph 585 of our final brief, and include Naim Maloku,  
10          Sokol Bashota, Rrustem Mustafa, 4764, 4739, 3871, 3870,  
11          Halil Qadraku, and Kurtesh Fondaj.

12          In maintaining that Mr. Zyrapi was subordinate to Mr. Krasniqi,  
13          the Prosecution ask you to reject this body of evidence, including at  
14          least nine Prosecution witnesses and some of Zyrapi's own evidence.  
15          That, in our submission, is untenable.

16          And in an unconventional army like the KLA, it can be even more  
17          important to look at how the army actually functioned in practice  
18          rather than just looking at those formal titles, and we say that  
19          evidence is clear that it was Zyrapi who is in charge. From  
20          General Staff witnesses, Naim Maloku listed the powers of  
21          Bislim Zyrapi *vis-à-vis* the zones, and added that only himself,  
22          Bislim Zyrapi, and Sali Veseli had the ability and skills to lead the  
23          General Staff. The others had no knowledge or training. For him,  
24          Mr. Krasniqi's position was a secondary one, which he linked to  
25          formalisations.

1 Sokol Bashota also testified that orders to the zones were a  
2 power of Bislím Zyrapi, who had full authority to issue orders  
3 single-handed, without consulting anyone else in the General Staff,  
4 while Sokol Bashota confirmed that Mr. Krasniqi's position was not  
5 recognised by the zone commanders. That's dealt with in paragraph  
6 612 of our brief.

7 And then there was evidence from three zone commanders.

8 Sylejman Selimi testified that the person who issued orders to  
9 him as zone commander was Bislím Zyrapi, whilst, on the other hand,  
10 Jakup Krasniqi was rejected as deputy commander for support. That's  
11 pages 25060 and 25303.

12 Rrustem Mustafa testified the requests and recommendations he  
13 received during the war came from Zyrapi as head of staff. On the  
14 other hand, he said he never spoke to Mr. Krasniqi as deputy  
15 commander, and the zone commanders as a whole didn't recognise that  
16 appointment. That's transcript pages 5833 to 5834, and 5956.

17 Shukri Buja testified that after his appointment as zone  
18 commander, he only received instructions from Azem Sylá or Zyrapi.

19 And at a lower level, there is evidence from other KLA witnesses  
20 which makes the same points: They reported to Bislím Zyrapi; they  
21 did not to Mr. Krasniqi. I have in mind Kurtesh Fondaj,  
22 Witness 4764, 3871, and Sadik Halitjaha.

23 That's the record of the case, Your Honours. Aside from the  
24 self-serving testimony of Bislím Zyrapi, who remained a suspect  
25 throughout his evidence, there is no concrete or reliable evidence

1 that Jakup Krasniqi was his superior. To the contrary, he was the  
2 chief of the General Staff.

3 And I've chosen to focus my submissions on that matter not only  
4 because it demonstrates that Zyrapi's evidence about Mr. Krasniqi was  
5 fundamentally unreliable, but because it demonstrates that the  
6 Prosecution's submissions in the final brief, and again on Monday,  
7 which look to limit Zyrapi's role, to say that he was not part of the  
8 inner circle, he was an outsider, he didn't have the same authority  
9 as those who were present from the beginning, is simply a misreading  
10 of the evidence. Zyrapi was at the heart of it and had the  
11 authority, and that is why it is so significant that the Prosecution  
12 say that he's not a JCE member.

13 I turn to deal with two brief topics. Second, in relation to  
14 the legal sector, we welcome the Prosecution's withdrawal of the  
15 final sentence of paragraph 567 in their brief, one of the few  
16 concessions the Prosecution made on Monday. But the evidence that  
17 remains is wholly insufficient to prove that Mr. Krasniqi oversaw the  
18 legal sector.

19 It's true that Bislim Zyrapi testified that the deputy  
20 responsible was mostly Jakup Krasniqi, but he was not credible on  
21 this point. He remained a suspect throughout his interview and  
22 testimony. During the conflict, Dobruna consulted with Zyrapi about  
23 detentions, including the Serbian woodcutters and Blerim Kuqi.  
24 That's set out in paragraphs 599 to 600 of our final brief. As a  
25 military professional, Zyrapi would have been well aware of his

1 potential for command responsibility, and we say that's why he sought  
2 to distance himself from the legal sector. His evidence about  
3 Mr. Krasniqi was purely self-serving.

4 As we submitted on Friday, and the Prosecution did not challenge  
5 in reply, Zyrapi accepted that he saw no instructions from  
6 Mr. Krasniqi to Sokol Dobruna and no reports moving the other way,  
7 from Sokol Dobruna to Jakup Krasniqi. His evidence cannot support  
8 oversight without reporting or instructions.

9 Further, the Prosecution's position is directly contradicted by  
10 Dobruna himself whose evidence was that there was no formal reporting  
11 to anyone in the General Staff, that nobody interfered with his work,  
12 and that Mr. Krasniqi was not hierarchically above him. And some of  
13 that evidence is at P1955.2, page 10; and 1955.9, page 9; and P1963,  
14 page 054683 for the record.

15 And my last substantive point, Your Honours, is that in trying  
16 to deal with Mr. Krasniqi's alleged contribution to the JCE, the  
17 Prosecution submitted on Monday that Jakup Krasniqi was in the  
18 General Staff. All the accused were. They chose to remain in the  
19 General Staff over a long period of time while the crimes charged in  
20 this case continued to be committed in accordance with General Staff  
21 communications, orders, decisions, and support. What the  
22 General Staff did bears on their individual responsibility.

23 The accused don't have to be identified by name in each piece of  
24 evidence to be making a criminal contribution. That was the  
25 submission made on Monday. Last week, however, at the opening of the

1 closing arguments, the Prosecutor could not have been clearer,  
2 submitting at transcript 28266 that "no conviction is sought and no  
3 sentence can be imposed on the sole basis of being a member of the  
4 General Staff or of the KLA."

5 That cannot be squared, in our submission, with the later  
6 submission that being in the General Staff, or choosing to remain in  
7 the General Staff, is somehow determinative of an individual  
8 contribution. The Panel will be well aware that there may be various  
9 reasons for choosing to remain in the General Staff at a time when  
10 Serbian forces continued to commit crimes against the civilian  
11 population.

12 The whole point of individual criminal responsibility is that  
13 the contribution of each accused does have to be identified  
14 individually because if it is sufficient to rely on membership of the  
15 General Staff or on what the General Staff did, then, in substance,  
16 this has become a case against the General Staff.

17 Your Honours, on Monday, the Prosecution requested you to assess  
18 the totality of the evidence. We fully agree. We know that  
19 Your Honours would do that anyway without me saying it. But we are  
20 confident that when that assessment is done, when documents are  
21 assessed together with the witness testimony explaining them, and  
22 when the burden of proof on the Prosecution is rigorously applied, it  
23 will bear out the arguments that we have made and it will lead  
24 Mr. Krasniqi to be acquitted.

25 Thank you, Your Honours.

1           PRESIDING JUDGE SMITH: Thank you, Mr. Ellis.

2           As I stated, we will be adjourned until 1.30 for lunch. So  
3 we're adjourned until then.

4                         --- Luncheon recess taken at 11.30 a.m.

5                         --- On resuming at 1.30 p.m.

6           PRESIDING JUDGE SMITH: We will now hear the statements of the  
7 accused. Each of the accused has been allocated 20 minutes for their  
8 statement. The statements should focus on and be limited to matters  
9 that are relevant to these proceedings. I also ask the accused to  
10 speak at a slow pace so that the interpreters can translate your  
11 statements.

12           So we begin first with Mr. Thaci.

13           Mr. Thaci, you have the floor.

14           THE ACCUSED THACI: [Interpretation] Honourable Presiding  
15 Judge Smith, Your Honours, honourable participants. Greetings to  
16 everyone who's following these proceedings from the public gallery.

17           Yesterday, they celebrated the 18th anniversary of the  
18 independence of Republic of Kosovo. Feeling the heartbeats of our  
19 ancestors, we declared Kosovo an independent and democratic state on  
20 17 February 2008. And from this room here today, I wish to convey my  
21 warmest congratulations to all the citizens of Kosovo on this  
22 magnificent holiday.

23           Your Honours, for nearly three years in this courtroom, you have  
24 heard the allegations of the Prosecution as well as the arguments of  
25 the Defence. You have seen the facts. You have heard the truth.

1 There is, however, only one truth, that the charges do not stand. I  
2 am completely innocent.

3 But I have said it before, and I say it again, with full  
4 conviction: I sympathise with and express my regret for all the  
5 victims who suffered in Kosovo, regardless of their ethnic  
6 affiliation.

7 Your Honours, at the time of the massacres in Qirez, Likoshan,  
8 and Prekaz, at the beginning of 1998, I was a student at the  
9 University of Zurich. I was not making plans of how to take control  
10 over Kosovo. I was making plans to prepare for my exams.

11 The only person who was making plans, morbid plans, was Slobodan  
12 Milosevic. Plans for another genocide, a new genocide in Kosovo.  
13 That is why, like many other Kosovan citizens, I had been forced to  
14 leave Kosovo, because I was being pursued by the Milosevic regime.  
15 It had convicted me in absentia, having charged me with violating its  
16 discriminatory laws. Later on, that same regime would also convict  
17 in absentia President Clinton, Secretary Albright,  
18 Prime Minister Blair too, Chancellor Schröder, President Chirac, and  
19 even the Secretary General of NATO, Solana, and many others in  
20 absentia, too.

21 Seeing the massacres against my people, like many others, I  
22 could not remain indifferent. I decided to return to Kosovo in the  
23 spring of 1998. This was an entirely personal decision that I took,  
24 it was nobody else's, because I could not stand away whilst my family  
25 and my people faced extermination. I did what every one of you would

1 do if your country, if your people were to be living through the same  
2 as mine. And for that, I am very proud and I shall never regret it.

3 Your Honours, the Prosecution claims that the purpose was to  
4 gain and exercise control over Kosovo. This is not only entirely  
5 untrue and utterly absurd, but it is also deeply offensive. It is an  
6 insult to the memory of thousands of heroes who gave their lives for  
7 freedom. It is an insult to the tens of thousands of the innocent  
8 victims who were killed and massacred. It is an insult and it is  
9 unjust in view of the efforts of NATO and the Western alliance, with  
10 whom I cooperated closely.

11 Your Honours, allow me to repeat an eternal truth here: My only  
12 - and I stress my only - opponent of mine, of the people of Kosovo,  
13 and of the democratic world was Slobodan Milosevic. It is painful to  
14 hear this accusation, particularly when I did not know whether I  
15 would be alive from one hour to the other and from one day till the  
16 next during the war. I was not sure on whether I would ever see my  
17 family again, and my wife, or my newborn son, and let alone to dream  
18 of exercising control in Kosovo, a Kosovo that had been under full  
19 occupation for around 90 years. The fact some of us are alive today  
20 is purely a matter of chance and luck.

21 I did not return to risk my life for control or for power. I  
22 returned to my homeland, risking my life, for freedom and for peace.

23 The question that is put today is to take control from whom?  
24 From whom? The truth is that all the control and power in the entire  
25 territory of Kosovo was in Milosevic's iron fists and nobody else's.

1 Albanians did not exercise any power. That is paradoxical to say.  
2 They were being oppressed by the power exercised by  
3 Slobodan Milosevic.

4 Our mission as a people was crystal clear: survival, freedom,  
5 and peace.

6 I did not have a single illusion. But our only hope of  
7 salvation was the democratic world - the United States of America and  
8 NATO. That is why my entire focus during that time was building and  
9 strengthening this alliance. And for that purpose, I travelled to  
10 many capitals to persuade them of our just cause; to Brussels, to  
11 London, Berlin, Paris, Bern, Oslo, Vienna, and many other places.  
12 Wherever I was, however, I was in contact with officials from the  
13 American administration.

14 Milosevic had started the war in Kosovo, whereas we, the  
15 Kosovars, were defending ourselves. Only NATO could end the war,  
16 though, and that is what happened. Had it not been for NATO's  
17 intervention, there would never have been any freedom or independence  
18 for Kosovo. The independence was not an instrument for power. It  
19 was a means for achieving dignity.

20 Your Honours, this Prosecution has given me many accolades,  
21 given me many titles or ranks. The truth, however, is entirely  
22 different. It wasn't I who transported the resistance from the West  
23 to Kosovo. I joined the resistance in Kosovo. It was not my return  
24 from the West the reason why the KLA was growing in numbers. The  
25 reason was Milosevic. And no one has put it better than Secretary of

1 State Madeleine Albright, and I quote:

2 "With his behaviour towards the people of Kosovo, Milosevic is  
3 the biggest recruiter for the Kosovo Liberation Army."

4 The KLA was not a state. It was not the army of a state. It  
5 was a popular organisation to defend against an aggressive state.  
6 The fact that the KLA was not organised in the way alleged by the  
7 Prosecution does not in any way diminish its role in securing  
8 Kosovo's freedom. It does not make its cause for liberation less  
9 noble, nor the achievement of independence less historic.

10 Kosovo's victory was more of a political and diplomatic nature.  
11 The greatest success for the people of Kosovo was full cooperation  
12 with the West and its trust. They helped us precisely -- precisely  
13 because they were aware of who we were and what our aims were. I  
14 would not put at risk this alliance for anything in the world, at no  
15 price, under no circumstances, because in so doing, I would have  
16 imperilled Kosovo's very freedom. I would have put at risk our  
17 collective resistance. Our goal was peace. It was not war.

18 When the democratic world decided to convene the peace  
19 conference at Rambouillet, we responded to their invitation  
20 positively. The Kosovo Liberation Army was one of the three groups  
21 from Kosovo represented there, including independent representatives.  
22 Throughout the process, however, at Rambouillet and at Paris, we  
23 worked together as one single Kosovo delegation. We accepted the  
24 peace agreement even though it did not meet all our legitimate  
25 demands. Kosovo chose peace and democracy. Serbia chose war and

1 genocide.

2 And to help the international community just as they had asked  
3 us to, as the West had asked us to, our three groups - the Democratic  
4 League of Kosovo, the KLA, and the LBD - agreed to form a joint  
5 government which would be operational until the first free and  
6 democratic elections in Kosovo. It was an agreement to join forces  
7 towards a common purpose: Kosovo's freedom.

8 How can anyone claim today that the goal was to gain control of  
9 Kosovo when we accepted that the international community would have  
10 the final say in Kosovo, or that the KLA would hand over its weapons  
11 to NATO, which is what came to pass from June to September 1999?  
12 After Milosevic's capitulation, Kosovo came under the administration  
13 of the United Nations, and that is a well-known fact.

14 UNMIK made it clear since its inception that all executive,  
15 legislative, and judicial power was to remain in their hands. These  
16 were entirely new circumstances. I cooperated with UNMIK afterwards  
17 and with other political parties in order to help implement the  
18 mandate for the benefit of the people of Kosovo. I cooperated with  
19 the joint structures of UNMIK.

20 Honourable Judges, during all that time, the only power I had  
21 was the power of my voice. Your Honours, as you have seen during  
22 this trial, I used my voice to promote a multi-ethnic and tolerant  
23 society in my country in Kosovo. I called the local Serbs to remain  
24 in their homes and to build a new life together with us. Like us,  
25 the Serbs and the other communities, they were the victims of

1 Milosevic.

2 This was not easy for me to do this after everything that had  
3 happened, but it was the just and right thing to do. At the time  
4 when fresh graves were being dug around Kosovo for thousands of the  
5 victims, for thousands of those missing and not being found, when  
6 thousands of Albanians had been taken hostage to Serbia, when pain  
7 was deep and collective, what I was doing could very well have had  
8 any physical consequences as well as electoral repercussions for me.  
9 But Kosovo was more important than my personal fate.

10 After NATO's entry into Kosovo and the withdrawal of Serbian  
11 forces, the citizens of Kosovo were not engaged in a war. They were  
12 celebrating the long-awaited freedom.

13 During the nine years preceding independence, from 1999 to 2008,  
14 we were United Nations citizens in our country. During that time, I  
15 called on the population to be patient, to be tolerant, to remain  
16 united, and to have faith in our international partners. The  
17 independence was the fruit of our alliance with the democratic world.  
18 After independence, I cooperated with the European Union and the USA,  
19 as well as other relevant factors, in order to normalise relations  
20 with Serbia.

21 Your Honours, what we were faced with was not only what occurred  
22 during the war. It was a century of oppression and apartheid. The  
23 collective trauma caused strong feelings of anger and revenge, both  
24 during and after the war. President Clinton visited Kosovo  
25 immediately after the war and told us: We won the war whereas you

1 must win the peace. I took this message very seriously, and I used  
2 my voice to call for peace, tolerance, and unity.

3 For most of the post-war period until the declaration of  
4 independence, I was not in power. I was out of power. And when I  
5 gained power, that was through the free vote. But throughout that  
6 time, I respected democratic norms and the results of elections. And  
7 whenever my party was in power, it was always in a coalition with the  
8 Democratic League of Kosovo and other Albanian and non-Albanian  
9 political parties. And together, we made the state of Kosovo a  
10 reality.

11 Your Honours, Russian and Serbian propaganda would not forgive  
12 us easily. Having failed to delegitimise Kosovo independence at the  
13 International Court of Justice here in The Hague, they turned to the  
14 Council of Europe. They revived horrific allegations of organ  
15 trafficking. These were allegations that had been previously  
16 investigated by The Hague tribunal, UNMIK, and EULEX, and had been  
17 dismissed as unfounded.

18 As soon as Dick Marty's report was published, as prime minister  
19 of Kosovo at the time, I convened key international representatives,  
20 the Quint embassies in Kosovo, as well as the leaders of EULEX. I  
21 requested another independent investigation. They promised to remove  
22 the black cloud hanging over Kosovo. The truth is that the Russian  
23 and Serbian propaganda manipulated Dick Marty. He fell a victim of  
24 their campaign. They fed him false information, and even attempted  
25 to kill him in the end in order to frame us. The aim was crystal

1 clear: to discredit the most successful political and military  
2 project internationally for over the recent decades, the story of  
3 success of Kosovo.

4 When we voted in parliament to establish this Court, in the  
5 Kosovo Assembly, that is, we believed that it would address the  
6 allegations contained in Dick Marty's report, and it would operate in  
7 accordance with the Constitution and the laws of the Republic of  
8 Kosovo. None of this happened in practice.

9 I was criticised heavily in Kosovo, and I still am, for  
10 supporting the establishment of this Court. The critics say that  
11 this Court aims to criminalise our war for freedom and the idea of  
12 independence. I did not believe that at the time that we voted. And  
13 I sincerely hope that time will prove me right and that the critics  
14 were wrong.

15 Instead of removing the black cloud hanging over Kosovo, this  
16 Prosecution seeking to block out the sun with a black storm, with a  
17 so-called joint criminal exercise.

18 Many of the allegations that I've heard from this Prosecution,  
19 Your Honours, heard from the Prosecution in this courtroom, are the  
20 same that I've heard during election campaigns in Kosovo. It is a  
21 painful truth that this Prosecution attempts to dismiss the  
22 testimonies of senior NATO officials, officials from the  
23 United States, the United Kingdom, and the United Nations. The  
24 testimonies of those and their people who were with us on the ground  
25 at the time. Those who were the eyes and ears of the West in Kosovo.

1           Worse, this Prosecution claims that I misled the internationals  
2 during the war. This is ridiculous. It seems the Prosecution once  
3 again gives me more credit than I deserve.

4           On the other hand, however, this Prosecution extols to the skies  
5 the fabricated evidence from the era of the regime of  
6 Slobodan Milosevic. And in doing so, it ignores the truth.

7           Your Honours, in the end --

8           PRESIDING JUDGE SMITH: You've exceeded the -- you've exceeded  
9 the 20 minutes. Take a minute and wrap it up.

10          THE ACCUSED THACI: [Interpretation] Two minutes maximum.

11          My commitment to justice and to the victims has been ongoing and  
12 steadfast. In Rambouillet, I supported the request that the tribunal  
13 for the former Yugoslavia investigate alleged crimes by all sides.  
14 And since the end of the war, all powers for investigating war crimes  
15 were in the hands of the internationals, ICTY, UNMIK, and EULEX, who  
16 I supported. No one accused in Kosovo for war crimes has evaded  
17 justice. Not a single windowpane has been broken to oppose legal  
18 proceedings during the 25 years after the war.

19          After the independence, when I was prime minister of Kosovo, I  
20 agreed that independent investigations into war crimes should remain  
21 in EULEX's hands. And as president of Kosovo, I engaged eminent  
22 international and local experts from all communities to create a  
23 transitional justice forum for victims, a Truth and Reconciliation  
24 Commission. But the truth is that justice for the victims cannot be  
25 built by pursuing the innocent. Reconciliation cannot happen through

1 selective and moral and ethnic prosecutions.

2 Your Honours, my last sentence. Throughout my life, I stood  
3 with the people of Kosovo, defending freedom, life, and dignity. I  
4 was always guided by the Western ideals of democracy, equality, and  
5 justice.

6 Today, at the end of this trial, I have only one plea for you,  
7 Your Honours, that your judgment be guided by the Constitution of  
8 Kosovo, the law, the evidence, and facts. The evidence presented  
9 here makes it very clear that the charges do not stand, so the only  
10 just decision would be my full acquittal.

11 Thank you very much.

12 PRESIDING JUDGE SMITH: Thank you, Mr. Thaci.

13 Mr. Veseli, you have the floor.

14 THE ACCUSED VESELI: [Microphone not activated].

15 THE INTERPRETER: Microphone seems to be off, please.

16 THE ACCUSED VESELI: [Interpretation] I apologise. My mistake.  
17 Apologies.

18 Once more, greetings to everyone in the courtroom. Greetings to  
19 our guests in the public gallery. Greetings to every citizen of the  
20 Republic of Kosovo.

21 Honourable Presiding Judge, honourable members of the Panel, at  
22 the end of my trial, I am addressing you to stress one single but  
23 extraordinarily important point. The Court must in any circumstance  
24 defend justice, truth, and impartiality. This is not merely legal  
25 duty. It is a great contribution and legacy.

1           This is also the reason why I joined those thousands of women  
2           and men who joined the ranks of the Kosovo Liberation Army for the  
3           freedom of Kosovo. And I have dedicated my entire life and serve my  
4           country in order for any citizen to enjoy justice, and for the world  
5           to know the truth of our nation.

6           Even in the darkest of the moments, I never lost faith that what  
7           is right, the truth, and freedom would triumph. I always believed  
8           that the people of Kosovo, like any other people in the world, had  
9           the inalienable right to live in freedom and with dignity. I  
10          believed that the suffering would end and that justice would come  
11          about, even though delayed.

12          At the same time, I never believed that hatred, violence, or  
13          revenge can be honourable guidance. They cause destruction to the  
14          soul of the peoples and not only to the victim. Hatred is another  
15          form of slavery. Freedom cannot be achieved through injustice, nor  
16          can peace be built on crime. A right cause cannot be defended  
17          through wrong means. This, for me, was not only a theoretical  
18          principle but a deep moral conviction that guided every action I  
19          undertook.

20          My family and I have lived constantly under persecution by the  
21          Serb state. This is not an abstract description but a concrete  
22          reality that affected each and every member of my family and my  
23          people. The men, women, and children, with no exception, were faced  
24          every day with injustice, fear, and lack of safety. I know what it  
25          is and what it means to not be protected. I know what it means to

1 live under constant threat. I do not wish anyone to experience this.  
2 But this taught me a substantial truth: In the face of injustice, a  
3 man must preserve moral integrity and fundamental human rights and  
4 values. Some may ask, are these only words or were they reflected in  
5 my life and actions? My answer is very clear: Not only in my words,  
6 but, above all, in the evidence presented to this Court.

7 After decades of investigations, documents, and countless  
8 evidence, there is no evidence indicating that I have committed any  
9 crime. It was not established that I committed any unlawful action.  
10 This is not a matter of interpretation, but it is a matter of facts.

11 With respect to my involvement in war, it did not stem from a  
12 desire for conflict. As a young man, I also wanted a simple life, to  
13 live in my country with dignity and in peace with my family. I was a  
14 student when the autonomy of Kosovo was abrogated and when the  
15 university was attacked by Serbian forces. I took part in peaceful  
16 activities to protect our basic rights.

17 But we were denied all these rights. The autonomy of Kosovo was  
18 removed, and we students were expelled from our faculties and  
19 dormitories, and our professors as well. Our people were denied the  
20 most basic opportunity to live as free citizens and equal citizens.  
21 But now the whole world knows the truth of what happened. Serbia and  
22 Slobodan Milosevic were seeking control over all the peoples of  
23 former Yugoslavia. This pattern then led to the wars and hatred in  
24 former Yugoslavia and eventually led to its own destruction.

25 In the beginning of the 1990s, I left for Switzerland. I did

1 not leave by choice, but seeking an opportunity for a normal life,  
2 for a future built on knowledge and progress. But while I was living  
3 in a free country, my country was going through deep suffering under  
4 -- in slavery. The situation in Kosovo turned into denial and  
5 exclusion of the majority.

6 After the Dayton Agreement, Albanians in Kosovo, as a majority,  
7 were left excluded. They could not live freely, but only under  
8 threat, intimidation, and terror.

9 In the beginning of 1998, I was at the University of Freiburg in  
10 Switzerland when the massacre of Likoshan occurred. This was a heavy  
11 tragedy and cruelty that should have never happened in Kosovo. The  
12 tragedy in Prekaz, on the 5th, 6th, 7th March 1998, was not an  
13 isolated act, but the continuation of the massacres committed by the  
14 Serb forces. Such acts of terror exceeded the normal fear of the  
15 ordinary people and the fear of intellectuals and politicians in  
16 Kosovo. The terror and massacres like those in Srebrenica had  
17 started happening in Kosovo as well.

18 I could not stay indifferent while my people were faced with  
19 destruction. For me, life had a meaning only if my people could live  
20 in freedom, and this is the reason I returned to Kosovo, not as a  
21 trained soldier but as an individual who was still studying, not with  
22 hatred but with conviction. I returned because I felt the moral  
23 obligation towards my country. I returned because I could not remain  
24 indifferent to the suffering of my people.

25 My intention was clear: to contribute to the freedom and justice

1 of my people, but not to cause any injustice to anyone.

2 I saw this in recent months in this courtroom how lightly some  
3 underestimate the difficulty of ending a conflict and achieving  
4 peace. But history teaches us that those who achieve peace often are  
5 faced with the consequences. Looking at today's reality, when the  
6 world needs so much peace, it is clear that it is not always easy to  
7 achieve it, and to preserve it is even more difficult.

8 Honourable Trial Panel, the establishment of this Court and its  
9 functioning to this day is the result of a broad debate in my  
10 country. But above all, what must prevail in this Court is justice  
11 and impartiality in judging the truth and the objective reality in  
12 which we lived and acted.

13 I stand here in these proceedings convinced and believing that  
14 there is no reason for the truth to be afraid of justice, and that  
15 justice may be delayed but never denied. I have lived with this  
16 conviction, I have acted with this conviction, and I stand today with  
17 this conviction. And I can certainly say I know who I am, I know  
18 what I have done and what I have not done. My actions have been  
19 humane and lawful. My conscience is clear. My history is  
20 transparent. Now everyone can see and recognise it, including in  
21 these criminal proceedings.

22 At the end of my word, honourable Trial Panel, and respectfully  
23 to everyone here and out of the courtroom, we may not agree, but I  
24 want to stress, we all are human beings whose dispositions and  
25 opinions may be influenced, or are influenced, by those who surround

1 us and the environment we live in. My belief in the truth and  
2 justice remains unwavering. And I want to strongly believe that in  
3 your decision, the truth, justice, impartiality and the law will  
4 prevail.

5 Honourable Trial Panel, yesterday was the Independence Day of my  
6 state, and I have a last word for my citizens, the citizens of my  
7 country. Happy Independence Day. May God help Kosovo and its good  
8 people.

9 I wish to have a special word for a friend of mine,  
10 Andrew Strong, who is not with us anymore. I want to thank him,  
11 thank my team for their professionalism in their work representing my  
12 Defence. Thank you.

13 PRESIDING JUDGE SMITH: Thank you, Mr. Veseli.

14 Mr. Selimi, you have the floor.

15 THE ACCUSED SELIMI: [Interpretation] Honourable members of the  
16 Trial Panel, Mr. President, let me greet my friends and family in the  
17 public gallery, as well as all the citizens of the Republic of  
18 Kosovo.

19 This is the third, and I hope the last, time that I take the  
20 floor in this courtroom.

21 More than five years have elapsed since the start of this trial.  
22 These five years have not been easy for us, nor have they been  
23 insignificant for the history of our country. Nevertheless, let all  
24 of this serve as a good opportunity for justice.

25 After all these years, there is a positive element. I hope that

1 the Trial Panel has had sufficient time to understand that our war  
2 was a just war, and that the allegations of the Prosecution do not  
3 hold.

4 In my speech in this courtroom in April 2023, when this process  
5 had only just begun, I said that I was facing an unfounded  
6 indictment. And after all this entire journey, today, the course of  
7 these proceedings has proven me right. The charges against us are  
8 entirely unfounded and unjust.

9 I am not taking the floor here today to defend myself. My  
10 lawyers do this best, and they have done it here. I'm not here to  
11 teach you about justice either, because you know it better than  
12 anyone else. But I am here today and taking the floor to ask you to  
13 exercise it, to exercise justice.

14 Although nearly three years have elapsed since the beginning of  
15 this process, the Prosecution has continued to rely on claims that  
16 have no basis in truth and on a persistent attempt to stain a war  
17 that was, in essence, a war of liberation.

18 Although since it's -- the very beginning, the pre-trial brief  
19 to its closing statements, the Prosecution has said that it is not  
20 seeking the conviction of the General Staff, throughout that time,  
21 though, its main target has remained the General Staff of the KLA,  
22 the Kosovo Liberation Army, as well as Kosovo's independence. At  
23 times, in fact, it appeared as if independence itself was being  
24 treated as a joint criminal enterprise.

25 In its attempt to assign responsibility of the General Staff of

1 the KLA, the Prosecution advanced charges as, and I cite, "the  
2 General Staff sought independence," or "the General Staff declared  
3 that it would not support autonomy."

4 It is difficult to understand against whom this indictment has  
5 been directed: against us with allegations of having committed  
6 concrete actions, or against us because we fought for the  
7 independence of Kosovo? This remains for you to assess, dear members  
8 of the Trial Panel.

9 Equally problematic is the Prosecution's attempt to divide  
10 Kosovo society into two camps: those who supported independence and  
11 those who supported autonomy, as if it is determined at all costs to  
12 create rifts amongst the citizens of Kosovo.

13 And to illustrate it, let me paraphrase what the Prosecution  
14 stated during the closing statement last week, and I quote:

15 "The General Staff sought Kosovo's independence. Political  
16 parties that supported autonomy were considered traitors."

17 In Kosovo, there has never been a single Albanian political  
18 party that opposed independence, and, therefore, none that supported  
19 autonomy under Serbia. All Albanian political parties supported  
20 independence, which was also the aim of the Kosovo Liberation Army.  
21 To portray support for independence as a radical demand and autonomy  
22 as modern is an assault not only on Kosovo's history but also its  
23 future.

24 It's as if the Prosecution wants to divide us amongst ourselves  
25 and to equate the KLA with the crimes of Serbia. No one can do

1 either of those. The war of liberation cannot be equated with the  
2 murderous state of Serbia.

3 To equate the resistance of an oppressed people with a criminal  
4 plan is to put the resistance of the oppressed on a par with the  
5 project of the aggressor. This is not only inaccurate but profoundly  
6 unjust. To deliberately attempt to alter historical facts through  
7 distorted claims is simply an attempt to rewrite history.

8 The history of Kosovo cannot be rewritten, least of all in a  
9 courtroom. The history of Kosovo has been written by its citizens  
10 with their sacrifice, by its fighters for freedom, and its fallen  
11 heroes.

12 When Serbia and Milosevic were killing my peers, poisoning  
13 pupils and students, dismissing our parents from their jobs, closing  
14 schools and hospitals, hunting us down in order to kill us, and  
15 carrying out ethnic cleansing and genocide, what were we supposed to  
16 do? Stand still? Serbia never concealed its aim against Albanians.

17 In this courtroom, we heard the testimony of General Clark, who  
18 recounted a meeting with the Butcher of the Balkans where he openly  
19 declared his intentions towards Albanians. We, and the opinion  
20 following that testimony, heard the NATO General when he said,  
21 "Milosevic told me: 'We know how to deal with the Albanians. They  
22 must all be killed.'"

23 We knew this, too, because Serbia never hid its intention  
24 towards Albanians.

25 So I ask one more time: What were we supposed to do? Await our

1 turn to be killed or flee the country and our homes? Not one and not  
2 the other. We had to resist.

3 That is why I believe that Kosovo needed to defend itself. It  
4 needed people ready to give their lives for it. It needed someone  
5 like Adem Jashari and the Kosovo Liberation Army. That is the reason  
6 why I joined Adem Jashari.

7 The Kosovo Liberation Army was not created out of pleasure but  
8 out of necessity. It was a response to systematic violence and  
9 denial of dignity. It was not an adventure. It was a means of  
10 survival.

11 Honourable Judges, I was part of a volunteer army, a  
12 100 per cent volunteer army composed of civilians - teachers,  
13 students, farmers, workers, parents. These were people who were  
14 forced to take up arms because they had no other alternative.

15 In some of its submissions, the Prosecution, in a strange way,  
16 in a strange effort to accuse me, described me as somebody close to  
17 Adem Jashari as well as an organiser who enjoyed respect. It is  
18 unclear on whether this is meant as an accusation or as praise. For  
19 me, having been a fellow fighter of Adem Jashari is the greatest  
20 honour that could be bestowed. Likewise, I consider it an honour to  
21 be described as one of the founders of the KLA. If these  
22 descriptions are translated into accusations, the problem then does  
23 not lie with me, but with those who treat honour and historical  
24 responsibility as guilt.

25 Yes, it is true, I did carry weapons. Weapons were a means of

1 survival for us. Many of my fellow fighters died in the process of  
2 procuring them. We sought help for armaments from friendly  
3 countries, including the United States of America, which has been  
4 heard in this courtroom too.

5 The KLA had no other aims apart from freedom. It did not have  
6 any plans to attack civilians or political opponents. The Kosovo  
7 Liberation Army was not a political party. It was a liberation army.

8 Even if war in Kosovo had not ended in June 1999 and had  
9 continued until today, I would still be a soldier in my own homeland,  
10 obviously assuming I had not been killed by now, which was highly  
11 likely. I am convinced that I did the right thing. I would do the  
12 same thing. Freedom, peace, and democracy are achieved by fighting  
13 against aggression. That is why NATO supported us. That is why your  
14 country supported us.

15 In its final brief, the Prosecution seeks extraordinarily harsh  
16 sentences, so long that they effectively aim to permanently prevent  
17 us from returning to our own country.

18 My return to Kosovo now depends on your decision. But the  
19 Prosecution ought to have understood that whenever I return, I shall  
20 return to a free Kosovo, to a Kosovo for which I am proud to have  
21 stood up for at the right time, and for whose freedom I have been,  
22 and remain, ready to give my life time and time again.

23 With all due respect for each and every one of you in this  
24 courtroom, I believe that if your countries had experienced similar  
25 circumstances to the ones experienced by Kosovo, you'd have acted in

1 the same way. I am convinced that you would have fought for your  
2 people and for your country, just like your predecessors before your  
3 own countries became free and democratic.

4 Many things happen during war. There is chaos, fear, individual  
5 actions, and pain that accumulates over years of oppression. War  
6 tends to always leave behind consequences and victims. It is these  
7 victims that need justice based on truth. Justice that is not based  
8 on truth harms victims a second time and destroys its own purpose.

9 After everything we've heard from the parties over these years,  
10 my request is fairly simple: that your decision be based only on what  
11 has been proven, not on what has been advanced; on facts, not  
12 assumptions; on laws, not on impressions. I am fully confident that  
13 justice and only justice would enable us, the accused here, to return  
14 to our own homeland.

15 Finally, I wish to thank our Defence teams, and in particular my  
16 own team led by Geoffrey Roberts, for their professional commitment  
17 in defending me, in defending justice, and, above all, in the defence  
18 of our just war.

19 Above all, I thank our fellow citizens who believe in our  
20 innocence. Their support has made the shackles that have weighed on  
21 me feel less of a burden, particularly as those are no longer  
22 shackles that weigh on Kosovo, as they did throughout the time that  
23 it remained under the brutal occupation of Serbia.

24 It's often said that people who do something right by their  
25 homeland are fortunate people. I appear to be one of them.

1 Thank you.

2 PRESIDING JUDGE SMITH: Thank you, Mr. Selimi.

3 Mr. Krasniqi, you have the floor.

4 THE ACCUSED KRASNIQI: [Interpretation] Honourable Presiding  
5 Judge, Honourable Judges, and through you I also greet the people of  
6 Kosovo, who yesterday celebrated their independence, citizens who  
7 live in freedom, independence, and justice.

8 I stand before you today not as a criminal as described in the  
9 indictment of the Prosecution, but as a man born and shaped by the  
10 struggle for human dignity by a people who refuse to disappear, to  
11 disappear as a result of the criminal and genocidal politics of  
12 Serbia.

13 I have spent most of my life guided by the belief that human  
14 beings deserve to live in freedom. After more than five years of  
15 unjust imprisonment - and in my view, unnecessary - my lifelong  
16 political commitment to life and freedom has been constant and early.  
17 And to offer a truthful account of our struggle for independence  
18 against the policies of persecution and genocide by the Serbian  
19 regime that brought untold suffering and destruction to the people of  
20 Kosovo.

21 For more than five years now, it is my belief that I have been  
22 denied the human rights provided for in the European Convention for  
23 Human Rights and fundamental freedoms. Among these, the most  
24 important is the right to live in freedom, especially the right of a  
25 man in the final stages of his life to live the remaining years in

1 dignity and with his family and in his free country. This has been  
2 done to me without my causing injustice to anyone or endangering  
3 anyone's life. Rather, I risked my own life not only during the  
4 liberation war, but since the -- 1973, together with my family and my  
5 fellow countrymen and my fellow villagers. We believed that the  
6 darkness of injustice would break with the dawn of hope. This is why  
7 I was committed to liberation and equality for all. I emphasise in  
8 particular the period after 11 June 1998, when I came out openly,  
9 with my full name and without a mask, as the spokesperson of the KLA.  
10 The risks were immense, but I was not concerned about my safety  
11 because I was driven by my commitment and dedication to all citizens  
12 of Kosovo and their future.

13 Today, I am in my 16th year of imprisonment, solely because I  
14 fought for the freedom and independence of my people. I said "16th  
15 year" because I have spent more than ten years in prison, from 1981  
16 to 1991. To have spent 16 years of my 75 years in prison and  
17 deprived of the air of freedom is not something small. It is  
18 something huge.

19 My public appearance on 11 June 1998 showed that I was an  
20 opponent of Serbia's genocidal policies and came shortly after the  
21 massacres committed by the Serbs in Qirez, Likoshan, and Prekaz,  
22 where 83 people lost their lives, most of them unarmed children,  
23 women, and elderly people, killed in their own homes. Those brutal  
24 murders marked a turning point of conscience for an entire generation  
25 of Albanians.

1           What drove me to take this extremely dangerous act for that  
2 time? Long captivity, persecutions, expulsions, numerous  
3 imprisonments, and uninterrupted execution and killings that marked  
4 the entire 20th century. These cruel acts did not break me. They  
5 made me determined that justice shall not be broken on the back of  
6 tyranny that we experienced. Love for life and freedom made me take  
7 up this role. A man does not choose resistance lightly. He chooses  
8 it when every other door to dignity has been closed.

9           I was denied and prohibited the most human right of any person  
10 born free and any reasonable person who knows the value of human  
11 dignity and equality of all: the right to love my country openly, to  
12 work for it, and to pass on what I learned through decades of  
13 sacrifice. For these virtues, I was handcuffed on 4 November 2020.

14           The Prosecution's accusations against us and the KLA are built  
15 on the narratives of those who led several wars across the Yugoslav  
16 federation within a single decade. I do not believe that this  
17 accusation serves any justice, especially not the justice that  
18 democratic societies claim to defend. Justice cannot be built on the  
19 language of former oppressors. It must stand on credible evidence  
20 and truth.

21           The unfairness of this case is written into the indictment  
22 itself. I was assigned roles, authority, and responsibilities that I  
23 did not hold. This was not a matter of difference in interpretation  
24 of facts. It was invention. The figure described on Prosecution  
25 papers is not the man who stands before you today. I am grateful to

1 those witnesses who came here and had the courage to speak the truth  
2 about who I was and who I was not. They came not to protect me but  
3 to protect the facts in our historical reality of Kosovo. Their  
4 testimony confirmed a simple reality: I did not possess the power,  
5 the command, or the functions that this case attributes to me. When  
6 the truth is spoken plainly, it requires no decoration.

7 The whole world knows that NATO intervened against crimes  
8 committed against the Albanians of Kosovo. NATO and the democratic  
9 world has never aligned itself with terrorism or genocide. Without  
10 the international intervention and support, our freedom would not  
11 exist. But without our noble resistance, it would never have been  
12 achieved either.

13 The actions of the KLA and my actions, both during the war and  
14 after it, in every case gave priority to peace, and this has been  
15 proven. Credible voices have testified to it. We stand here today  
16 unjustly, but history will remember why we acted and not merely that  
17 we are accused.

18 I must speak about the historical reality that surrounds this  
19 case. The crimes and persecutions by Serbian forces that shaped that  
20 period are inseparable from the actions that you are asked to judge.  
21 They are not background noise. They are written in public history in  
22 letters too large to erase. They remain part of the reality that you  
23 are asked to judge. I join my lawyers in asking you,  
24 Honourable Judges, to hold that history firmly in mind, because  
25 judgment without context risks mistaking consequence for cause.

1 Please do not make that mistake.

2 Our struggle was not unique in history. Every nation that has  
3 sought freedom from illegal apartheid-like occupation has faced the  
4 accusation that resistance is criminal. Yet, international law  
5 affirms that people who resist systematic persecution are not enemies  
6 of justice. They are invoking the very principles upon which justice  
7 stands.

8 Our generation had a vision: life in freedom, for equality,  
9 democracy, and the rule of law. It is that vision that led the  
10 struggle which culminated in Kosovo's independence, declared on  
11 17 February 2008.

12 Dear Judges, our people have never sought the destruction of  
13 another nation, ethnicity, or religion. We fought only for life,  
14 freedom, democracy, equality, and justice, not to control territory  
15 for domination, for greed, or criminal gain. Our purpose was to  
16 return Kosovo to its people, to all of its people, so that they could  
17 live in dignity and safety and with equal rights. Any accusation  
18 that says the contrary is to further the lies produced by Serbia's  
19 criminal regime.

20 For all my political activity, Honourable Judges, I am truly  
21 proud. My voice stood for freedom. I did what I believed human  
22 nobility required. Not a single witness has said otherwise. I ask  
23 you to view the evidence and testimonies objectively, and there you  
24 will find the truth. Justice does not fear scrutiny. It depends on  
25 it.

1 Honourable Judges, I repeat respectfully again: Our people  
2 never planned destruction or torture. We sought life and freedom and  
3 independence. Nothing more, nothing less. Today, our people live in  
4 freedom. If loving freedom is judged as a crime, then history itself  
5 will stand condemned.

6 I stand before you, as I have stood all my life, accountable to  
7 truth and unafraid of it. I gave my life to the belief that people  
8 deserve freedom. If that belief is judged as a crime, then history  
9 itself will deliver its verdict long after this Court has spoken. I  
10 ask you to judge the evidence patiently and without predispositions,  
11 and you will not find a criminal enterprise, but a human story shaped  
12 by hope and necessity and the belief in freedom and democracy. If  
13 that belief in our freedom is judged fairly here, then justice will  
14 not only serve me, it will honour the principle that brought this  
15 Court into existence.

16 I will finish my word here asking for justice, which is obvious.  
17 Thank you for your attention.

18 PRESIDING JUDGE SMITH: Thank you, Mr. Krasniqi.

19 Before closing the case, I need to ask do any of the parties or  
20 participants wish to raise any further matters?

21 SPO?

22 MR. HALLING: None, Your Honour.

23 PRESIDING JUDGE SMITH: Victims' Counsel?

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

25 PRESIDING JUDGE SMITH: Anybody from the Defence?

1 MR. MISETIC: No, Your Honour.

2 MR. DIXON: No, Your Honour.

3 MR. ROBERTS: No, Your Honour.

4 MS. V. ALAGENDRA: No, Your Honour.

5 PRESIDING JUDGE SMITH: Before I close the case, I remind the  
6 parties and participants that, pursuant to Rule 136, no further  
7 submissions or evidence may be made to the Panel at this stage,  
8 unless in exceptional circumstances and on showing of good cause.  
9 This, of course, does not include matters that must be regularly  
10 reviewed, such as detention.

11 The Panel wants to thank all counsel and those who assisted them  
12 for their individual and collective contribution to this case. We  
13 felt greatly assisted by your contributions in ensuring that the  
14 proceedings were fair and that the defence of the accused was  
15 effective at all times.

16 The Panel also thanks the Court Management Unit for their  
17 excellent work and for their 24/7 availability throughout this case.

18 This Panel is also grateful to the court reporter, the  
19 interpreters, and all involved in the units of the Registry for their  
20 assistance.

21 The Panel will be in touch with the parties and participants in  
22 due course regarding the date of rendering of a judgment.

23 So pursuant to Rule 136(1), this case is closed, and we are  
24 adjourned.

25 --- Whereupon the hearing adjourned at 2.41 p.m.