

1 Monday, 9 November 2020

2 [Initial Appearance]

3 [Open session]

4 [The accused Krasniqi entered court]

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

6 JUDGE GUILLOU: Good morning, everyone in and outside the
7 courtroom.

8 Before we start, and pursuant to my decision setting the date
9 for this Initial Appearance, the court photographer is permitted to
10 take a few photos for one and a half minutes.

11 Madam Photographer, I would ask you not to take pictures of
12 Mr. Krasniqi with the security guards. Please proceed.

13 Thank you, Madam Photographer.

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

15 THE COURT OFFICER: This is case KSC-BC-2020-06, The Specialist
16 Prosecutor versus Hashim Thaci, Kadri Veseli, Rexhep Selimi, and
17 Jakup Krasniqi.

18 JUDGE GUILLOU: Thank you very much, Madam Court Officer.

19 Before asking those present in the courtroom to introduce
20 themselves, I would like to remind everyone of a few rules that must
21 be observed at all times in order to make courtroom proceedings
22 smooth.

23 Please make sure you activate your microphone before speaking
24 and you switch it off as soon as you finish.

25 Talk slowly and clearly, as we have interpretation from and into

1 Albanian and Serbian.

2 Wait five seconds before responding to me or a party or a
3 participant in order to allow the interpreters to finish the
4 interpretation.

5 What is said in this hearing is transcribed in realtime and will
6 be reflected in a transcript available to the parties and to the
7 public after this hearing.

8 I would also like to remind the parties that certain information
9 in this case is subject to protective measures and confidentiality
10 orders. This includes confidential information that has been
11 redacted from the Confirmed Indictment as to the identity of certain
12 individuals, dates, locations, and other information.

13 Confidential information shall not be disclosed in open session.
14 If any party or participant wishes, we must go then in private
15 session and refer to any confidential information only in that
16 context.

17 Now, I would kindly ask the parties and participants to
18 introduce themselves, starting with the Specialist Prosecutor's
19 Office.

20 MR. TIEGER: Good morning, Your Honour, and everyone in the
21 courtroom.

22 Appearing on behalf of the Specialist Prosecutor's Office today
23 are: Specialist Prosecutor, Jack Smith; Deputy Specialist
24 Prosecutor, Alex Whiting; Head of the Legal Advisory Unit,
25 Clare Lawson; Prosecutor, David Harbach; and I am Alan Tieger, Senior

1 Prosecutor.

2 JUDGE GUILLOU: Thank you very much, Mr. Prosecutor.

3 Now I turn to the Defence. And for the benefit of the public, I
4 inform that the Defence counsel is on video-conference from
5 Kuala Lumpur.

6 Counsel, you have the floor.

7 MS. ALAGENDRA: [via videolink] Your Honour,
8 Venkateswari Alagendra for Mr. Jakup Krasniqi.

9 JUDGE GUILLOU: Thank you, Ms. Alagendra. If at any time during
10 this hearing you have a problem with the connection, whether it's to
11 hear or to see anybody in the courtroom, immediately wave with your
12 hand or say something so that we can fix this problem, and I would
13 adjourn the hearing, if needed, to make sure that you are always in a
14 position to follow, listen, and see what happens in the courtroom.

15 MS. ALAGENDRA: [via videolink] I'm grateful, Your Honour.

16 JUDGE GUILLOU: Thank you.

17 For the record, I also note that Mr. Krasniqi is present in the
18 courtroom.

19 Now I turn to Madam Registrar, please.

20 THE REGISTRAR: Good morning, Your Honour. Fidelma Donlon,
21 Registrar.

22 JUDGE GUILLOU: Thank you, Madam Registrar.

23 And for the record, I am Nicolas Guillou, Pre-Trial Judge for
24 this case.

25 The accused is appearing today for the first time before the

1 Specialist Chambers following the indictment confirmed against him.

2 Mr. Krasniqi, would you please rise. Can you tell us your full
3 name?

4 THE ACCUSED KRASNIQI: [Interpretation] Yes, I am Jakup Krasniqi.

5 JUDGE GUILLOU: What is your date and place of birth?

6 THE ACCUSED KRASNIQI: [Interpretation] I was born on 1 January
7 1951.

8 JUDGE GUILLOU: What is your citizenship?

9 THE ACCUSED KRASNIQI: [Interpretation] Kosovan.

10 JUDGE GUILLOU: Thank you. You may now be seated, Mr. Krasniqi.

11 Let me now move to the procedural history of the case.

12 On 26 October 2020, in my capacity as Pre-Trial Judge, I
13 confirmed the indictment submitted by the Specialist Prosecutor
14 against the accused charging him with six counts of crimes against
15 humanity; namely, persecution, imprisonment, other inhumane acts,
16 torture, murder, and enforced disappearance of persons; and charging
17 him with four counts of war crimes; namely, arbitrary detention,
18 cruel treatment, torture, and murder.

19 The accused was arrested in Kosovo on November 4, 2020. He was
20 transferred to the detention facilities of the Kosovo Specialist
21 Chambers in The Hague on the same day.

22 Mr. Krasniqi, before we proceed any further, I have to make sure
23 that you can follow the proceedings in a language that you can
24 understand and speak. Can you confirm that you understand and speak
25 Albanian?

1 THE INTERPRETER: No microphone for the speaker.

2 THE ACCUSED KRASNIQI: [Interpretation] Of course, I am Albanian.
3 I speak and understand very well Albanian.

4 JUDGE GUILLOU: Thank you, Mr. Krasniqi.

5 By this I am satisfied that you can follow the proceedings in
6 Albanian, a language that you understand and speak, in accordance
7 with Rule 92 of the Rules of Procedure and Evidence. If at any
8 moment in the course of the proceedings you are not receiving
9 interpretation, please draw my attention to it immediately.

10 Now allow me to explain the specific purpose of the Initial
11 Appearance for the benefit of the accused and those joining us in the
12 public gallery and following the proceedings online.

13 Today's hearing is not a trial. No evidence will be presented
14 or debated and the guilt or innocence of the accused will not be
15 discussed or decided. The purpose of this Initial Appearance is
16 regulated by Article 39 of the Law and Rule 92.

17 According to these provisions, as Pre-Trial Judge, I shall have
18 the charges in the Confirmed Indictment read to the accused in a
19 language that he understands and speaks; confirm that the accused
20 understands the indictment; satisfy myself that the rights of the
21 accused, in particular his right to counsel, are respected; inform
22 the accused that within 30 days of today's hearing he will be called
23 upon to admit guilt or plead not guilty on each charge set out in the
24 indictment. If the accused wishes to do so, he may immediately admit
25 guilt or plead not guilty.

1 And finally, I shall also set other dates, as appropriate, in
2 performing my functions as Pre-Trial Judge. I expect the parties to
3 adhere to these matters, which I will address in turn. Should either
4 party wish to discuss any other matter not explicitly foreseen in the
5 context of this Initial Appearance, they are invited to do so in
6 writing by making a filing before me.

7 First, may I ask you, Mr. Krasniqi, to confirm that you have
8 received the Confirmed Indictment dated 4 November 2020 in a language
9 that you understand and speak?

10 THE ACCUSED KRASNIQI: [Interpretation] Yes, I have received the
11 indictment, part of it, on 4 November 2020, and upon my arrival in
12 the detention facility, I received a redacted version of the
13 Confirmed Indictment. It is in the Albanian language. I've read it
14 and I do understand it.

15 JUDGE GUILLOU: Thank you very much, Mr. Krasniqi.

16 I will now ask Madam Court Officer to read out the charges in
17 the Confirmed Indictment as foreseen in Article 39 of the Law and
18 Rule 92.

19 Madam Court Officer.

20 THE COURT OFFICER: Thank you, Your Honour.

21 1. In the Confirmed Indictment, the Specialist Prosecutor
22 charges Mr. Jakup Krasniqi with:

23 Count 1: the crime against humanity of persecution punishable
24 under Article 13(1)(h) of the Law;

25 Count 2: the crime against humanity of imprisonment, punishable

1 under Article 13(1) (e) of the Law;

2 Count 3: the war crime of arbitrary detention, punishable under
3 Article 14(1) (c) of the Law;

4 Count 4: the crime against humanity of other inhumane acts,
5 punishable under Article 3(1) (j) of the Law;

6 Count 5: the war crime of cruel treatment, punishable under
7 Article 14(1) (c) (i) of the Law;

8 Count 6: the crime against humanity of torture, punishable
9 under Article 13(1) (f) of the Law;

10 Count 7: the war crime of torture, punishable under Article
11 14(1) (c) (i) of the Law;

12 Count 8: the crime against humanity of murder, punishable under
13 Article 13(1) (a) of the Law;

14 Count 9: the war crime of murder, punishable under Article
15 14(1) (c) (i) of the Law;

16 And Count 10: the crime against humanity of enforced
17 disappearance of persons, punishable under Article 13(1) (i) of the
18 Law.

19 2. These crimes were committed between approximately April 1998
20 and August 1999 at a number of locations in Kosovo and northern
21 Albania, including:

22 a. Bare, Bajgore, Llapashtice, Majac, Potok and other locations
23 in Podujeve; Drenoc and other locations in Rahovec municipality;
24 Berisha mountains, Llapushnik and other locations in Drenas
25 municipality; Ferizaj and other locations in Ferizaj municipality;

1 Gjilan in Gjilan municipality; Jabllanice and Gjakovemunicipality;
2 locations in Kacanik municipality; Klecke and other locations in
3 Lipjan municipality; Likovc and other locations in Skenderaj
4 municipality; Malisheve and other locations in Malisheve
5 municipality; Volljak Cave in Kline municipality; Novoberde in
6 Novoberde municipality; Zllash and others locations in Prishtine
7 municipality; Prizren and other locations in Prizrenmunicipality;
8 Suhareke and other locations in Suhareke municipality; andlocations
9 in Viti municipality; and

10 b. Cahan and Kukes, in northern Albanian.

11 3. The crimes under Counts 1, 2, 4, 6, 8, and 10 were committed
12 as part of a widespread or systematic attack directed against a
13 civilian population in Kosovo and northern Albania from at least
14 March 1998 through September 1999. In particular, these crimes
15 targeted opponents who were perceived to have been (i) collaborating
16 or associating with Federal Republic of Yugoslavia forces, officials
17 or state institutions; or (ii) otherwise not supporting the aims or
18 means of the Kosovo Liberation Army and later the Provisional
19 Government of Kosovo, including persons associated with the
20 Democratic League of Kosovo, and persons of Serb, Roma, and other
21 ethnicities.

22 4. The crimes under Counts 3, 5, 7, and 9 were committed
23 against persons not taking active part in the hostilities, and in the
24 context of and associated with a non-international armed conflict in
25 Kosovo between the KLA and forces of the FRY and the Republic of

1 Serbia, including units of the Yugoslav Army, police, and other units
2 of the Ministry of Internal Affairs, and other groups fighting on
3 behalf of the FRY and Serbia from at least March 1998 to
4 approximately 16 September 1999.

5 5. In relation to these crimes, there is a well-grounded
6 suspicion that Mr. Krasniqi is criminally responsible, pursuant to
7 Article 16(1)(a) of the Law for:

8 a. Committing, as a member of a joint criminal enterprise, the
9 crimes under Counts 1 to 10, or alternatively, committing, as a
10 member of the aforementioned joint criminal enterprise, the crimes
11 under Count 1 to 10 by being aware that such crimes might be
12 perpetrated in carrying out the common purpose of the joint criminal
13 enterprise and by willingly taking that risk; and/or

14 b. Aiding and abetting the crimes under Counts 1 to 10.

15 6. In addition and in the alternative, there is well-grounded
16 suspicion that Mr. Krasniqi is criminally responsible, pursuant to
17 Article 16(1)(c) of the Law, as a superior for the crimes under
18 Counts 1 to 10.

19 Thank you, Your Honour.

20 JUDGE GUILLOU: Thank you very much, Madam Court Officer.

21 Mr. Krasniqi, I wish to remind you that today is not the time to
22 contest the charges but simply to acknowledge your understanding of
23 the charges. You will have ample opportunity to challenge the
24 charges with the assistance of your counsel.

25 Mr. Krasniqi, did you understand the charges contained in the

1 Confirmed Indictment as read out to you by Madam Court Officer?

2 THE ACCUSED KRASNIQI: [Interpretation] I want to mention a
3 couple of issues, and I will try to be as brief as I can.

4 First of all, I'd like to say that I was arrested on 4 November
5 2020. You call us a joint criminal enterprise in the indictment. I
6 would like to state today that never in my life, not in a single
7 case, have I treated people in the way that I was treated from the
8 building of the detention unit to this building. I've never treated
9 people in my life in this way because it was never my aim to treat
10 people like that.

11 But it was war and we fought against the Serbs who committed
12 genocide in Kosovo. So I feel fine and I wouldn't be in the guise of
13 people who have committed crimes. I have fought Serbia politically
14 and I have never pointed at the civilian population or anyone like
15 that.

16 And you try in the indictment to divide Albanians into Catholics
17 and Muslims. I am Albanian. I am not Catholic. I am not Muslim.
18 This is offensive to me and to my country.

19 Allow me now to express a couple of points in relation to the
20 indictment.

21 The qualification by the Specialist Prosecutor that we are a
22 joint enterprise is, for me, my comrades, my family, who have fought
23 for a long time, this is an insult to us and to our nation, because
24 we, for a long time, in very difficult circumstances, in
25 life-or-death circumstances, we put ourselves in the service of

1 creating our own state in collaboration with the United States, with
2 NATO, with the EU, and the United Nations. And we, all of us
3 together, were a joint liberation enterprise and a state-forming
4 enterprise, while a joint criminal enterprise are not only the Serbs
5 in Serbia but also the head in Belgrade and whoever supports the
6 policies of Belgrade.

7 I believe, and I believe strongly, that this is known by every
8 educated citizen who is above 30 years old and lives in the countries
9 of western democracies, where they were raised and educated with the
10 values of this world and the values of human freedom and rights.

11 I don't want to speak at length today, but I would like to say
12 that I was convicted by the criminal regime of Yugoslavia in 1981 and
13 1982, and they punished me because I was reading books, because I was
14 speaking out, and I was against that regime. But believe me, they
15 were more right than you here for the reasons I am here today.

16 This is a great injustice that has been done to me, and I will
17 carry this, I will carry this burden on my shoulders, because our
18 people -- our people has a saying that says, "Humans are stronger
19 than rocks, and what the rock did not bear, human people can bear."
20 We have been a lot of injustices, myself and our people, and there
21 was no need for another injustice for this one.

22 Of course, in other hearing sessions I will say more about this.
23 But I wouldn't feel right to be in the service of the criminal and
24 genocidal policies of Serbia, which even Vukcevic, the Serbian
25 prosecutor, said after the indictment was raised. He was a

1 prosecutor from 2003. And the address, the true address of this
2 masquerade is in Belgrade and its policies, wherever they are being
3 applied.

4 JUDGE GUILLOU: Thank you very much, Mr. Krasniqi.

5 Now let me inform you of your rights before this Court.

6 The Law on the Specialist Chambers and the Rules of Procedure
7 and Evidence guarantee you a number of rights, and I will read out
8 the most important ones today.

9 First, you shall be presumed innocent until proven guilty beyond
10 reasonable doubt;

11 In the determination of the charges against you, you are
12 entitled to a fair and public hearing subject to any measures ordered
13 for the protection of victims and witnesses;

14 You have the right to be informed promptly and in detail in a
15 language which you understand of the nature and cause of the charges
16 against you;

17 You have the right to have adequate time and facilities for the
18 preparation of your defence and to communicate with a counsel of your
19 own choosing;

20 You have the right to be tried within a reasonable time;

21 You have the right to be tried in your presence and to defend
22 yourself through your counsel;

23 You have the right to have counsel assigned to you and with a
24 payment if you do not have sufficient means to pay for it;

25 You have the right to examine or have examined the witnesses

1 against you and to obtain the attendance and examination of witnesses
2 on your behalf;

3 You have the right to have the free assistance of an interpreter
4 if you cannot understand the language used in the court;

5 You have the right not to be compelled to testify against
6 yourself or to admit guilt;

7 You have the right to remain silent and no adverse inference
8 shall be drawn from your silence;

9 You also have the right to make unsworn statements relevant to
10 the case, and you may appear as a witness under oath;

11 You have the right to lodge preliminary motions to challenge the
12 jurisdiction of the Specialist Chambers, to allege defects in the
13 form of the indictment, and to seek the severance of the indictment;

14 You have the right to receive, within 30 days of today's
15 hearing, the supporting material to the indictment submitted for
16 confirmation;

17 You have the right to receive all statements of witnesses whom
18 the Specialist Prosecutor intends to call to testify at trial in a
19 language that you understand and speak, namely, Albanian;

20 You have the right to receive immediately any information which
21 may reasonably suggest your innocence or mitigate your guilt or
22 affect the credibility or reliability of the Specialist Prosecutor's
23 evidence as soon as the information is in his custody, control, or
24 actual knowledge;

25 You have the right to have all material and relevant evidence of

1 facts in possession of the Specialist Prosecutor be made available to
2 you before the beginning and during the proceedings; this right is
3 only subject to restrictions which are strictly necessary and when
4 any counter-balancing protections are applied;

5 You have the right not to be detained for an unreasonable period
6 prior to the opening of the case, to request review of decisions on
7 your detention, and to appeal such decisions directly before the
8 Court of Appeal;

9 You have the right to appeal directly before the Court of Appeal
10 a decision on preliminary motions challenging the jurisdiction of the
11 Specialist Chambers;

12 You have the right to seek leave to appeal all the decisions.

13 Mr. Krasniqi, you heard the most important rights that you enjoy
14 in accordance with the applicable legal framework of the Specialist
15 Chambers. Do you understand these rights?

16 THE ACCUSED KRASNIQI: [Interpretation] Yes, I understand them.

17 But I would like to say something about my defence. In fact,
18 initially I thought I wouldn't take counsel, and that was my
19 decision. And I was convinced that I didn't need counsel. However,
20 it was the wish of my family and my friends to have a lawyer, for me
21 to have a lawyer, and I accepted.

22 Otherwise, I am convinced that I don't need a lawyer. I take no
23 responsibility, not a single one, in relation to what I have been
24 accused of, not in relation to acting or failure to act. My duties
25 were public. My main duty was to be a spokesperson of the KLA.

1 I also had other duties. I was a minister after the war and
2 then the Speaker of Parliament. But what I did wholeheartedly was as
3 spokesperson of the KLA. And whatever I did, everything I did, was
4 public, not only in the Albanian language but also in German,
5 English, French, Italian. I was a spokesperson. I gave a voice to
6 the fight waged by the KLA in very difficult circumstances.

7 However, we were determined. We knew we were right to fight for
8 our freedom, and of course it was this right that gave us
9 international support. Otherwise, we wouldn't have been able to
10 liberate Kosovo and create the state of Kosovo. I am aware of that.

11 But the acts that are alleged in the indictment, none of them
12 stand. And in the days to come and months to come, I will bring
13 concrete facts to prove that. But if somebody alleges that I spoke
14 against the Specialist Chambers, I have to say this:

15 In December 2010 --

16 JUDGE GUILLOU: Mr. Krasniqi, you will have ample time to
17 discuss about that. My question was, at this point, only if you
18 understood your rights.

19 THE ACCUSED KRASNIQI: [Interpretation] Your Honour, I would like
20 to say that I have this grudge in me, and I know that I'm here--
21 it's not right that I'm here. An injustice has been done against me.
22 If anything that is said in the indictment is true, I would feel
23 ashamed.

24 I am here -- my presence here is a big injustice. I have no
25 responsibility to bear in relation to what is said there in the

1 indictment, and this injustice that has been done to me is major.

2 JUDGE GUILLOU: Thank you, Mr. Krasniqi.

3 I will now follow up on what you just mentioned about your
4 counsel.

5 I wish to inform that, according to Article 21(5) of the Law,
6 you may not represent yourself because you are currently in
7 detention, so representation by a Specialist Counsel is mandatory.

8 It is my duty as Pre-Trial Judge to ensure that your right to
9 counsel is respected. To this end, I have noted the Registrar's
10 filing informing me of the appointment of counsel. And I think
11 you've just confirmed that, even if you said that it wasn't your
12 initial thought.

13 May I ask you, counsel, if you can confirm that you have been
14 appointed to represent Mr. Krasniqi?

15 MS. ALAGENDRA: [via videolink] Yes, Your Honour, I have.

16 JUDGE GUILLOU: Thank you.

17 Mr. Krasniqi, do you have anything else to say regarding your
18 counsel?

19 Microphone, please.

20 THE ACCUSED KRASNIQI: [Interpretation] I have talked to the
21 counsel, and I believe that I will be able to talk with her in the
22 future as well.

23 Like I said, at the very beginning I did not want to take a
24 Defence counsel, but because of the pressure by my family and my
25 colleagues as well, at the end I decided to go for a counsel. So in

1 this case we are respecting the procedures set by the Specialist
2 Chambers. Thank you.

3 JUDGE GUILLOU: Thank you, Mr. Krasniqi.

4 I am therefore satisfied that the accused is represented by
5 counsel.

6 I will now turn to the possibility for the accused to enter a
7 plea, if any, in accordance with Rule 92.

8 Mr. Krasniqi, within 30 days from today, you will be called upon
9 to admit guilt or plead not guilty on each charge in the Confirmed
10 Indictment. But if you wish to do so, you may choose immediately to
11 admit guilt or plead not guilty.

12 I would therefore like to ask you, Mr. Krasniqi, if you have had
13 the opportunity to discuss the charge in the Confirmed Indictment
14 with your counsel, and if you are prepared to enter a plea at this
15 time? If it is the case, I invite you to stand up and plead.

16 THE ACCUSED KRASNIQI: [Interpretation] Although I already had a
17 discussion with the Defence counsel yesterday, and we had an overview
18 of the main counts in the Confirmed Indictment, like I said before
19 this moment - and once again, I wish to reiterate that for you - I do
20 not feel guilty, nor do I feel responsible of any of the counts in
21 the Confirmed Indictment. I feel guilty about nothing that is
22 reflected in the Confirmed Indictment.

23 JUDGE GUILLOU: Just to make it clear, Mr. Krasniqi, because the
24 translation -- I don't know if it's your words or if it's a question
25 with the interpreters. I heard that you feel not guilty. Can you

1 confirm if you plead not guilty, or do you wish to wait for this
2 formal decision for the 30 days that you can take to make this
3 decision?

4 Microphone.

5 THE ACCUSED KRASNIQI: [Interpretation] I plead not guilty. I
6 have no single blame, no single fault, and I don't know how to put it
7 otherwise.

8 JUDGE GUILLOU: Thank you very much. That's very clear. I
9 asked the question so that it's crystal clear in the transcript that
10 you plead not guilty and this point is now noted. You can sit,
11 Mr. Krasniqi.

12 Now, let me move to the working language of the proceedings. In
13 the Scheduling Order for this Initial Appearance, I'd asked the
14 parties to make submissions on the working language to be used in the
15 present case, according to Rule 8.

16 I will first give the floor to the Prosecutor on this point.

17 MR. TIEGER: Thank you, Your Honour. No need for any elaborate
18 submissions. We see no reason to depart from the practice up to now.
19 In fact, the contrary. So I think in a nutshell that captures our
20 submissions on the use of English as the working language of this
21 institution.

22 JUDGE GUILLOU: Thank you, Mr. Prosecutor.

23 Counsel, what are your submissions on this question?

24 MS. ALAGENDRA: [via videolink] We agree to English, Your Honour,
25 being the working language.

1 JUDGE GUILLOU: Thank you very much, counsel.

2 I will issue an order in due course on this matter.

3 As indicated in the order regarding this Initial Appearance, I
4 will schedule a Status Conference, pursuant to Rule 96, to be held
5 shortly after the Initial Appearances of the accused. The purpose
6 will be to review the status of the case and to organise exchanges
7 between the parties to ensure expeditious preparation for trial.

8 Mr. Krasniqi, I wish to remind you that you have the right to
9 attend these Status Conferences with your counsel. However, with
10 your written consent, and after receiving advice from your counsel,
11 pursuant to Rule 96(2), the Status Conference may be attended by you
12 in person with your counsel participating via video-conference link,
13 by your counsel with you, Mr. Krasniqi, participating via
14 video-conference link, or it may also take place in your absence,
15 Mr. Krasniqi, with your counsel present or participating via
16 video-conference link.

17 I would now like to ask the parties for their views on a
18 suitable date for the Status Conference to be held on or after
19 Wednesday, 18 November.

20 Would the Defence also be available to indicate whether it plans
21 to participate in person or via video-conference?

22 First, Mr. Prosecutor.

23 MR. TIEGER: We are available, Your Honour, at the Court's
24 pleasure, and that date is perfectly suitable.

25 JUDGE GUILLOU: Thank you, Mr. Prosecutor.

1 Counsel, what are your availability? And if so, would it be in
2 person or via video-conference?

3 MS. ALAGENDRA: [via videolink] Your Honour, we are seeking 30
4 days minimum for the Status Conference. And to the extent that
5 travel will be permitted from Malaysia, I intend to be present in
6 person unless something extraordinary occurs that prevents me being
7 there in person.

8 JUDGE GUILLOU: Thank you, counsel. I'm afraid it will not be
9 possible to wait that long because of the disclosure obligation of
10 the Prosecution.

11 If we had to do it earlier than that, would there be any day
12 that either would work for you or would be absolutely impossible?
13 That's my first question.

14 And the second question is: I know if you participate via
15 video-conference, there is a time difference. What would be the best
16 moment in the day if we had to schedule it?

17 MS. ALAGENDRA: [via videolink] I will be available at the
18 Court's convenience, Your Honour, date and time.

19 JUDGE GUILLOU: Thank you very much, counsel. This is much
20 appreciated. And we'll try, given the time difference, not to have
21 it too late in the day.

22 MS. ALAGENDRA: [via videolink] Thank you very much, Your Honour.

23 JUDGE GUILLOU: This is very much appreciated, because, as you
24 know, there are different Defence teams and it will be difficult to
25 accommodate for everyone, so this is much appreciated.

1 You will receive a Scheduling Order that will include the agenda
2 in due course. I will also ask the parties for written submissions
3 on the topics of the Status Conference. I intend to schedule the
4 date for these written submissions of the SPO by Friday, November 13,
5 and for the Defence, on Tuesday, November 17. But you will receive
6 everything in writing.

7 And after the Status Conference, I will issue a decision on the
8 Specialist Prosecutor's disclosure obligation in accordance with
9 Rule 102 and on the redaction regime of the proceedings.

10 At this point, I would like to ask the parties whether they have
11 any other issue they would like to raise. And I remind the parties
12 to give prior notice should any submission require the disclosure of
13 confidential information so that appropriate measures can be taken.

14 Mr. Prosecutor.

15 MR. TIEGER: Nothing further from the Prosecution, Your Honour.

16 JUDGE GUILLOU: Thank you.

17 Counsel?

18 MS. ALAGENDRA: [via videolink] Your Honour, I request that hard
19 copies of the basic legal documents of the Specialist Court be
20 provided to Mr. Krasniqi in his own language. And we do intend to
21 submit a filing on provisional release as soon as possible, Your
22 Honour.

23 JUDGE GUILLOU: Thank you very much. This is noted.

24 Mr. Krasniqi, I would now like to ask you if you have any issues
25 you would like to raise regarding your arrest, transfer, or

1 detention.

2 THE ACCUSED KRASNIQI: [Interpretation] What can I say? What I
3 believe is that the entire indictment related to myself in person,
4 but probably this is something related to the procedures under the
5 Specialist Chambers. However, I have to say that the procedures that
6 have been applied in my case from the morning of 4 November up until
7 the moment that I was brought to the Chambers, in my opinion, are not
8 appropriate. They are not suitable. They are not appropriate to me
9 because I feel innocent, and there is no reason whatever to bring me
10 before the Chambers.

11 However, I wish to say something else as well. So you know that
12 there has been a tribunal for former Yugoslavia, and I think that you
13 are well aware of the fact that there have been accused people from
14 Kosovo in The Hague tribunal. Myself, I've been called twice as a
15 witness to the former Yugoslavia tribunal, and I've said everything
16 I've had to say out loud in that tribunal.

17 Therefore, I think that if there was a single testimony, if
18 there was a single fact to incriminate myself, I would have been
19 sentenced by the tribunal. In other words, I see this as a last
20 resort attempt. And I'm sorry to say that, but I have to.

21 And I want to let you know that in 2006 the Academy of Science
22 of Serbia already embarked upon this attempt, because the academy was
23 the major part of the former tribunal, the ICTY tribunal, and they
24 very much wanted to have this tribunal against Kosovo as well.

25 And they managed to have this tribunal set in place by

1 establishing this one ethnical chambers. However, I can say that
2 there is no one above the age of 30 in Kosovo who does not know who
3 has committed crimes and genocide. This is a huge injustice, and it
4 hurts me profoundly.

5 However, I do understand those people. I understand those that
6 are present here, the way in how they are behaving to myself. So I'm
7 not a criminal. I'm an intellectual. So I've been educated to serve
8 as a teacher, but I've been obliged to fight for the freedom of
9 Kosovo. However, when it comes to people, I have always been human
10 towards people. I have treated them with dignity, and I have not
11 even done the injustice that has been done to me by being brought
12 from the detention to the Chambers, controlling me several times, and
13 whether I was handcuffed or not. I mean, I have not even gone this
14 far to any person in my life.

15 I wish to highlight that you have procedures in place which are
16 probably suitable to criminals but they are not appropriate to
17 myself.

18 So the Prosecutor and the Prosecution office know of who I am.
19 They have collected the books I have written, and I have written a
20 total of 15 books, and I feel good for that. But I feel really bad
21 for all the injustice done upon me. And that's not a minor
22 injustice, but it is instead a tremendous, a huge injustice.

23 I wish to conclude by saying that from all the injustice that
24 you have done upon me from 6.00 in the morning on 4 November up until
25 this moment in time, I've not ever deserved this injustice. And

1 there is no one to be able to justify this injustice done on me.

2 JUDGE GUILLOU: Thank you, Mr. Krasniqi.

3 Finally, I inform you that I will issue a decision ordering the
4 Specialist Prosecutor and the Registrar to reclassify their filings
5 or prepare redacted versions, as the case may be, so that the Defence
6 has access to them as soon as possible.

7 As you remain in detention, Mr. Krasniqi, I would like to inform
8 you that you may challenge your detention on remand in accordance
9 with Rule 57. This will be dealt with written rulings.

10 This concludes this hearing. I thank the parties and the
11 Registry for their attendance. I also thank the interpreters,
12 stenographer, audio-visual technicians, and security personnel for
13 their assistance.

14 The hearing is adjourned.

15 --- Whereupon the Initial Appearance adjourned at 11.51 a.m.

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