

1 Thursday, 17 July 2025

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.03 a.m.

5 PRESIDING JUDGE SMITH: Go into private session, please,  
6 Madam Court Officer.

7 I'm sorry, call the case first.

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

11 PRESIDING JUDGE SMITH: Thank you. And now into private  
12 session.

13 [Private session]

14 [Private session text removed]

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18 [Open session]

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

20 PRESIDING JUDGE SMITH: Thank you.

21 Go ahead.

22 MR. PUSTAY: We need the witnesses.

23 PRESIDING JUDGE SMITH: Oh, that would help wouldn't it.

24 Yes, please bring the witnesses in.

25 All these details.

1 [Trial Panel and Court Officer confers]

2 PRESIDING JUDGE SMITH: Before the witnesses come in, Mr. Dixon,  
3 can you give us the full range of the document that you wanted to  
4 have admitted and -- as an MFI? The chapter or whatever it is.

5 MR. DIXON: Yes, Your Honours. I will do that. I will get that  
6 and pass it on as soon as I have the exact range.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MR. DIXON: Yes, I'll do it right away. Thank you.

9 [The witnesses take the stand]

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 THE WITNESS DUHNE-PRINSEN: Good morning.

12 PRESIDING JUDGE SMITH: Good morning, Ms. Prinsen and Dr. Black.  
13 We're glad to have you back. Thank you for being here. We're going  
14 to continue your testimony now.

15 Before we begin, I remind Victims' Counsel and counsel for the  
16 parties, when proceeding with their questioning, to indicate to whom  
17 their question is being directed by addressing the expert by their  
18 name.

19 Before you speak, please identify yourself by name and then  
20 respond to the question you are being asked so that the transcript  
21 accurately reflects which expert is speaking.

22 I also remind you to please try to answer the questions clearly,  
23 with short sentences. If you do not understand a question, feel free  
24 to ask counsel to repeat the question or tell them you don't  
25 understand and they will clarify. Also, please remember to try to

1 indicate the basis of your knowledge of the facts and circumstances  
2 upon which you will be questioned.

3 Further, regarding the hard copies of the documents you brought  
4 with you, the Panel emphasises that if you cannot recall something  
5 and therefore wish to consult these documents to refresh your memory,  
6 please notify the Panel before doing so. I repeat that this should  
7 only be done in the event that you need to make that reference  
8 because you can't recall. You should not read directly from these  
9 documents.

10 I remind you that you are still under an obligation to tell the  
11 truth as stated by you in your solemn declaration.

12 Please also remember to speak into the microphone and to wait  
13 five seconds before answering a question, and then speak at a slow  
14 pace for the interpreters to catch up.

15 If you feel the need to take a break, please let us know.

16 And, yesterday, you followed those directions very well and we  
17 appreciate that. So we proceed now. The Thaci Defence will have  
18 some questions for you on cross-examination.

19 Go ahead.

20 MR. PUSTAY: Thank you, Your Honour.

21 WITNESS: KARIN DUHNE-PRINSEN [Resumed]

22 WITNESS: CATHERINE NICOLA BLACK [Resumed]

23 Cross-examination by Mr. Pustay:

24 Q. Good morning, Dr. Black and Ms. Prinsen. My name is

25 Matej Pustay. I represent Mr. Thaci and I'll be asking you some

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1 questions today. And I would like to start with the instructions  
2 that you were given when preparing the report for this case, so the  
3 report that you co-authored.

4 MR. PUSTAY: And if we can put up the letter of instructions  
5 that we already saw yesterday and which we have SV00034 MFI.

6 Q. Okay. So, first of all, just to make sure, do I understand  
7 correctly that you both seen this letter when preparing your report?  
8 You were provided with that letter. So if we can start with  
9 Dr. Black.

10 THE WITNESS BLACK: Good morning. This is Dr. Black. So as  
11 you'll see, the letter of instruction is dated 8 November 2024. And  
12 as you may recall yesterday from the beginning when we discussed my  
13 CV, I joined iMMO in January 2025, so I did not read this letter in  
14 November 2024, but, well, caught up with the already preparations  
15 that begun when I joined iMMO in January.

16 Q. So when you joined in January, then you reviewed the letter  
17 while you were working on the report?

18 THE WITNESS BLACK: I don't recall if I reviewed the literal  
19 letter, but I discussed the instructions with my colleague who had  
20 reviewed the letter with -- most likely you did it with another  
21 colleague at that time. I don't know. Perhaps you can answer.

22 THE WITNESS DUHNE-PRINSEN: Yeah.

23 Q. Yeah. So maybe then I will ask Ms. Prinsen. So you reviewed  
24 the letter in November when you were working on the report?

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

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1 Q. Okay. And so was it then you who explained the instructions to  
2 Dr. Black or?

3 THE WITNESS DUHNE-PRINSEN: Yes, I did.

4 Q. Okay. Understood. So if we can go to the next page in this  
5 letter and part III, "Language of the report." Okay. So this  
6 provision here states that:

7 "The report needs to be provided to the Trial Panel in English -  
8 the working language of the Panel in this case. It is understood  
9 that iMMO's working language is Dutch. Victims' Counsel will  
10 facilitate the translation of the report into English. iMMO will  
11 review and authorise the translation of the report into English  
12 before it is signed and submitted to the Panel."

13 So you are aware of that provision in the --

14 THE WITNESS DUHNE-PRINSEN: Yes.

15 Q. -- in the letter. Okay. So just to make sure that I understand  
16 this paragraph correctly, so is it the case that your report was  
17 originally drafted in Dutch?

18 THE WITNESS DUHNE-PRINSEN: Yes, that's the case.

19 Q. And then it was translated by the Victims' Counsel or his team?

20 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking. Yes,  
21 that is correct. And then it came back to us, and we reviewed it to  
22 see if there were any corrections needed.

23 Q. Okay. Were you aware of the fact that the Dutch version was not  
24 disclosed by the Victims' Counsel in this proceeding?

25 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen. I'm not aware.



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1 I don't know which versions were disclosed.

2 Q. Dr. Black, I suppose same answer?

3 THE WITNESS BLACK: Yeah, I am -- I don't have that information.

4 No.

5 Q. Okay. And just focusing on that last sentence, so:

6 "iMMO will review and authorise the translation of the report  
7 into English before it is signed and submitted to the Panel."

8 MR. PUSTAY: So if we just can put up the report itself, which  
9 we have as V00035 MFI. And if we go to the page with the signature,  
10 which is V0000032.

11 Q. So we see here that the report was, indeed, signed, but it was  
12 not signed by either of you, was it?

13 THE WITNESS BLACK: This is Catherine Black speaking. So what I  
14 see here is it says a "p.p." before the name of Annemieke Keunen, the  
15 director of iMMO, which I -- the "p.p." stands, I think, for per --

16 Q. On behalf of, I would say --

17 THE WITNESS BLACK: On behalf of, yes, of us.

18 Q. Yeah. Well, it says on behalf of Ms. Keunen; right?

19 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking. I  
20 think we meant it like it is on behalf of ourselves. So we gave her  
21 permission to sign the report because we had a -- we arranged that  
22 the report was ready before 1 May, and we were on holiday, so we  
23 couldn't sign the report at that specific moment when the translation  
24 was corrected.

25 Q. So let me take this step by step. So do you know whose

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1 signature it is in the report?

2 THE WITNESS DUHNE-PRINSEN: Yes.

3 Q. So whose signature is that?

4 THE WITNESS DUHNE-PRINSEN: It's our director.

5 Q. But it says "on behalf of the director," which to me would  
6 indicate that it was signed by someone else, not the director.

7 THE WITNESS DUHNE-PRINSEN: Okay. Then that's -- this is  
8 Ms. Prinsen speaking. Then that's not the way it is meant to be.

9 Q. So you can confirm that that signature is the signature of your  
10 director?

11 THE WITNESS DUHNE-PRINSEN: Yes.

12 Q. So you just said that it was you who reviewed -- or let me ask  
13 this: So did I understand you correctly that it was you, meaning  
14 you, Ms. Prinsen, and you, Dr. Black, who actually reviewed the  
15 English translation?

16 THE WITNESS BLACK: Yes.

17 THE WITNESS DUHNE-PRINSEN: Yes.

18 Q. And despite the fact, it was not you who signed the report at  
19 the end?

20 THE WITNESS DUHNE-PRINSEN: That's correct, because I --  
21 speaking for myself, Ms. Prinsen, I was on a holiday at that moment.

22 Q. Dr. Black, you were also on the holiday?

23 THE WITNESS BLACK: I don't recall if I was on holiday, but I  
24 was probably not physically present at iMMO to physically sign the  
25 report. As you may recall yesterday, I work for another institution,

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1 mostly clinical work, so ...

2 Q. Understood.

3 THE WITNESS BLACK: Yeah.

4 Q. Well, why wouldn't you sign the report, Ms. Prinsen, after you  
5 came back from the holiday?

6 THE WITNESS DUHNE-PRINSEN: Because we had a set date when the  
7 report should be finished, and it took a long time to finish the  
8 report, to get it translated in English, and then we had a lot of  
9 corrections for the translation, so before it came back we wanted to  
10 finish it before my holiday but we didn't. It just --

11 Q. When you say that you had a deadline, the deadline set by whom?

12 THE WITNESS DUHNE-PRINSEN: In -- it was in -- how do you say  
13 that? We discussed the deadline with the Victims' Counsel, so it's a  
14 deadline that was set by both of us.

15 Q. So it was an agreed deadline?

16 THE WITNESS DUHNE-PRINSEN: Yes, it was.

17 Q. It could have been moved?

18 THE WITNESS DUHNE-PRINSEN: I don't know. Maybe.

19 Q. Understood. I think you already mentioned that you corrected a  
20 number of issues in the English translation before it was signed by,  
21 I understand, the director; correct?

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

23 Q. But there were still some issues left in the English translation  
24 even after that exercise; correct?

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

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1 Q. And you mentioned -- and you corrected some additional issues  
2 during your preparational session; correct?

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

4 Q. There might be other issues in this English version; correct?

5 THE WITNESS DUHNE-PRINSEN: There might be. It's a lengthy  
6 report. And as you well know, our first language is Dutch, so it's  
7 sometimes very difficult to explain in English in professional words  
8 what we mean.

9 Q. I'm not a native speaker myself, so I fully understand. Just  
10 one last question on this topic of language. Were the -- and this is  
11 for you, Ms. Prinsen, because it's about the other two reports that  
12 we were discussing, so for Case 04 and 05. Was the process there the  
13 same, so they were drafted in Dutch then translated?

14 THE WITNESS DUHNE-PRINSEN: Yes.

15 Q. Yes. And so that means that in those reports there potentially  
16 also can be mistakes in the English translation; correct?

17 THE WITNESS DUHNE-PRINSEN: It could be.

18 Q. Yeah. And to the best of my knowledge, again, would it surprise  
19 you that we haven't been disclosed the Dutch versions of those  
20 reports?

21 THE WITNESS DUHNE-PRINSEN: Sorry, what is your question?

22 Q. Were you aware of the fact that the Dutch versions of those two  
23 reports were not disclosed?

24 THE WITNESS DUHNE-PRINSEN: I wasn't aware.

25 Q. Understood.

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1 MR. PUSTAY: If we can go back to the letter of the  
2 instructions, so V00034. And if we can, again, go to the second  
3 page, please.

4 Q. And the last part, "Limitations," so this is something that you  
5 already discussed yesterday and I just wanted to make sure. So, you  
6 know, it's stated here that you were not asked to conduct an  
7 individual medical examination of the participating victims, and I  
8 think we agreed yesterday that, indeed, you did not do the medical  
9 examination?

10 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking. Yes,  
11 that is correct.

12 Q. It is correct. And would you agree with me that as a result of  
13 this -- mainly this particular instruction, your report prepared for  
14 this case actually does not adhere to the Istanbul Protocol that you  
15 mentioned several times yesterday?

16 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking. For  
17 the expert report, that is correct. It's not a medical-legal  
18 examination. However, the Istanbul Protocol is based on scientific  
19 knowledge and -- so we use the Istanbul Protocol, among other things,  
20 to make the report. So it's not based on the principles because it's  
21 not a medical-legal examination, but we used the protocol for  
22 information for the report.

23 Q. But you would agree with me that the report that you submitted  
24 does not adhere to the requirements for the medical reports set forth  
25 in the Istanbul Protocol?

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1 THE WITNESS DUHNE-PRINSEN: It's not -- it's not --

2 Q. Let --

3 THE WITNESS DUHNE-PRINSEN: No, it doesn't follow the guidelines  
4 for a medical-legal examination because it's not a medical-legal  
5 examination.

6 Q. Let me maybe ask it more specifically and specifically with the  
7 text of the protocol.

8 MR. PUSTAY: So if we can put up the protocol. We have it as  
9 DHT06102 to DHT06125. And if we can go to page DHT06108. It should  
10 be article -- there we go. So "Medical expert's report," article  
11 199, and if we go to the next page.

12 Q. We see that this report, being the medical report, should  
13 include at least the following, and then there is a list. And, for  
14 example, very first point: "The circumstances of the interview."

15 So given that you did not conduct any interviews obviously --

16 THE WITNESS DUHNE-PRINSEN: Yes.

17 Q. -- you cannot adhere with that. And if we just scroll down,  
18 point (e), "A record of authorship." So based on that provision,  
19 there should be your signature in the report; correct?

20 THE WITNESS DUHNE-PRINSEN: That's correct.

21 Q. As we already agreed, there is no -- your signature is not in  
22 the report; correct?

23 THE WITNESS DUHNE-PRINSEN: That's correct.

24 Q. It's correct. One more question about this Istanbul Protocol.

25 MR. PUSTAY: And, Your Honours, I would ask this to be marked

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1 for identification, and we'll make potentially submissions on it.

2 PRESIDING JUDGE SMITH: Please assign an MFI to that document.

3 THE COURT OFFICER: Thank you, Your Honour. I assume it's just  
4 these two pages or the entire document?

5 MR. PUSTAY: I think these two pages are actually --

6 [Specialist Counsel confer]

7 MR. PUSTAY: And, yes, and potentially the cover sheet so that  
8 it's clear what the document is.

9 THE COURT OFFICER: Thank you. So the cover sheet with ERN  
10 DHT06102 and two additional pages with ERN DHT06108 to DHT06109 will  
11 receive MFI 1D00260. Classification is public. Thank you.

12 MR. PUSTAY: Thank you.

13 Q. So staying on the topic of the Istanbul Protocol, I believe  
14 today and as well yesterday, you, Ms. Prinsen, noted that it includes  
15 guidelines; is that correct?

16 THE WITNESS DUHNE-PRINSEN: That's correct.

17 Q. So I would now like to show you how Dr. Parra - you know you  
18 co-authored the report with Dr. Parra in Case 04 - how he described  
19 the Istanbul Protocol.

20 MR. PUSTAY: So if we can put up the transcript from Case 04  
21 from 21 August 2023, and if we can go to page 2259, please. And if  
22 we can scroll down just a little bit? Perfect.

23 Q. So here starting at line 14, the witness Lozano Parra:

24 "So the Istanbul Protocol has been published by the Office of  
25 the United Nations High Commissioner for Human Rights. And it was

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1 first published in 2001, and there has been a renewed version in  
2 2022, and we use that protocol. And this protocol sets out  
3 international standards on how to do a medicolegal assessment when  
4 investigating alleged victims of torture or inhumane treatment."

5 So you would agree with Dr. Parra's testimony that the  
6 Istanbul Protocol sets out international standards on how to do a  
7 medicolegal assessment; correct?

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

9 Q. Okay.

10 MR. PUSTAY: And if we can stay at this document and go page  
11 2328.

12 Q. So this is still your testimony with Dr. Parra.

13 MR. PUSTAY: 2328. And we need -- if we can scroll down --  
14 okay. Perfect.

15 Q. So here starting at line 10, again Dr. Parra speaking:

16 "I agree with this, what is stated [here]. I think it's  
17 important to know that a medical examination, a medicolegal  
18 examination, according to the Istanbul Protocol, can be used in legal  
19 proceedings as substantial evidence."

20 So based on Dr. Parra's testimony here, and you testified  
21 together with him in that case, only examination conducted according  
22 to the Istanbul Protocol can be used in legal proceedings. That's  
23 what Dr. Parra said; correct?

24 MR. LAWS: Your Honour, I object to that question. It's not for  
25 the witness to determine what use can be made of a report in legal



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1 proceedings. It's a legal question, not a medical one.

2 PRESIDING JUDGE SMITH: Sustained.

3 MR. PUSTAY:

4 Q. Would you agree with Dr. Parra's opinion that  
5 Istanbul Protocol -- whether the Istanbul Protocol was used or not is  
6 relevant for the use of the medical report?

7 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking. I'm  
8 sorry, can you repeat the question? I don't understand it.

9 Q. Would you agree with Dr. Parra's testimony that the question of  
10 whether the report -- medical report was prepared in line with  
11 Istanbul Protocol or not is important for how the report can be used?

12 MR. LAWS: Your Honour, it's the same question --

13 MR. PUSTAY: No, no.

14 MR. LAWS: -- but rephrased. And the witness has already said  
15 that the expert's report in Case 06 doesn't follow the  
16 Istanbul Protocol.

17 PRESIDING JUDGE SMITH: You're exactly right. She's already  
18 explained to you this is not an examination, it's not a medical  
19 report, it's the expert's opinion.

20 MR. PUSTAY: Okay. Fair enough. I'll move on.

21 Q. Going back to the report prepared for this case, again, as we  
22 discussed yesterday, besides the two of you, there is also the third  
23 author, right, Ms. Steen? Did I pronounce that correctly?

24 THE WITNESS DUHNE-PRINSEN: Yes.

25 Q. And I believe -- and you described this yesterday, and it's also

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1 in your -- in the preparation note, paragraph 11, you stated that she  
2 did three things basically: Helped with the coding the data;  
3 correct? I apologise, let's say Ms. Prinsen.

4 THE WITNESS DUHNE-PRINSEN: Yes --

5 Q. Yes.

6 THE WITNESS DUHNE-PRINSEN: -- that's correct.

7 Q. The literature search?

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

9 Q. And had a supportive role with writing the report; correct?

10 THE WITNESS DUHNE-PRINSEN: That's correct.

11 Q. And just to make sure, you did not provide this explanation of  
12 which specific tasks Ms. Steen undertaken in the report itself;  
13 correct?

14 THE WITNESS DUHNE-PRINSEN: That's correct.

15 Q. Were there other people who helped with these activities, for  
16 example, the literature search?

17 THE WITNESS DUHNE-PRINSEN: No, there were not.

18 Q. When you say that Ms. Steen had a supportive role in writing the  
19 report, does it mean that she wrote certain parts?

20 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking. Just  
21 to come back on my last answer. Ms. Steen helped with the literature  
22 search, but everything she did was under supervision of me and in  
23 communication with Dr. Black. So your question was did she do the  
24 literature search alone? Well, that's not -- she did it under  
25 supervision, so every step she did was authorised by us.

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1 Q. Thank you for the explanation. Actually, that question aimed at  
2 whether there were other people helping you besides Ms. Steen.

3 THE WITNESS DUHNE-PRINSEN: Oh, no, there were not.

4 Q. Okay. So going back to the supportive role in writing the  
5 report. So does it mean that she wrote certain parts of the report?

6 THE WITNESS DUHNE-PRINSEN: She made an outline and I did most  
7 of the writing.

8 Q. So did she write some parts of the report or not?

9 THE WITNESS DUHNE-PRINSEN: She did write some parts or  
10 sentences.

11 Q. And once again, we do not have those specific parts identified  
12 in the report? We do not know which specific parts she wrote?

13 THE WITNESS DUHNE-PRINSEN: No. [Overlapping speakers] ...

14 Q. And I assume you would not be able to tell us as you sit today  
15 which exact parts she wrote?

16 THE WITNESS DUHNE-PRINSEN: No, that's impossible.

17 Q. Would you agree with me that if she wrote certain parts of the  
18 report, if we really wanted to know what exactly was meant by those  
19 parts of the report, we would need to ask Ms. Steen; correct?

20 THE WITNESS DUHNE-PRINSEN: No, I disagree, because everything  
21 she did was in communication with us, so she has the same information  
22 as we do.

23 Q. Yes, but you do not know how she evaluated the information? You  
24 don't see into her head; right?

25 THE WITNESS DUHNE-PRINSEN: No, that's correct. I can't see

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1 into her head as I can't see in your head. But we -- how do you say  
2 that? We discussed it, and I was the supervising role, and  
3 eventually the way the report was written was under our  
4 responsibility.

5 Q. And if --

6 THE WITNESS DUHNE-PRINSEN: Or -- it's hard to explain. So I  
7 wrote the actual sentences. So what is stated is written by me, but  
8 she did some preliminary work, pre -- so she did an outline and she  
9 helped doing -- how do you say that? *Ordenen*. To ...

10 THE WITNESS BLACK: Order, put in order.

11 THE WITNESS DUHNE-PRINSEN: Yeah, put in order certain  
12 information.

13 Q. Okay. So is it -- so a moment ago you said that she wrote  
14 certain parts, certain sentences. Now you are saying that she  
15 actually did not write anything?

16 THE WITNESS DUHNE-PRINSEN: Well, she did, but I reviewed them.  
17 Is it "reviewed"? Re ...

18 THE WITNESS BLACK: Can I add to this?

19 Q. Go ahead, Dr. Black.

20 THE WITNESS BLACK: So this is how you would work if you work on  
21 a scientific article for a journal as well. It's probably the same  
22 in your profession as well. That the people -- so Ms. Steen is a  
23 psychologist. And you probably also in the legal profession have  
24 people in your team who are doing a lot of the -- who you give a  
25 request to, look up a whole lot of number of the details, and in the

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1 end you are the one who has collected all their details and are here  
2 in court today, and they're working under your supervision. And  
3 that's actually really similar as in -- as in this process.

4 And to say actually, well, we probably have multiple drafts of  
5 the documents with -- where you work on it collectively, so with  
6 tracking changes, and that in the end it's a process by three authors  
7 and therefore it has three authors on it.

8 Q. Understood. And if -- you cannot say whether if Ms. Steen was  
9 sitting today here or yesterday, her answers, her comments would be  
10 the same as yours? She potentially could disagree with you on  
11 certain points?

12 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking. Of  
13 course, you just said we cannot look in her head. So I would -- of  
14 course, I cannot predict what she would say.

15 Q. Understood. Last point. You said she helped with coding the  
16 data. What exactly do you mean by that? How exactly she helped?

17 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking. What  
18 I explained yesterday, we had 50 files, and some of the files had  
19 over 600 pages. So for the coding process, so for going through all  
20 these files, she helped, because this is not a process you can do  
21 alone.

22 Q. So does it mean that you divided those 50 files among the three  
23 of you?

24 THE WITNESS DUHNE-PRINSEN: Among the two of us, Jet Steen and  
25 myself.

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Mr. Pustay

1 Q. Ah. So, Dr. Black, you were not involved in the coding process?

2 THE WITNESS BLACK: I did not do part of the coding process, no.

3 Q. Understood. Okay. So then the conclusions from the coding  
4 process, those are conclusions based on what both you and Ms. Steen  
5 did?

6 THE WITNESS DUHNE-PRINSEN: Yes. So to give you an outline, the  
7 method and the categorisation of the coding system, it's something we  
8 discussed with the three of us. The actual work, like coding, it's  
9 not something -- it's just going through the files, coding, that's  
10 something that Jet and I did together. And then the results, to put  
11 them -- how do you say it? To contract the results and to report  
12 them, that's something we did.

13 Q. So, basically, if we wanted to know what exactly was the process  
14 for half of the witnesses, we would need to talk to Ms. Steen?

15 THE WITNESS DUHNE-PRINSEN: No, because --

16 THE WITNESS BLACK: No.

17 THE WITNESS DUHNE-PRINSEN: -- the process is the same -- we  
18 have everything outlined. If you need documents about this process,  
19 we could provide it. We have everything ...

20 Q. Yeah, but as we discussed yesterday, I believe, those documents  
21 haven't been provided yet.

22 THE WITNESS DUHNE-PRINSEN: No, that's correct.

23 Q. Just one point. You brought these notes together with you  
24 yesterday, these preparational notes or whatever it was called. Who  
25 prepared that document?

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Mr. Pustay

1 THE WITNESS DUHNE-PRINSEN: I did.

2 Q. You did. Did you discuss that document with Ms. Steen?

3 THE WITNESS DUHNE-PRINSEN: No, I don't think so. I didn't.

4 Q. So potentially again -- she could disagree with things that are  
5 in that document; correct?

6 THE WITNESS DUHNE-PRINSEN: No, that is incorrect, because this  
7 document -- I knew you didn't have -- we didn't have any information  
8 about the method in the document you have of the expert report. We  
9 do have those documents. So this document is a description of  
10 something we set out in the way we worked, and that's the way she  
11 worked as well as I worked and Ms. Black worked. So it's a document  
12 that is known to the people who worked on the report.

13 Q. But she hasn't reviewed it, she hasn't seen it before you  
14 brought it?

15 THE WITNESS DUHNE-PRINSEN: It's a copy of something we already  
16 had in our possession because it describes our method.

17 Q. Has she seen the specific document you brought or not?

18 THE WITNESS DUHNE-PRINSEN: This specific document, no.

19 Q. Okay. Moving to the report from the Case 04, so, Dr. Black, you  
20 are kind of off the hook. So this is the report prepared by you,  
21 Ms. Prinsen, and Dr. Parra.

22 And you prepared that -- so that report was prepared by you,  
23 Ms. Prinsen, as a psychologist, and by Dr. Parra as a psychiatrist;  
24 correct?

25 THE WITNESS DUHNE-PRINSEN: That's correct.

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Mr. Pustay

1 Q. And that means that part of these reports were drafted on  
2 Dr. Parra's psychiatrist input and parts were drafted based on your  
3 psychologist input. Would that be correct?

4 THE WITNESS DUHNE-PRINSEN: Partly, because our functions and  
5 our knowledge overlap, so it's a joint report, a joint examination.

6 Q. But you would agree with me that you are not psychiatrist;  
7 right? You don't have the education?

8 THE WITNESS DUHNE-PRINSEN: That's correct.

9 Q. So there are some conclusions which are made based on  
10 psychiatric knowledge?

11 THE WITNESS DUHNE-PRINSEN: In this report, the conclusions are  
12 based on both my knowledge as hers.

13 Q. Let me put it differently. You wouldn't be able to write the  
14 report without her?

15 THE WITNESS DUHNE-PRINSEN: That's correct.

16 Q. And given that fact, there might be some parts of the report  
17 that we would need to discuss with her if we want to get to how the  
18 conclusions were reached, right, because they were reached based on  
19 her expertise?

20 THE WITNESS DUHNE-PRINSEN: I think -- well, certain parts  
21 maybe.

22 Q. And, again, we don't have any identification in the report of  
23 which those parts could be or would be?

24 THE WITNESS DUHNE-PRINSEN: No, but that's the same answer I  
25 gave just -- it's a joint examination, so it's a joint conclusion in



Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1 which we have a multidisciplinary view.

2 Q. Yes. And as a part of that joint conclusion, the final  
3 conclusion, there are various inputs going into that. Some of those  
4 come from Dr. Parra and we would need to discuss those with  
5 Dr. Parra?

6 THE WITNESS DUHNE-PRINSEN: Yes.

7 MR. PUSTAY: Thank you, Your Honours. Those are my questions.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 Selimi Defence.

10 MS. SHEREMETI: Thank you, Your Honours.

11 Cross-examination by Ms. Sheremeti:

12 Q. Good morning, Ms. Prinsen and Dr. Black. I am Furtuna  
13 Sheremeti. And today I will be asking you some questions on behalf  
14 Mr. Selimi.

15 I'll start with Ms. Duhne-Prinsen. Mr. Laws yesterday rightly  
16 pointed out your CV and your work as a mental health psychologist. I  
17 couldn't fail but notice that the majority of your work throughout  
18 the years has been done with children. Is there a big difference  
19 dealing with children and dealing with adults when it comes to  
20 assessing psychological harm?

21 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking. That  
22 is correct. I followed different courses in child psychology. I  
23 worked a lot with children and their families. I never conducted  
24 medical-legal examinations on children because that was not my  
25 profession when I worked as a child psychologist. So I worked with a

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1 lot of trauma in children. However, if you work with children, you  
2 also then have their parents in your room for treatment, so in that  
3 way we also treat parents.

4 So my medical-legal examination experience, it derives from my  
5 years for iMMO. And I think the youngest ones we see are 16.

6 Q. Thank you very much. Dr. Black, since you mentioned yesterday  
7 that you have been dealing with refugees and war veterans, maybe you  
8 can answer the next question. Would you agree that psychological  
9 symptoms such as anxiety, depression, traumatic stress can result  
10 from multiple factors including war condition, displacement, or loss  
11 of family members?

12 THE WITNESS BLACK: Yes. Sorry, yes.

13 Q. So the symptoms that you report in the report could just as well  
14 stem from those other experiences not necessarily just from torture  
15 or captivity; am I correct?

16 THE WITNESS BLACK: So which parts of the -- which report are  
17 you referring to?

18 Q. Very rightfully pointed out. I'm talking about the report you  
19 wrote in April 2025, so we're still on the first report. So the  
20 symptoms -- the general symptoms you mention there, they can be also  
21 caused from the issues I mentioned, not necessarily only from torture  
22 and captivity; correct?

23 THE WITNESS BLACK: Are you talking about the first part or the  
24 second part of the report? What we --

25 Q. The report in general.

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1           THE WITNESS BLACK: So in the report, we described what the  
2     literature says of symptoms that can arise from trauma, and in the  
3     second part of the report we described the symptoms as reported by  
4     the VPPs in the files provided to us.

5     Q. So I am correct in assuming that literature, scientific  
6     literature agrees that post-traumatic depression, stress, trauma can  
7     be caused from war conditions, displacement of people, losing a  
8     family member, not necessarily only torture and captivity?

9           THE WITNESS BLACK: All other traumatic experiences other than  
10    torture and captivity can cause depression, anxiety, and PTSD.

11    Q. Thank you very much. Mr. Laws yesterday asked a part of this  
12    question, but I just want to take it a bit further. He referred to  
13    the instructions that Victims' Counsel gave you and made it clear, as  
14    did you during yesterday's session, that you were not instructed to  
15    conduct medical examinations. Just for reference this is page 30 of  
16    yesterday's transcript, starting in line 14, and I'm going to read  
17    it:

18           "iMMO is not asked by Victims' Counsel to conduct an individual  
19    medical examination of the VPPs. Therefore, the report will not be  
20    based on medical examination of the VPPs and it is not expected that  
21    iMMO will provide a medical diagnosis of each of the VPPs."

22           To clarify this, in your report you also say:

23           "Nevertheless, the reported psychological symptoms align with  
24    what is found in scientific literature regarding the psychological  
25    consequences of torture and inhuman treatment ..."

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1           My question is this: If you're findings cannot be considered  
2   representative or medically validated, what is the relevance of this  
3   comparison to scientific literature? And either one of you can  
4   answer.

5           THE WITNESS BLACK: I -- of course, I look at this from a  
6   medical standpoint. That is a standpoint -- the only standpoint that  
7   I have in this situation. And I would expect to find the symptoms  
8   that we -- or the symptoms and psychological problems that we  
9   discussed, mainly PTSD, depression, anxiety, as described in the  
10   literature, in people who are victims of mistreatment and captivity.  
11   What I didn't necessarily expect we would find that it would -- that  
12   they would report it so clearly in reports that weren't designed to  
13   collect those symptoms.

14          So this report is, of course, only for the use in this Court. I  
15   think if it -- if the data was available to us, it would be relevant  
16   to public -- publish as scientific literature not because it's a very  
17   new finding that people who are victims of torture or captivity have  
18   symptoms like PTSD or depression and anxiety. It's widely known. I  
19   think the novelty of the finding which would make it publishable is  
20   that it comes up actually even in interviews that are not conducted  
21   to obtain it when we know really from clinical practice how -- how  
22   actually people so strongly avoid and underreport their symptoms,  
23   which is why the Istanbul Protocol goes into such detail of how to  
24   create circumstances in which to obtain testimony of symptoms.

25   Q.   Ms. Duhne-Prinsen, do you want to add something to this?

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1           THE WITNESS DUHNE-PRINSEN: Yes. I think it is important --  
2    what I mentioned yesterday, for us it's -- we are medical  
3    professionals, so for us it's -- we cannot say anything about the  
4    value of the mentioning of symptoms in this proceedings in a legal  
5    context. However, from a medical point of view, these symptoms that  
6    are mentioned in these proceedings have value and they align with  
7    what is known from the literature and from expertise. So we cannot  
8    validate that the symptoms come directly from the torture or the  
9    inhumane treatment or -- that's not up to us. But medically spoken,  
10   this makes sense, and that's the same with the literature research.  
11   It's medical-based literature, psychologically based.

12           So if you look at captivity, for example, and people are  
13   included that have experienced captivity, of course, you could say  
14   how can you be sure that they were captive? Well, that's a legal  
15   question. In medical science, the people that are included have  
16   stated that they have been undergoing this trauma, and that's the  
17   validity of this group in medical science.

18   Q. That's exactly what I was getting at, so thank you for your  
19   answers. And I appreciate the differences between legal and medical  
20   sometimes when it comes to harm. So that's exactly what I wanted to  
21   point out, that this is actually an alignment that suggests only a  
22   general consistency that you're talking about in the first report.  
23   So thank you very much.

24           Moving on to a methodology question. I'm interested to know,  
25   when you talked yesterday about the coding, you told us about

Witness: Karin Duhne-Prinsen (Resumed) (Private Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1 categories and subcategories. Mr. Dixon already addressed how you  
2 did the categorisation, but what I would want to know is a very  
3 technical issue actually. Did you do the categorisation and the  
4 coding manually or did you use programmes like NVivo or the like that  
5 does it for you?

6 THE WITNESS DUHNE-PRINSEN: Yes, this is Ms. Prinsen speaking.  
7 I think it's important to mention that maybe it wasn't really clear  
8 but this categorisation was not personally selected. So the  
9 categories were based on the DSM, our manual for psychiatric  
10 disorders, and the Istanbul Protocol and psychological symptoms from  
11 the scientific literature, so it's not something we made up. It's  
12 based on those grounds. And there is no computerised system that  
13 could do that. So it is made personally by going over the pages,  
14 yes.

15 Q. Thank you.

16 MS. SHEREMETI: Your Honours, I would like to ask the questions  
17 about report 04/05, so if we can go in private session.

18 PRESIDING JUDGE SMITH: Into private session, please,  
19 Madam Court Officer.

20 [Private session]

21 [Private session text removed]

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Witness: Karin Duhne-Prinsen (Resumed) (Private Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1 [Private session text removed]

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Witness: Karin Duhne-Prinsen (Resumed) (Private Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

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Witness: Karin Duhne-Prinsen (Resumed) (Private Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1 [Private session text removed]

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22 [Open session]

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

24 PRESIDING JUDGE SMITH: Go ahead, Ms. Sheremeti.

25 MS. SHEREMETI: Thank you very much.

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1 Q. Moving on. In the summary of the report of April 2025, you  
2 state explicitly, and I am going to read it:

3 "To give meaning to these findings, it is necessary to consider  
4 them in context: the psychological symptoms were reported by victims  
5 during testimonies in a legal setting."

6 Given that you mentioned the importance of context, have you  
7 considered the broader context; namely that these victims were living  
8 through or had just emerged from an ongoing war and oppression when  
9 you interpreted their statements?

10 Should I specify which one wants to answer? Either one, please.

11 THE WITNESS BLACK: So this is Catherine Black speaking.

12 Earlier this morning, I think I already mentioned that what we  
13 considered is that the setting is not designed to -- it's not an  
14 interview about their psychological symptoms, and that -- there are a  
15 whole lot of factors that could play into what is reported, what is  
16 not reported. It may be the attitude of how -- how empathetic was  
17 the person interviewing in that case. Some -- there's a whole lot of  
18 factors that play into it.

19 What we, based on our expertise clinically and in  
20 Istanbul Protocol guidelines, made the -- are of the opinion that  
21 there's more likely to be underreporting in that setting, because we  
22 know people avoid, for a whole lot of reasons, disclosing more than  
23 that they overreport and overrepresent.

24 Q. Thank you. Ms. Duhne-Prinsen, do you want to add something?

25 THE WITNESS DUHNE-PRINSEN: Well, I think your question is about

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1       whether we considered not the context of the -- where the questions  
2       were asked but also the context of where they come from, and I think  
3       it was not -- it was out of the scope of our report because that was  
4       not a question for us. So we just coded psychological symptoms.

5             And as I stated earlier, we cannot say -- we cannot comment on  
6       where they are from or where they are based on.

7       Q.     That's fair enough.

8             THE WITNESS DUHNE-PRINSEN: Okay.

9       Q.     I understand. You just did your job you were asked to do.  
10      Lastly, and this is my last question, on page 17 of the same report,  
11      you note:

12            "... the psychological consequences and symptoms are coded based  
13      on the literal statements made by victims during legal proceedings.  
14      The findings are not based on forensic medical examinations conducted  
15      by a psychologist."

16            You further state that:

17            "... no statements can be made about the medical condition or  
18      the validity of the symptoms."

19            Now, yesterday, during cross-examination and direct examination,  
20      you have stated that you confirm that the symptoms described actually  
21      do not reflect a recognised psychological disorder. So given this  
22      limitation, my genuine question is: How can your conclusions be  
23      understood by the Court? Sorry, or, rather, how should they be  
24      understood by the Court?

25            THE WITNESS BLACK: This is Catherine Black speaking. I

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Ms. Sheremeti

1 apologise if I am repeating myself, but the -- we looked at this  
2 sample of victims and found, as we describe, they report consistently  
3 the symptoms that are widely known from the literature. And as I  
4 said, that's not a surprising finding. I think we were, or I was at  
5 least, slightly surprised that it came up so clearly from interviews  
6 that were not designed to elicit those symptoms.

7 THE WITNESS DUHNE-PRINSEN: Yes, I think we can only repeat  
8 ourselves in answering this question. Yes.

9 Q. So just as a general evaluation?

10 THE WITNESS DUHNE-PRINSEN: Yes. And what I said earlier, from  
11 a medical perspective, this has value. And the way the symptoms that  
12 are mentioned by the victims during a legal proceedings, the value  
13 you have to give them in a legal proceedings, that's not up to us.

14 Q. Understood. Thank you very much, Ms. Duhne-Prinsen and  
15 Dr. Black.

16 MS. SHEREMETI: I am done with my questions, Your Honours.

17 PRESIDING JUDGE SMITH: Thank you, Ms. Sheremeti.

18 The Krasniqi Defence. Mr. Baiesu.

19 MR. BAIESU: Thank you.

20 Cross-examination by Mr. Baiesu:

21 Q. Good morning, Ms. Prinsen, Dr. Black. My name is Victor Baiesu,  
22 and I will ask you some questions on behalf of Jakup Krasniqi.

23 Ms. Prinsen, your report has several mentions of factors  
24 contributing to underreporting of symptoms; correct?

25 THE WITNESS DUHNE-PRINSEN: I'm sorry, which report are you

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Mr. Baiesu

1 referring to?

2 Q. The report -- the April 2025 report has several mentions of  
3 factors contributing to underreporting --

4 THE WITNESS DUHNE-PRINSEN: Yes --

5 Q. -- of symptoms?

6 THE WITNESS DUHNE-PRINSEN: -- that's correct.

7 Q. For instance, I will give some examples, it's Exhibit V35 at  
8 page V6, V12, V20, and V21.

9 Ms. Prinsen, your evidence yesterday - and for the record, the  
10 reference is page T26234, line 24, to page 2623 [sic], line 10 - was  
11 that you routinely used the Istanbul Protocol which provides medical,  
12 psychological, and legal professionals with guidelines in how to  
13 examine victims of torture, how to conduct examination, and how to  
14 report the findings; yes?

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

16 MR. BAIESU: Could we have on screen, please, DJK01479 to  
17 DJK01703 at page DJK01580. Further down to paragraph 348. Further  
18 down. Yes, stop.

19 Q. If I can read an excerpt from paragraph 348 of the  
20 Istanbul Protocol:

21 "It is important to recognise that some people falsely allege  
22 torture for a range of reasons. Others may exaggerate a relatively  
23 minor experience for personal or political reasons. The clinician  
24 must always be aware of [the possibility] and try to identify  
25 possible exaggeration [and] fabrication."

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Mr. Baiesu

1 And seven lines down in the same paragraph:

2 "If the clinician suspects fabrication, additional interviews  
3 should be scheduled to clarify the inconsistencies in the report.  
4 Family or friends may be able to corroborate details of the account  
5 of events."

6 So you will agree that the protocol emphasises that clinicians  
7 must be always aware of the possibility of exaggeration and  
8 fabrication; yes?

9 THE WITNESS DUHNE-PRINSEN: Yes.

10 Q. And the protocol provides the steps that should be taken in  
11 instances where exaggeration or fabrication is suspected; yes?

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

13 Q. And where there is exaggeration or fabrication, it follows,  
14 doesn't it, that there is a risk of overreporting in some cases just  
15 as there is a risk of underreporting in other cases?

16 THE WITNESS DUHNE-PRINSEN: Yes.

17 Q. And one way an experienced clinician determines if there is  
18 underreporting or overreporting, or if the report is accurate, is by  
19 reviewing the individuals -- interviewing the individuals or by  
20 carrying out additional interviews with family members, isn't it?

21 THE WITNESS DUHNE-PRINSEN: If you have reason to suspect  
22 fabrication, you could schedule additional --

23 Q. Of course.

24 THE WITNESS DUHNE-PRINSEN: -- interviews. That's what the  
25 protocol states.

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Mr. Baiesu

1 Q. Yes. And as far as your April 2025 report was concerned, that  
2 was not done by either of you?

3 THE WITNESS DUHNE-PRINSEN: You mean the expert report?

4 Q. The expert -- the 2025 April, the report for this case?

5 THE WITNESS DUHNE-PRINSEN: 2025. That is correct, because it's  
6 not a medical-legal investigation of individual victims.

7 MR. BAIESU: Your Honours, I would like to have an MFI assigned  
8 to this page of the protocol, just one page with this paragraph.

9 PRESIDING JUDGE SMITH: Which page?

10 MR. BAIESU: This is page DJK01580.

11 PRESIDING JUDGE SMITH: All right. Please assign an MFI to that  
12 page.

13 [Trial Panel and Court Officer confers]

14 PRESIDING JUDGE SMITH: We'll add that to a previously MFI'd  
15 document.

16 THE COURT OFFICER: Thank you, Your Honour. This is page with  
17 ERN DJK01580, and it will be added to 1D00260, but we will add .1 to  
18 it because it has a different ERN, and MFI.

19 PRESIDING JUDGE SMITH: Thank you.

20 MR. BAIESU: Thank you.

21 Q. The protocol recognises the possibility of exaggeration for  
22 personal or political reasons; correct?

23 THE WITNESS DUHNE-PRINSEN: Yes, that's correct.

24 Q. And an asylum claim would be one such personal reasons which  
25 would cause an individual to exaggerate and fabricate symptoms,

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Cross-examination by Mr. Baiesu

1 wouldn't it?

2 THE WITNESS DUHNE-PRINSEN: It could be a reason, yes.

3 Q. Are you aware that from 1989 to 1999, at least 350.000 ethnic  
4 Albanians left Kosovo and applied for asylum in western Europe  
5 including Albanians claiming to be Kosovars?

6 THE WITNESS DUHNE-PRINSEN: Sorry, do you mean if I know these  
7 figures?

8 Q. If you are aware of a very large, very significant number of  
9 Albanians who left Kosovo?

10 THE WITNESS DUHNE-PRINSEN: Yes, I'm aware.

11 Q. And given this context, did your methodology include any steps  
12 to verify whether the victims in this case had previously made  
13 inconsistent asylum claims or were subject to credibility findings in  
14 immigration proceedings?

15 THE WITNESS DUHNE-PRINSEN: This is Ms. Prinsen speaking. Are  
16 you referring to the expert report still?

17 Q. I am referring to the expert report and, in particular, to the  
18 methodology that you utilised to prepare this expert report. Did  
19 this methodology include any steps to have an independent  
20 verification whether the victims in this case had made inconsistent  
21 asylum seeker -- asylum claims? Did you look into their asylum  
22 history?

23 THE WITNESS DUHNE-PRINSEN: No, we did not because that's beyond  
24 the scope of the questions that were asked to be answered in the  
25 report.



Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

Page 26356

Witness: Catherine Nicola Black (Resumed)

Cross-examination by Mr. Baiesu

1 Q. But you would agree that the Istanbul Protocol being a  
2 guideline, as you said, in preparing such report has a requirement to  
3 look into instances -- into the possibility of exaggeration for  
4 personal --

5 MR. LAWS: Your Honour, I'm going to object on the same basis.  
6 The witness has made it clear now multiple times that the  
7 Istanbul Protocol doesn't apply to the experts' report.

8 PRESIDING JUDGE SMITH: Sustained.

9 MR. BAIESU:

10 Q. In fact, your report relies solely on self-reported symptoms in  
11 legal testimonies without an independent verification of the victims'  
12 backgrounds? Ms. Prinsen, it's a question for you.

13 THE WITNESS DUHNE-PRINSEN: Can you repeat it?

14 Q. It's a more general question, not related to the  
15 Istanbul Protocol, whether it would be correct to say that the report  
16 relies on self-reported symptoms in legal testimonies of these  
17 victims without independent verification of the victims -- of these  
18 victims' backgrounds?

19 THE WITNESS DUHNE-PRINSEN: Yes, that's correct.

20 Q. And the symptom-matching approach that you described yesterday  
21 and today, that means comparing victim files to literature, to  
22 specialised academic literature, cannot distinguish genuine trauma  
23 from exaggerated or fabricated symptoms; yes?

24 THE WITNESS DUHNE-PRINSEN: Yes, that is correct. And I think I  
25 will be repeating myself if I say that it's not up to us to decide

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

Page 26357

Witness: Catherine Nicola Black (Resumed)

Cross-examination by Mr. Baiesu

1     what value the symptoms that were named in these legal proceedings by  
2     the victims.

3     Q.     But my question was whether the methodology that you used can  
4     distinguish between a genuine trauma and inflated or exaggerated,  
5     fabricated symptoms?

6           THE WITNESS DUHNE-PRINSEN:   In the medical-legal examinations we  
7     perform, so that's not the same as the expert report, we can and we  
8     do, of course, because we use the guidelines.  However, I think it's  
9     also very important to read aloud the sentence you left out of your  
10    readings of paragraph 348, because it says that:

11           "The clinician should keep in mind, however, that such  
12    fabrication requires detailed knowledge about trauma-related symptoms  
13    that individuals rarely possess."

14           So, of course, I cannot -- I don't know if there is any  
15    fabrication or -- because we didn't do a medical-legal examination.  
16    So for this expert report, I cannot state it.

17    Q.     The extract from paragraph 348 that I read out to you is  
18    actually under a heading in the report.  It's heading number 12,  
19    "Variability and inconsistencies in the history."  It's not from a  
20    section of the report which is about the medical examination.

21           But my last question is this:  Would it be fair to say that one  
22    of the challenges faced in preparing this report is the inability to  
23    assess whether symptoms were overstated for a secondary gain such as  
24    asylum?

25           THE WITNESS BLACK:   This is Catherine Black speaking.  I think,

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

Page 26358

Witness: Catherine Nicola Black (Resumed)

Cross-examination by Mr. Baiesu

1 again, that we are maybe repeating ourselves, but that was beyond the  
2 scope of this report to assess that. And you refer here to the  
3 Istanbul Protocol, as we've now a number of times explained that it  
4 applies to a guideline for an individual medical-legal examination,  
5 which the report from April 2025 is not. And we state in the report  
6 that, as is described here, the fabrication is -- as my colleague  
7 just said, is something that clinicians must keep in mind, but it's a  
8 -- requires a detailed knowledge about the trauma-related symptoms  
9 that individuals rarely possess, and that we, from our clinical  
10 experience, and I think from the very fact, actually, that the UN  
11 made that whole Istanbul Protocol -- but that we know that it is hard  
12 in general to elicit symptoms from victims of torture, that it  
13 requires actually a protocol for specialists across all disciplines  
14 from the medical to the psychological to the legal to -- for it to  
15 be -- to get it on to the table.

16 So knowing that it's necessary to have this Istanbul Protocol,  
17 it's there because it's hard to get evidence there. Otherwise, we  
18 wouldn't need a protocol.

19 Q. But the protocol --

20 THE WITNESS BLACK: Yeah.

21 Q. Thank you. But the protocol, and I again quote from the  
22 evidence -- yesterday's evidence of Ms. Prinsen, is a guideline on --  
23 not only for medical examinations, a guideline, and that's your  
24 evidence, how to examine victims of torture, how to conduct  
25 examination, and how to report the findings.

Cross-examination by Mr. Baiesu

Witness: Karin Duhne-Prinsen (Resumed) (Private Session)

Page 26360

Witness: Catherine Nicola Black (Resumed)

Re-examination by Victims' Counsel

1 [Private session text removed]

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Witness: Karin Duhne-Prinsen (Resumed) (Private Session)

Page 26361

Witness: Catherine Nicola Black (Resumed)

Re-examination by Victims' Counsel

1 [Private session text removed]

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16 [Open session]

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

18 MR. LAWS:

19 Q. Ms. Prinsen, you have been asked today about the possibility of  
20 mistakes in translation, and it's pages 11 to 12 of today's  
21 provisional transcript.

22 Can I ask you this question: Have you read the three reports in  
23 this case?

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

25 Q. Have you identified the mistakes that occurred to you as you

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

Page 26362

Witness: Catherine Nicola Black (Resumed)

Re-examination by Victims' Counsel

1 read them?

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

3 Q. Thank you very much. You were asked about the contribution made  
4 by others, and I'll take them in turn. Your colleague Jet Steen you  
5 were asked about at page 19 of today's provisional transcript.

6 You've told us about her contribution. Is there anything in the  
7 report that she could have contributed to that you don't agree with?

8 THE WITNESS DUHNE-PRINSEN: No, there is not.

9 Q. You were also asked about the contribution of your colleague  
10 Dr. Parra at page 24 of today's transcript. Is there anything that  
11 could have been contributed by her that you don't agree with in the  
12 report?

13 THE WITNESS DUHNE-PRINSEN: No. As I stated earlier, we  
14 wouldn't have had this report if we would have disagreed.

15 Q. Finally this: Have you been asked any questions in this  
16 courtroom by anyone in any of the proceedings that you felt that you,  
17 Ms. Prinsen, were not competent to answer and made you want to say to  
18 the question that no, you'll need to speak to Dr. Parra about that?  
19 Have any questions of that kind been asked of you?

20 THE WITNESS DUHNE-PRINSEN: No, there have not. It's a joint  
21 report, a joint examination.

22 Q. Yes, thank you.

23 MR. LAWS: Those are all my questions, Your Honour. Thank you.

24 PRESIDING JUDGE SMITH: Thank you.

25 Judge Gaynor.

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

Page 26363

Witness: Catherine Nicola Black (Resumed)

Questioned by the Trial Panel

1 JUDGE GAYNOR: Thank you very much, Judge Smith.

2 Questioned by the Trial Panel:

3 JUDGE GAYNOR: I just have a couple of questions for each of  
4 you. The first, if I could direct it to you, Ms. Prinsen, and it  
5 concerns the two reports from 2023 and 2022. In each of those  
6 reports, I think you say in the introduction, you say: IMMO adheres  
7 to the Istanbul Protocol guidelines.

8 So am I correct in understanding that you drafted those reports  
9 in accordance with those guidelines or not?

10 THE WITNESS DUHNE-PRINSEN: Yes, it is in accordance of the  
11 guidelines.

12 JUDGE GAYNOR: So the 2022 report and the 2023 report were  
13 drafted in accordance with the guidelines?

14 THE WITNESS DUHNE-PRINSEN: Yes.

15 JUDGE GAYNOR: Now, I see in footnote 1 to the 2023 report that  
16 you cite to the 2022 version of the guidelines. And in footnote 1 to  
17 the earlier report, you cite to the 1999 version of the guidelines, a  
18 document which I think is considerably shorter.

19 My only question is, was there any difference in your approach  
20 between the two reports, the one based on the 1999 guidelines and the  
21 one based on the 2022 guidelines?

22 THE WITNESS DUHNE-PRINSEN: No, there was not. It's a new  
23 condition of the report, which is lengthier, but there is no change  
24 in the guidelines on how to conduct this legal medical examination.

25 JUDGE GAYNOR: Thank you.



Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

Page 26364

Witness: Catherine Nicola Black (Resumed)

Questioned by the Trial Panel

1           Now, just a couple of short questions about the 2025 report,  
2       which either of you can answer. And the statistical analysis in the  
3       first part of the report, if I'm correct in understanding, is of a  
4       generic nature. I just want to bring you to a couple of examples.

5           On page 4, it says:

6           "In Kosovo" --

7           This was already put to you by counsel for Mr. Veseli.

8           "In Kosovo, nearly 65% of the population experienced traumatic  
9       events during the war, leading to approximately 200.000 to 400.000  
10      traumatised individuals."

11          Now, in that sentence I'm right in understanding, am I, that  
12      this trauma could have been caused by any party to the conflict?

13          THE WITNESS BLACK: It's not specified what the sources are.

14          JUDGE GAYNOR: Right. So when you are presenting these items of  
15      statistical analysis, they don't depend in any way on the identity of  
16      the party to the conflict that might have caused the trauma in some  
17      way?

18          THE WITNESS BLACK: So the first part of the report is a review  
19      of the literature. That is not a statistical analysis by us.

20          JUDGE GAYNOR: Yes.

21          THE WITNESS BLACK: And the reference, it is reference to which  
22      literature that specific number -- that specific number of 84  
23      per cent references. You have the reference to the full scientific  
24      article in which you could find the statistical analysis in their  
25      literature that they did. But I would have to see that full

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

Page 26365

Witness: Catherine Nicola Black (Resumed)

Questioned by the Trial Panel

1 reference, but it's -- it's a descriptive study. It's not a -- it's  
2 an observational descriptive study. So they're describing the number  
3 of -- the percentage of PTSD victims that they find.

4 JUDGE GAYNOR: Yes. And, for example, on page 7, it says,  
5 referring to another report:

6 "... 17.1% of Kosovar Albanians exhibited PTSD symptoms."

7 And you're not suggesting in any way which party to the conflict  
8 may have been in some way the cause of those symptoms, are you?

9 THE WITNESS BLACK: No.

10 PRESIDING JUDGE SMITH: Yes. Now, in the second -- or,  
11 actually, if I can stay with the first part of the report, on  
12 page 13, you say:

13 "A study conducted ten years after the war in Kosovo reveals  
14 that war-related widowhood combined with single motherhood  
15 significantly increases psychopathology, including somatic symptoms,  
16 depressive symptoms, PTSD symptoms, and anxiety symptoms."

17 You refer to a report by Morina and Emmelkamp. Possibly two  
18 reports by them. Do you happen to know, without looking at the  
19 source material, was that study conducted in the context of widowhood  
20 or single motherhood caused by the acts of any particular party to  
21 the conflict?

22 THE WITNESS BLACK: I can't answer that without the specific  
23 reference. Perhaps Karin can. I think -- we could look it up. I  
24 think it's unlikely that they would describe that, but it's --  
25 because it's medical literature.

Witness: Karin Duhne-Prinsen (Resumed) (Open Session)

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Witness: Catherine Nicola Black (Resumed)

Questioned by the Trial Panel

1 JUDGE GAYNOR: Yes.

2 THE WITNESS BLACK: So it's unlikely that -- but it's possible  
3 depending on what sample they've chosen in each study.

4 JUDGE GAYNOR: Right. Now, in the second part of your report  
5 where you are relying on information provided to iMMO by VPPs through  
6 the Victims' Counsel, and you make a number of statements, and I just  
7 want the record to be absolutely clear about this, you say -- just  
8 for example, you say on page 20:

9 "Many victims, especially indirect victims, report a negative  
10 impact on their families and note the adverse effects of not  
11 receiving justice or closure."

12 Now, where you're talking about victims there, you are referring  
13 exclusively to the victims whose material was provided to you by  
14 Victims' Counsel; is that right?

15 THE WITNESS BLACK: Yes.

16 JUDGE GAYNOR: And so that second part of the report, all of the  
17 assertions there are exclusively based on that material?

18 THE WITNESS BLACK: That's correct.

19 JUDGE GAYNOR: Thank you very much. No further questions.

20 PRESIDING JUDGE SMITH: Thank you, Judge Gaynor.

21 Any follow up, Mr. Laws, to Judge Gaynor's questions?

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

23 PRESIDING JUDGE SMITH: From the SPO, any follow up?

24 MS. CLANTON: No, thank you.

25 PRESIDING JUDGE SMITH: Mr. Pustay, Mr. Dixon.

1 MR. DIXON: No further questions, Your Honours.

2 PRESIDING JUDGE SMITH: Mr. Roberts -- I'm sorry, Ms. Sheremeti?  
3 And Mr. Baiesu, no further questions?

4 MR. BAIESU: No questions, Your Honour.

5 PRESIDING JUDGE SMITH: All right.

6 So we've reached the end of your testimony. I'm sure you'll be  
7 glad to know that. And we thank you for being with us for your  
8 testimony and for sharing your information with us.

9 Ms. Prinsen and Dr. Black, you are excused now, and we once  
10 again thank you for your attendance.

11 THE WITNESS DUHNE-PRINSEN: Thank you, Your Honours.

12 THE WITNESS BLACK: Thank you, Your Honour.

13 [Trial Panel confers]

14 [The witnesses withdrew]

15 MR. DIXON: Your Honours, I do have that reference now, and  
16 it's as -- as I had called the document up, the full range for the  
17 document that is now MFI'd as DKV1755 to 1775. That's the entire  
18 chapter with the sources at the end listed as well.

19 PRESIDING JUDGE SMITH: Thank you. Thank you. And --

20 MR. DIXON: Your Honours, while I'm on my feet, could I ask, in  
21 relation to the schedule for submissions on these reports --

22 PRESIDING JUDGE SMITH: We're going to make oral submissions  
23 today. We've seen your previous objection filed in writing, and  
24 we've heard prior to beginning, I believe we're fully advised. If we  
25 want to make a submission, we'll take a short break and we'll come

1 back and you can make a submission.

2 MR. DIXON: Your Honours, what I was going to request, if I may,  
3 as Mr. Laws has tendered the reports already, we have responded  
4 initially that we be given a short time, only a few days, to  
5 supplement those submissions in writing so we can examine the  
6 transcript and have the time to do that, with a short reply from  
7 Mr. Laws if he wishes. But it can be done in a very concerted  
8 fashion, just so we have the good order of the time to do it and that  
9 we don't miss anything in that process. I would ask your indulgence  
10 in that regard.

11 PRESIDING JUDGE SMITH: Mr. Laws, do you wish to be heard on  
12 this?

13 MR. LAWS: Well, we're inclined to be supportive of that  
14 application. It's quite a detailed topic. The report covers many,  
15 many pages, and it's going to be very difficult to perhaps focus on  
16 each of the details that may be raised by the Defence. We'd submit  
17 it's going to be better done in writing.

18 PRESIDING JUDGE SMITH: And are you going to include in that  
19 writing which of these MFIs or if all of your MFIs are to be  
20 admitted?

21 MR. LAWS: We will include in our written submissions the  
22 material that we want to have admitted, and it will include all of  
23 the material that we have asked to be MFI'd. But we will be opposing  
24 at least one of the documents proposed by the Defence.

25 PRESIDING JUDGE SMITH: Okay.

1 [Trial Panel confers]

2 PRESIDING JUDGE SMITH: Two things, Mr. Dixon. You only used  
3 one page of that document. Why do we want to put all of it in? Why  
4 not put the page you actually used?

5 MR. DIXON: Yes. It was only to ensure that the part which I  
6 read, which was a summary, which is further explained thereafter, can  
7 be considered, so that the summary, which does try to encapsulate  
8 everything, can be expanded and looked at if necessary. But the main  
9 point will be the summary because that's what was put and that's what  
10 the experts commented upon.

11 PRESIDING JUDGE SMITH: Well, we will grant you until Monday,  
12 everybody. We will grant you till Monday to file your objection. I  
13 assume it will be a consolidated position by --

14 MR. DIXON: Yes.

15 PRESIDING JUDGE SMITH: -- just one document.

16 MR. DIXON: Yes.

17 PRESIDING JUDGE SMITH: And a reply by Thursday. And please go  
18 over that again and make sure that we only -- we don't need 30 pages  
19 of material. If we need one page plus the summary, that's two pages  
20 perhaps.

21 MR. DIXON: Yes.

22 PRESIDING JUDGE SMITH: You can name those and we'll try to  
23 admit those --

24 MR. DIXON: Yes, Your Honour.

25 PRESIDING JUDGE SMITH: We will consider admitting those.

1 MR. DIXON: Yes, Your Honours. We will be guided by that to  
2 keep it as focused as possible. And also our submissions will just  
3 focus on what has come up through the testimony to add to what is  
4 there already, so they're not going to be lengthy submissions.

5 PRESIDING JUDGE SMITH: So you will supply by Monday, and your  
6 reply then by Thursday, Mr. Laws.

7 MR. LAWS: Your Honour, yes. Thank you.

8 MR. DIXON: Thank you, Your Honours.

9 PRESIDING JUDGE SMITH: So I believe then we are completed for  
10 today. Is there something else? No? Okay.

11 MR. LAWS: May I raise one short matter, please.

12 PRESIDING JUDGE SMITH: Certainly.

13 MR. LAWS: Your Honour, after the decision on Monday by the  
14 Appeals Panel in the Shala case, it's our intention to submit some  
15 adjudicated facts for admission. That was foreshadowed in our filing  
16 F03205 of 28 May at paragraph 9. We said that we intended to do  
17 that, but, of course, we couldn't do it until the decision was taken  
18 by the Appeals Panel. It has now been taken. It's open to a court  
19 to take notice of adjudicated facts from that decision. May we have  
20 until the same deadline, next week Thursday, to submit that motion,  
21 please?

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. LAWS: Thank you.

24 PRESIDING JUDGE SMITH: [Microphone not activated] ... may want  
25 to reply to his additional submission.

1 MR. DIXON: Yes, Your Honours, indeed, because there was an  
2 issue raised about that yesterday, as you know.

3 PRESIDING JUDGE SMITH: So that will be Thursday, so it will be  
4 by Christmas -- no, it will be - Thursday, Friday, Saturday - by the  
5 following Monday.

6 MR. DIXON: Yes, that would be the -- ah, yes. I am reminded,  
7 though, that we don't have the confidential judgment yet. We're  
8 filing for permission to have that today, so we're going to have to  
9 get that in order to be able to review it to reply.

10 PRESIDING JUDGE SMITH: I doubt that it will -- I'm sure you'll  
11 have that by the time --

12 MR. DIXON: Yes.

13 PRESIDING JUDGE SMITH: -- this material comes. If you run into  
14 a problem, you can let us know. All right?

15 MR. DIXON: All right. We will come back to you if necessary.  
16 Thank you, Your Honours.

17 PRESIDING JUDGE SMITH: All right. Anything else anybody has?  
18 We will see you here on Tuesday, then, for the Status Conference to  
19 make sure, basically, that everything is ready for the Defence  
20 Preparation Conference to be held after the break.

21 So thank you for your attendance today, and we will see you on  
22 Tuesday.

23 --- Whereupon the hearing adjourned at 10.46 a.m.

24

25