

1 Monday, 27 May 2024

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Thaci and Krasniqi appeared via
5 videolink]

6 --- Upon commencing at 2.30 p.m.

7 PRESIDING JUDGE SMITH: Madam Court Officer, please call the
8 case.

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

12 PRESIDING JUDGE SMITH: Good afternoon. For the record, this is
13 a Status Conference as previously scheduled.

14 Mr. Thaci and Mr. Krasniqi are appearing by videolink with
15 permission of the Panel. Mr. Selimi and Mr. Veseli are present in
16 court.

17 Mr. Misetic, you made a request for this Status Conference. We
18 give you the floor. We'd like you to indicate what you feel -- what
19 thoughts you'd like to share with us, and then we'll see how people
20 react to it.

21 MR. MISETIC: Thank you, Mr. President. I hope to be brief.

22 As we're all aware, the SPO made submissions on May 21st as to
23 how it would streamline the case, and that was pursuant to a
24 discussion at the last Status Conference we had on streamlining the
25 case, which was in March.

1 We take note of the fact that the Prosecution indicated that
2 they were reducing their overall time estimate or that the reductions
3 or proposed reductions would reduce the overall time estimate by 40
4 hours, but we have concerns, based on the rights of the accused to a
5 speedy trial, that we're not anywhere close to being able to finish
6 by April 2025.

7 Obviously, we're not in control of that process, so we'd
8 actually like to hear the Prosecution's views on whether they think
9 they're on track and how they intend to get there. But I will just
10 tell you the math that we've done, and I'm hoping that the
11 Prosecution will tell us that our math is all wrong and that we're
12 going to finish in the spring of 2025.

13 At the Prosecution pre-trial or preparation conference in
14 February 2023, the SPO indicated that its estimate for time needed in
15 direct was 545 hours. Using that as our starting point, we received
16 the statistics Friday afternoon of how much time has been used thus
17 far, and the SPO has used 120 hours for direct examination.

18 We've had 111 days in court, which means that on an average
19 trial day the SPO uses 1.08 hours per day for direct examination
20 based on the rate we're at for the past year and one month.

21 We have 71 days left in court, according to the existing
22 calendar. We've projected out that for the first three months of
23 2025, we would have approximately 33 days of courtroom time if we
24 start on January 14th and apply the three weeks on, one week off,
25 three weeks on, two weeks off principle. That should get us to about

1 33 days. Which means that we have about 104 days of trial days left
2 before 1 April 2025. If we multiply that by the average of 1.08
3 hours of courtroom time used per day for SPO direct, that gets us to
4 an additional 112 SPO hours between now and April 1st of next year.
5 Combining the 112 with the 120 used so far, my math is that it would
6 get us to 232 SPO hours of direct examination by April 1st of next
7 year, leaving 313 hours left from their 545 hours estimated in
8 February 2025.

9 Now, the latest filing on May 21st reduces that number by 40
10 hours, so that takes us to 273 hours left as of April 1, 2025. If we
11 assume time savings with Rule 153 and 154 applications, and if we
12 assume that the witnesses who have already testified, the SPO has
13 used less time on direct than they had initially anticipated back in
14 February 2023, we say -- let's say that's 75 hours of additional
15 savings total, that still leaves 200 hours of SPO direct beginning on
16 April 1, 2025.

17 And if we apply that 1.08 hours of SPO direct per trial day, it
18 would mean we would need an additional 216 courtroom days for the SPO
19 to finish its case beginning on April 1, 2025. And if we apply about
20 100 courtroom days a year, that means the SPO case would rest
21 sometime around May 2027.

22 Again, I am not raising this to be argumentative. We're trying
23 to figure out where we are in the case. I will be more than pleased
24 if the SPO tells me that this is completely off and they do
25 anticipate being on track for the spring of 2025. But our concern is

1 the rights of the accused to an expeditious trial. The rules --
2 actually, Rule 116(1) and (4) and Rule 118(1)(d) make specific
3 reference to the fact that the Panel shall take measures and adopt
4 procedures in order to facilitate the fair and expeditious conduct of
5 the trial proceedings. It authorises the Panel to issue orders as
6 may be necessary to ensure fair and expeditious trial. And
7 Rule 118(1)(d) says that the Panel has the power to determine the
8 time available to the Specialist Prosecutor for presenting evidence.

9 So depending on what we hear today from the Prosecution, if it
10 doesn't appear that we're on track, then I intend to ask the Panel to
11 exercise its authority under those rules and to start setting
12 specific limits as to how we're going to get to the end of the
13 Prosecution case in the spring of 2025.

14 And those are our submissions.

15 PRESIDING JUDGE SMITH: Okay. While you're still standing then
16 -- and I appreciate your math, I haven't had a chance to check it
17 all, but I appreciate it. Assume for a moment that it's correct,
18 what's your obligation in this?

19 MR. MISETIC: Your Honour, believe me when I tell you I'm open
20 to additional ideas.

21 PRESIDING JUDGE SMITH: That's not what the question is. What
22 is your obligation, in your opinion, for expeditiousness?

23 MR. MISETIC: Our obligation is not to waste time is what I
24 would say. But I don't think we've been wasting time. But I don't
25 think -- if I could just answer it this way.

1 It's not on the accused to -- or I should say that time saving
2 can't be a function of taking away the accused's right to examine
3 witnesses against them. So I believe in the last few months that,
4 actually, the Defence has taken affirmative steps to agree to more
5 153 applications. I think that the cross-examinations have been
6 significantly shorter. We've reduced our time estimates for most
7 every witness on cross-examination. And I'm open to hearing other
8 ideas if there's something that we can do that doesn't sacrifice the
9 rights of the accused to have the witnesses against them examined.
10 We're certainly open to it.

11 If the math -- as you asked me, if the math is correct or even
12 close to being correct, then we have a structural problem that I
13 don't think is resolved simply by telling the Defence to reduce
14 cross-examination time.

15 I will add, on top of your point, that the most recent
16 statistics, and I think we're all in on this because the most -- in
17 terms of time spent examining witnesses, the Panel itself is now
18 third. There's three Defence teams that have taken less time than
19 the Panel has taken in examining witnesses.

20 So, you know, in that sense, it's going to be a joint effort,
21 and this is not intended -- my submissions are not intended to point
22 the finger at anybody. We have, I think, a structural issue, and I
23 would like to hear from the Prosecution that I'm wrong and that we're
24 off. But if I'm not wrong, then I think we need to address it
25 structurally.

1 PRESIDING JUDGE SMITH: Well, we'll get to the Prosecution
2 eventually.

3 MR. MISETIC: Yeah.

4 PRESIDING JUDGE SMITH: But we've brought up before the fact
5 that there is an impact also by overestimating your
6 cross-examination, which puts the Prosecution in a position of not
7 being able to back up witnesses sufficiently to take advantage of
8 what you've done, which is hurry up your cross-examination. "Hurry
9 up" is the wrong word, but to increase the efficiency of your
10 cross-examination. And you've recently seen the documents that came
11 from CMU, maybe you haven't, but let me just review them briefly.

12 You can sit down now.

13 MR. MISETIC: Okay.

14 PRESIDING JUDGE SMITH: Let me just review them briefly.

15 In the last two blocks of trial time, which is just, basically,
16 six weeks of trial, the Veseli Defence -- I'm not doing this in any
17 particular order, it's just how it happened to be on my desk at the
18 time. Veseli's Defence estimated their cross-examination at 11 hours
19 and 15 minutes. The actual time of cross-examination was 3 hours and
20 11 minutes. The total overestimate was 8 hours and 3 minutes.
21 Actual time used was 28 per cent of the total estimate.

22 The Selimi Defence estimated cross-examination time with
23 16 hours and 20 minutes. Actual time of cross-examination, 5 hours
24 and 28 minutes, which is an overestimate of 10 hours and 51 minutes.
25 Actual time used was 33 per cent of the estimate.

1 Krasniqi Defence estimated cross-examination was 14 hours. The
2 actual time of cross-examination was 3 hours and 23 minutes, which is
3 an overestimation of 10 hours and 36 minutes. The actual time used
4 was 23 per cent of the estimate.

5 The Thaci Defence estimated cross-examination was 26 hours and
6 30 minutes. The actual time of cross-examination was 13 hours and
7 35 minutes. The overestimation was right at 13 hours. The actual
8 time used was 50 per cent of the estimate.

9 I'm not going to go into the Victims' Counsel because he's been
10 quite judicious in using the time estimated for him.

11 The SPO has estimated time in excess of actual time was 5 hours
12 and 44 minutes.

13 So using the time accounting by CMU, we see that a total of
14 almost 48 hours that was estimated was, in fact, not used and
15 resulted in the loss of opportunity to call additional witnesses that
16 could not be called because we were leaving time primarily for
17 cross-examination that didn't occur.

18 Now, many times you individually have said you're going to
19 shut -- you're going to eliminate some of your estimated time. But
20 if that happens a few minutes before your cross-examination or right
21 before the session starts in which you will be cross-examining, it
22 doesn't do much good. It's important that we, in advance of time,
23 take a realistic look at who's going to testify and what they're
24 going to testify to and make our estimates accordingly.

25 48 hours of unused time represents almost nine days of time that

1 was estimated and then not used. That's a problem. And it has
2 continued to be a problem. And I fully recognise the efforts to
3 improve the efficiency of the cross-examination. There's no
4 question. We can see that you are working together, you are
5 cooperating with each other, you're discussing the cross-examination
6 and being able to co-opt the process. And I know you can't always do
7 that. I know there are times when you can't. But it would be much
8 more helpful if we could, early on, take a realistic look at
9 cross-examination times.

10 I'm not trying to blame you for everything. I'm just telling
11 you that's one part of the process.

12 MR. MISETIC: Yes. And I do take that point, Mr. President. So
13 I think hopefully the estimates will be closer to the time that we're
14 actually going to need.

15 But it strikes me that we didn't actually miss nine days of
16 courtroom time.

17 PRESIDING JUDGE SMITH: But we missed two days just in the last
18 group.

19 MR. MISETIC: One was, I think, because of a 153 agreement on a
20 witness. But --

21 PRESIDING JUDGE SMITH: When did that get done? When did that
22 get accomplished? That's --

23 MR. MISETIC: I --

24 PRESIDING JUDGE SMITH: -- the same thing.

25 MR. MISETIC: I accept that. But there's also a function of

1 this, which is that the reality of Defence prep is that witnesses are
2 not prepped a month in advance, right? So we're taking files and
3 working as hard as we can to prep, you know, a week in advance of the
4 witness that's coming up, but that's why there's a little bit of that
5 involved in there as well.

6 But the point I wanted to make is I don't think we're losing --
7 and I accept two days. But I don't think that's necessarily the
8 issue. Or at least if there's a way then to figure out how we can
9 get more witnesses in the queue, if that does happen. Because all of
10 us have been in international criminal cases before, and I, frankly,
11 don't know why it's happening in this case and it didn't happen in
12 other cases, where, you know, somehow it's a function of Defence
13 estimates that we don't have witnesses in the queue and ready to come
14 on as soon as the next -- the witness before has --

15 PRESIDING JUDGE SMITH: Well, they usually do, but sometimes
16 they can't because they don't know how long you all are going to
17 take, to be real honest.

18 MR. MISETIC: Okay. But --

19 PRESIDING JUDGE SMITH: But I've talked enough about that.

20 MR. MISETIC: Okay. All right.

21 PRESIDING JUDGE SMITH: That's one part of the puzzle. Now I
22 want to hear from the others.

23 Mr. Emerson is on his feet, so I'll hear from you.

24 MR. EMMERSON: Well, Your Honour, I don't want to take up -- you
25 can hear me okay? I don't want to take up more time discussing the

1 responsibilities, respectfully, as between the Prosecution, who
2 brings the case and has the obligation of presenting it efficiently,
3 and the Defence, who are doing their very best to estimate well in
4 advance how long a witness is likely to be, then cutting it nearer
5 the time if it looks as though, once one's seen the proofing notes,
6 there is less time required, and then finally - and the only time
7 this decision can be made - they've heard the cross-examination of
8 the counsel before and issues that they may well have been intending
9 to take and which sometimes take quite some time through translation
10 have been dealt with very ably by Mr. Misetic, for example.

11 It is impossible. No court in the world with multiple
12 defendants could expect defence teams to be able to estimate how much
13 shorter their cross-examination might be depending on what the
14 previous counsel says. So with all due respect, it is entirely
15 unfair and unjust to be putting the lack of efficiency in the -- it
16 is, with respect, lack of efficiency, because when a witness is
17 finished, it's the Prosecution's --

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. EMMERSON: -- duty --

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 Try not to insult people.

22 MR. EMMERSON: I'm not insulting anybody.

23 PRESIDING JUDGE SMITH: Yes, you are. Just tell us what you
24 think you can do.

25 JUDGE METTRAUX: And, Mr. Emmerson, maybe as an illustration of

1 one such court. The ICTY, right, in some cases set limits --

2 MR. EMMERSON: Exactly.

3 JUDGE METTRAUX: -- to cross-examination which is exactly what
4 we are discussing. So there are courts that set those limits for the
5 defence and then left it to the various defendants to decide how much
6 would go to each of the team.

7 MR. EMMERSON: Or invited them to say when a standard estimate
8 needed to be expanded in advance.

9 PRESIDING JUDGE SMITH: Of course.

10 MR. EMMERSON: And I --

11 PRESIDING JUDGE SMITH: Of course.

12 MR. EMMERSON: -- suggested that to this Panel right at the
13 beginning as the right way forward, given the problems of time that
14 the Prosecution's estimates are bound to give rise to.

15 But the fact of the matter is that - and I can take the matter,
16 I think, a bit more simply - we have, despite the slight shaving that
17 came through from the Prosecution, 101, at least, witnesses left to
18 be called, and we have so far in just over a year managed to hear 66.
19 So that is the position.

20 It was our understanding on this side of the room that
21 Your Honours had intended and made clear to the Prosecution that
22 their time for the presentation of their case was two years. And to
23 suggest that it's the Defence's responsibility that they have left us
24 in a situation where it's quite clear we are going to go way over
25 that estimate if there isn't some guillotine or time limit, whether

1 it's on the Defence or the Prosecution or other -- or if it happens
2 to be both, in terms of time and presentation. The fact of the
3 matter is -- and it does -- it does add up. You know, we -- the
4 Veseli Defence has taken a total of 43 hours and 33 minutes. The
5 Panel has taken 44 hours and 46 minutes. And questions arising out
6 of the Panel's questions have taken 21 hours and 59 minutes.

7 Now, as Mr. Misetic suggested, it's a shared responsibility to
8 get this trial done within a reasonable time. But, again, with
9 respect, the implication that the responsibility rests on the
10 Defence, not the Bench, who know in advance how long they've got to
11 take --

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 No one has said it is totally your fault. I just started here
14 because Mr. Misetic asked for the Status Conference, and I'm giving
15 you the opportunity to get out in front of this. I haven't started
16 with the Prosecution yet. Please give us a chance to talk to
17 everybody before you start throwing darts at us. All right?

18 MR. EMMERSON: Well, I wasn't throwing darts at you --

19 PRESIDING JUDGE SMITH: Yes, you are. Just please try --

20 MR. EMMERSON: I'm sorry, I don't understand why you've accused
21 me, first of all, of insulting somebody --

22 PRESIDING JUDGE SMITH: Because you did.

23 MR. EMMERSON: -- I don't know who -- well, could you tell me
24 what I did to insult or who it was?

25 PRESIDING JUDGE SMITH: Are you interested in --

1 MR. EMMERSON: [Overlapping speakers] ... to know because you've
2 already criticised me and warned me --

3 PRESIDING JUDGE SMITH: Are you interested in trying to solve
4 this problem --

5 MR. EMMERSON: I am.

6 PRESIDING JUDGE SMITH: -- or are you interested in just
7 standing and talking?

8 MR. EMMERSON: No, I'm very interested in trying to solve the
9 problem. I don't know why --

10 PRESIDING JUDGE SMITH: Is there something else you want to say?

11 MR. EMMERSON: Yes, I would like to know why you are accusing me
12 of being insulting when I'm not.

13 PRESIDING JUDGE SMITH: I said you were insulting the
14 Prosecution, and you did.

15 MR. EMMERSON: In what way?

16 PRESIDING JUDGE SMITH: Whatever you said. I can't remember
17 now. We've moved on. But please just --

18 MR. EMMERSON: It doesn't seem fair to be treating a single
19 Defence counsel in this way every time he stands up and make
20 criticisms which are about the way I present my arguments. What I
21 said is --

22 PRESIDING JUDGE SMITH: Every time you stand up? Is that --

23 MR. EMMERSON: It's happening a great deal --

24 PRESIDING JUDGE SMITH: Is that the way you want to leave it?

25 MR. EMMERSON: I don't think I've said anything at all to cause

1 any offence at all other than speaking quite normally and making
2 submissions, and if that --

3 PRESIDING JUDGE SMITH: Okay. Is there anything else you want
4 to say?

5 MR. EMMERSON: Well, I was halfway through saying we are in a
6 situation where the one party in the triumvirate of entities in this
7 that cannot cut their estimates any more accurately until they've
8 heard the previous cross-examination is the Defence. And anybody
9 who's ever defended knows that. So there is absolutely nothing that
10 can be laid bare of the Defence by way of criticism if what we're
11 doing is, as we approach the moment we have to stand up, we're
12 revising our estimates. Surely, if the impetus became one where you
13 have to talk as long as possible to keep your estimate full, the
14 Bench would be saying to us: Well, why are you talking? You've gone
15 on so long.

16 I mean, the whole purpose of estimates is that they are
17 estimates. And the Defence of all people can't predict their
18 estimates until they've heard what other people have asked. It would
19 be the same as if the Judges in their questions had to predict an
20 estimate and then were criticised for not using the whole estimate
21 they projected. Inevitably, Judges, like counsel, are responding to
22 the evidence as it emerges. And with the greatest of respect to the
23 Bench and the Panel, there is nothing insulting in pointing that out.

24 JUDGE METTRAUX: Mr. Emmerson, before you sit. Did I understand
25 your submission correctly that you are inviting us to set time limits

1 on the Defence cross-examination? I want to be sure I understand
2 what you are saying.

3 MR. EMMERSON: What I said was at the beginning of the trial I
4 made the point that if we were going to get through this trial, a
5 practice that had been adopted in the ICTY was to have a standard
6 time limit, so Prosecution -- depending on the method of production,
7 Prosecution gets half an hour, Defence gets an hour. But if the
8 Defence counsel wants more or less than that, because they can see a
9 witness is going to take time, then they notify the Panel, explain
10 their reasons in advance, and the Panel rules upon it.

11 But in a trial of this magnitude, which is now -- it looks as
12 though it's now -- we are now not even halfway through, we're looking
13 at something that was going to extend, quite probably, unless
14 something is done, until 2027. Of course, there should be some
15 limits imposed fairly and in a way that enables the Defence to
16 prepare their case. Absolutely.

17 I, for my part, find time limits a very useful way of focusing
18 cross-examination on the most important issues. But I'm sure that --
19 I mean, if it's being -- if it's to be suggested that the Defence
20 have not acted conscientiously and that that's the reason for it,
21 then obviously I would resist that. But it's certainly one way of
22 moving forward, yes.

23 JUDGE METTRAUX: Thank you.

24 MR. BEHLMAN: But then there have to be time limits on the
25 Judges question as well, of course.

1 JUDGE METTRAUX: Thank you.

2 PRESIDING JUDGE SMITH: There is no question that you did bring
3 that up early on in the case, and I appreciate that. There was some
4 resistance among others to the same concept, and I understood that as
5 well. So we tried to leave it to yourself policing it up until now,
6 but we may have to reconsider that.

7 Mr. Roberts.

8 MR. ROBERTS: Thank you, Your Honour. And good afternoon.

9 I think the example of the last 20 minutes shows the position
10 we're in. We've just heard counsel for Mr. Thaci and counsel for
11 Mr. Emmerson make a lot of the same submissions that we would have
12 made, so if I'd given an estimate for my submissions, I would have
13 put 20 minutes, but, obviously, now it's little more than a couple.

14 The only additional point I would make in terms of notifying the
15 Prosecution, for example, and the Court of updates to our
16 cross-examination times, one aspect that does affect that is when the
17 preparation notes are provided to us. And, obviously, the later the
18 preparation notes are provided to us, we wait -- and I'm being candid
19 with you, I wait until I have received those until I give any update
20 because I want to know what additional information has been sought or
21 what may come from those, and that may affect my estimate
22 significantly. So, obviously, the earlier we're able to be provided
23 with those, the earlier it gives us the opportunity to be able to
24 update you in a realistic manner.

25 And I think we're all very, very keen to do that. We're not

1 giving these estimates for fun. We're doing it to be as transparent
2 and helpful as possible, but, obviously, with the limitations that
3 places us in. So that's the one thing that I would suggest would
4 assist me anyway. Thank you.

5 PRESIDING JUDGE SMITH: That's a point well taken, and we will
6 discuss that.

7 Mr. Ellis or Ms. Alagendra, either one.

8 MR. ELLIS: Yes, thank you, Your Honour. Good afternoon.

9 Your Honour, we're in the position going forth where we -- try
10 as we might to coordinate in advance, we do often find points that we
11 would have taken are being dealt with well in advance of our
12 questioning. That's at least a significant part of the explanation
13 of why our hours have been less than what we have estimated.

14 I think it's also true that in the past block that there have
15 been some live witnesses, and it's particularly difficult to estimate
16 in advance where the witness is wholly giving evidence *viva voce*
17 because our cross-examination depends on what they actually say in
18 court as opposed to what's in the written documents.

19 In an attempt to be constructive, can I, first of all, agree
20 with the point that Mr. Roberts made, which is that often the trigger
21 for us to reduce our cross-examination estimate is the chance to
22 review the preparation notes. And if we could see that earlier, then
23 we might well be able to indicate earlier any reductions.

24 Secondly, I wonder if it's been helpful in past blocks that the
25 reserve witness coming at the end of the block is somebody who's

1 anticipated to give evidence by videolink. That, perhaps, makes it
2 easier to slot them in, and you don't have the difficulty of a
3 witness waiting in The Hague who may or may not be called. That it
4 -- it would seem to us, it might be useful, if we're, of course, on
5 notice of who that's going to be, perhaps the videolink would
6 alleviate some of the difficulties associated with that.

7 Those are my observations at this stage.

8 We also see that the core problem is just the number of
9 witnesses left to go through. We don't anticipate that the
10 reductions so far are enough to get us there in time for an April
11 2025 finish date.

12 PRESIDING JUDGE SMITH: Those are also points well taken. I
13 will say that sometimes the videolink witness is more complicated to
14 get worked in if they're far away because we have to get personnel
15 there to deal with it, and that can be somewhat difficult at times
16 too. But I understand your position.

17 All right, Mr. Prosecutor. You don't get off the hook on this.
18 We're going to talk to you about it too. And I certainly started --
19 as I said, I started over here because Mr. Misetic obviously had
20 something he wanted to say, and he has, and others have too.

21 So tell us how you're going to get to April, because we don't
22 seem to have much of a feeling that we're going to give that up.

23 MR. HALLING: Understood.

24 And we're interested in solving this. We actually think we have
25 positive steps to report since the February Status Conference. I can

1 give some numbers along these lines.

2 As of the 21 February Status Conference, we completed 46
3 witnesses and we announced 144 witnesses on our list left to call,
4 and that's live and Rule 154. It's been about three months since
5 that hearing, and in that time we've called 20 witnesses. And that
6 is an accelerated pace.

7 In our notice of 21 May 2024, which has been discussed already,
8 and it's filing F02325, we announced a further 23 witnesses as no
9 longer needing to provide in-court testimony in the SPO case. So
10 with the 20 called witnesses and the 23 streamlined witnesses, the
11 total is now down to just over 100 witnesses. And I know
12 Mr. Emmerson said 101. Our numbers are actually 104. There have
13 been some Rule 153 rulings where witnesses have had to appear,
14 including one today. So it's slightly over 100 witnesses.

15 Particularly when recalling the exchange at the end of the last
16 Status Conference, when the Court indicated very clearly that cutting
17 three witnesses was not going to be nearly streamlining enough - and
18 this is page 12807 of the transcript - we would submit that we have
19 responded meaningfully to the Court's request. And that response, we
20 note, has been coupled with measures by the Panel to improve
21 efficiency - adding hearing hours, prompting reductions in certain
22 cross-examination estimates which have helped to facilitate the new
23 pace.

24 It's not done. We will continue to review the impact of ongoing
25 witness testimony and document admission as well as hopefully the

1 continued acceleration of the witness testimony. As has been noted
2 and foreshadowed previously, this notice is part of an ongoing
3 process, and we continue to do everything we can to present an
4 efficient and expeditious case.

5 We are nowhere near May 2027 on any of these numbers. And
6 Mr. Misetic's numbers -- it's not enough time to fully contextualise
7 them all, but even just from hearing them, starting from February
8 2023, doesn't account for, one, all of the streaming that's happened
9 since then, and also those were estimated hours in direct. The
10 actual direct examination hours is significantly less than that. And
11 it also doesn't account for the accelerated pace. The pace of the
12 witness examination has changed since February of this year, and we
13 hope that that trajectory is going to continue.

14 Just a couple of last points in relation to the discussion about
15 cross-examination and really focusing on repetitive questioning,
16 because this was the issue raised by the Panel in February of this
17 year.

18 It is always welcomed when cross-examination estimates are
19 reduced. No one wants repetitive questioning. And it's better to
20 announce it in some form than not to announce it at all. But we have
21 the same issue that's been identified by the Panel which is that we
22 need more long-range information of these cross-examination estimates
23 reductions in order to be able to logistically leverage that into
24 getting new witnesses into the courtroom.

25 When Mr. Misetic says they're preparing these witnesses the week

1 before, I believe him. That explains a lot of these late reductions
2 that we're seeing, but that can't be how this works. You can't
3 prepare these witnesses the week before. And it calls into question
4 what are the numbers in the responses to the notifications of
5 witnesses that we provide well in advance if the Defence is only
6 really turning their attention to these witnesses the week before?

7 And we would invite the Panel to set just some sort of
8 reasonable timeframe for the Defence to be affirming and reducing
9 their cross-examination estimates in a sufficient amount of time such
10 that we actually can repurpose the court time and make further
11 progress, and we do think that there is more efficiencies that can be
12 gained there.

13 PRESIDING JUDGE SMITH: If you don't finish the prep notes until
14 two days before the actual hearing, how are you going to get that?
15 It isn't going to help you any if they reduce their time estimate
16 after that. You're not going to be able to get a witness in there.
17 So it doesn't do any good unless you can get the prep note done a
18 little earlier.

19 MR. HALLING: We certainly acknowledge that there are certain
20 preparation notes that significantly change the complexion of a
21 witness and that that may well change the cross-examination time. I
22 don't think that's most of them. I think most of the preparation
23 notes are more or less in line with what the witness has said before
24 and really shouldn't be prompting a sea change in the examination.

25 I think what is really being seen here is what Mr. Misetich was

1 alluding to. The time just before the witness testimony is the
2 moment when the Defence is able to fully appreciate what it is
3 intending to do. And we certainly would understand if a preparation
4 note prompted real changes in the examination, but we actually think
5 that there's more efficiencies that can be gained from that.

6 We also take the point that preparation notes should be provided
7 as early as possible and that the 24-hour deadline is the last moment
8 when it needs to be provided. And we are trying, and we think have
9 succeeded, in providing these notes additional days in advance of
10 testimony whenever we can.

11 PRESIDING JUDGE SMITH: What about if we changed the time
12 necessary prior to testimony for the prep notes? Can you deal with
13 that? Well, you'd have to if we do.

14 MR. HALLING: That was exactly what I was going to say.

15 PRESIDING JUDGE SMITH: Okay.

16 JUDGE METTRAUX: I have a couple of questions for you,
17 Mr. Halling, on some of the suggestions that were helpfully made by
18 the Defence and one of my own.

19 The first one is just a follow up to Judge Smith's question.
20 Realistically, how long before a witness would you be able to provide
21 preparation notes? And the truth is sometimes in between. I do
22 agree with you that some are more important than others in terms of
23 preparation, but at least for big witnesses, let's put it that way,
24 how much earlier would you be able to provide that to the Defence and
25 to the Panel?

1 MR. HALLING: Yes, the nature of the preparation session is that
2 it is shortly before the examination, and so it's after the witnesses
3 have travelled, which means that, realistically, we aren't even able
4 to commence a preparation session until less than a week before the
5 examination. We can and have provided them regularly two days in
6 advance, three days in advance, but we're not able to do it two
7 months in advance. That wouldn't, in our mind, be a preparation
8 session. That would be something else.

9 PRESIDING JUDGE SMITH: I don't think anybody expects it two
10 months in advance, correct me if I'm wrong, but a reasonable period
11 of time is what we're looking for.

12 JUDGE METTRAUX: So the answer is about a week?

13 MR. HALLING: That is the -- about a week before. And, again,
14 some people are here more or less time. But that's when they
15 approximately travel. And then they need an opportunity, because
16 part of the prep session requires them to read all of their prior
17 statements so as to be able to be in a position to articulate any
18 corrections. So they need a window of time, which sometimes can last
19 for a couple days or more, in order to read everything before the
20 preparation session can commence.

21 And so we wouldn't want a deadline set so far in advance that we
22 are inconveniencing witnesses by having them be here just waiting
23 around for too long. But, I mean, I think our practice shows that we
24 are commonly able to do it in advance of the one-day deadline.

25 MR. ROBERTS: Your Honour, if I would be so bold as to just

1 intervene. Then I don't see any reason why it can't be done earlier
2 than that. I think especially by videolink, there's no reason why
3 part of the preparation session, as I believe many of them have been
4 done, previous statements can be provided, they can be discussed by
5 videolink. We don't need to inconvenience every witness by dragging
6 them over here a long time in advance. But that certain amount of
7 information can with a little bit of effort and a bit of planning be
8 done, for example, in that manner. I think the one advantage of the
9 pandemic is that a lot of things can be done by videolink that
10 actually previously people thought had to be done in person.

11 So just in terms of planning ahead, I don't see any reason, for
12 example, with some of the bigger witnesses coming up now in the near
13 future, that those notes can't be provided seven or eight, nine, ten
14 days in advance. Especially when we're talking about interviews that
15 have taken place four or five years ago with the SPO and are quite
16 long, there is a certain amount of information that needs to be got
17 through by those witnesses. So the earlier that's started, and by
18 videolink if necessary, the earlier we can get hold of the
19 information, and then we can start providing that helpful information
20 to the Prosecution. Thank you.

21 PRESIDING JUDGE SMITH: Do you want to respond to that at all?

22 MR. HALLING: That -- doing something like that, you can't just
23 do videolink. You still need staff to travel to where the witness is
24 in order to facilitate the session. So that is a massive expense for
25 us to have to fly to where a witness is in order to conduct a

1 preparation session only for everyone to be flying to The Hague
2 shortly before testimony.

3 The only other point on this I wanted to emphasise is that part
4 of the witness preparation procedure, as designed by this Panel, is
5 to help secure the witness's well-being when they testify. And it is
6 in part coming and being about ready to testify and trying to make
7 people feel comfortable shortly before they come that is part of the
8 witness preparation procedure in the conduct of proceedings. And if
9 you do it too far in advance in an abstract setting, you're not going
10 to have the kind of efficiency of the witness kind of being here and
11 getting ready to testify if you do it in a way that is so far
12 detached from their actual testimony.

13 PRESIDING JUDGE SMITH: If you can tell us without violating
14 some rule that I don't know about, how long do you usually have a
15 witness here before they testify?

16 MR. HALLING: It does vary. I think I can give an approximate
17 answer that wouldn't cause any issues.

18 So witnesses have to travel. They do need to do a certain
19 familiarisation procedure with the Registry. And I don't think it --
20 it takes approximately a day is budgeted for that. They need an
21 opportunity to read their statements. And then we need the
22 opportunity to both conduct the preparation session and make the
23 note, which takes a little bit of time after the session in order to
24 make sure everything is properly memorialised. And so if you run
25 that from end to end, it's often the better part of a week that all

1 of that needs to be done.

2 And so it's -- I mean, we try and set it up so that witnesses
3 aren't just sitting around waiting to testify for anything more than
4 the minimum.

5 PRESIDING JUDGE SMITH: When is it most optimum for you since
6 you're calling another witness -- I mean, how much time do you need
7 to get another witness in place?

8 MR. HALLING: I mean, the answer is always going to be as long
9 as possible. But certainly --

10 PRESIDING JUDGE SMITH: In other words, how much time do they
11 have to give you, for example, that they're going to cut short their
12 cross-examination in order for you to react and get us a witness?

13 MR. HALLING: Yeah. Certainly if it's provided in the response
14 to the notice, which is often multiple months in advance of
15 testimony, then we can -- we comfortably -- and we use those numbers.
16 If it's a month in advance of the testimony, then it starts getting a
17 little tight for logistical arrangements, including for the
18 witnesses, not all of whom are free at all times. But if that -- if
19 we can get a meaningful estimate that far in advance, we can work
20 with that and make alternative arrangements often.

21 PRESIDING JUDGE SMITH: But I think they're telling you that
22 they need to see the notes before they can make that meaningful
23 assessment, and that's going to happen at no more than a week before
24 the testimony.

25 MR. HALLING: And I guess that's the point that we challenge.

1 We do accept that preparation notes might necessitate changes in
2 cross-examination estimates, but we don't think that they are causing
3 such a sea change as to be a kind of pre-condition to getting
4 valuable numbers. The Panel has asked the Defence to provide their
5 cross-examination estimates well in advance of receiving any
6 preparation note, and that makes total sense, and there's no reason
7 why that shouldn't be possible.

8 JUDGE METTRAUX: I have another question for you, Mr. Halling,
9 and it's perhaps more of a reassurance from you that I'm seeking than
10 truly an answer, but I'll ask it in that way.

11 Now, we have about a year of evidence behind us, and you'd be
12 quite aware of what evidence you have or you think you have on your
13 case. I want to understand what efforts are being made to make that
14 assessment with a view, A, potentially to drop more witnesses;
15 and/or, B, to make use of existing procedural rules, in particular
16 153 and 154, to try to expedite the rest of the trial, in particular
17 if the evidence yet to be called is repetitious or corroborating.

18 MR. HALLING: Yes, Your Honour. And, yes, there's a lot of
19 factors that go into the assessments on whether or not the witnesses
20 are streamlined, as I called it. One of the primary factors, if not
21 the primary factor, is the kind of substitutability of evidence. If
22 witnesses on the same topic have already been heard or documents have
23 already been admitted that cover the witness's testimony, that is a
24 major factor in deciding whether it is still necessary to call a
25 witness, reduce them to writing, drop them entirely.

1 There are other factors as well, including depending on the
2 importance of the evidence in the case, the level of cooperation of
3 the witness, procedural developments in the trial. It's not just
4 that. But this is something that we are actively looking at, and
5 it's part of why the streamlining has to happen in waves, because we
6 need to hear certain evidence and make sure that it got admitted the
7 way we expected it to before making certain streamlining decisions.

8 JUDGE METTRAUX: And just in terms of planning, Mr. Misetic was
9 maybe overstating his point that he prepares the week before, but
10 what I understand him to say is fine-tuning and finalisation happen
11 at that point.

12 Now, one thing which maybe you could do to help the process is
13 if and when you have decided not to call a witness, in order for the
14 Defence not to have to prepare that witness, and/or when you have
15 decided to 154, 153 the witness, would be to make that notification
16 ASAP to the Defence so that they are not preparing for witnesses who
17 are either not going to come or which you offer to tender in writing.

18 MR. HALLING: Yes. And that's actually already our policy. And
19 some of it is even in accordance with past directions of the Panel.
20 For Rule 153 witnesses, for instance, before any Rule 153 application
21 is filed, we send an *inter partes* notice to the Defence indicating
22 the witnesses that are going to be Rule 153.

23 And as was seen in the Rule 153 application where we're replying
24 today, there were some witnesses in that application that were
25 Rule 154 and we announced that they were moving in that notice in

1 advance. So we fully appreciate that. We're trying to do it.

2 JUDGE METTRAUX: Thank you.

3 JUDGE GAYNOR: Can I just ask a question.

4 Mr. Halling, several months ago, correct me if I'm wrong about
5 this, I think you made it clear the Prosecution was confident that it
6 would meet the April 2025 deadline. And today you talked about an
7 accelerated schedule.

8 Now, when I look at the mathematics of this, it's not at all
9 clear to me how the Prosecution, even taking into account the
10 accelerated pace, can possibly make the April 2025 deadline. So
11 could I just invite you articulate a little more clearly how
12 precisely confident you are now that you can meet the April 2025
13 deadline; and if you're very confident, why are you so confident?

14 MR. HALLING: Yes. I'll make reference to the way that I said
15 it in February, that we weren't guaranteeing that we were going to
16 meet that deadline, but we weren't conceding that we couldn't either.

17 I will say that on accelerated pace alone, it's not enough. We
18 fully recognise that which is why we said that we have another
19 streamlining round anticipated in October. We still need to make
20 further reductions in conjunction with an accelerated pace to make
21 it.

22 I can say that the chances of hitting the deadline have improved
23 since February. We are seeing positive steps. We are seeing
24 improvements. And so it's -- I can't guarantee it one way or the
25 other, but this is something where the accelerated pace combined with

1 the streamlining is the key to hitting that target date, and we have
2 seen significant progress on both fronts. It needs to continue on
3 both fronts.

4 MR. MISETIC: May I respond?

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 Certainly.

7 MR. MISETIC: Mr. President, first, I'm glad that I'm wrong on
8 my math, at least according to the Prosecution. But I am concerned
9 now with the last answer, because it's not a commitment that we're
10 going to reach April 2025. And if we wait until October for the next
11 round of streamlining, it's basically going to be a *fait accompli*
12 that you're going to have to extend the deadline because there will
13 be relatively few weeks or months left before that deadline, and then
14 the application by the Prosecution is going to be: We can't meet the
15 deadline and we have so many important witnesses left, and you have
16 to extend that deadline, et cetera.

17 Which is why I wanted to deal with this now, when we still have
18 11 months before that deadline, to say, okay, let's figure it out.

19 Again, accepting that we need to improve our cross-examination
20 time estimates, I still don't think that that's the reason that
21 we're, you know, off on reaching the April 2025 deadline. If we've
22 cost it, you know, a few weeks, then mea culpa, but it's not a few
23 months or years.

24 PRESIDING JUDGE SMITH: I'll be perfectly frank. The reason we
25 used that particular question about accuracy is because if we don't,

1 the Prosecution's going to come back and say: The reason we couldn't
2 get this finished was because we couldn't get the reserve witnesses
3 in because we got notified too late.

4 I don't want to be in that position. I'm trying to avoid that.

5 MR. MISETIC: Yeah.

6 PRESIDING JUDGE SMITH: And the way we can avoid that is by
7 everybody doing their best to make the estimate the best you can. I
8 don't expect you to make it 100 per cent accurate. I don't think
9 anybody in this court has had a circumstance that they asked for some
10 additional time on their questioning that they didn't get it.

11 MR. MISETIC: Yeah.

12 PRESIDING JUDGE SMITH: I understand you can't fit into a tight
13 category on timing all the time.

14 Go ahead.

15 MR. MISETIC: And I was just going to say that, on our behalf, I
16 suspect what I'm going to do going forward is precisely that, is
17 reduce the time estimates, and then if I need a little more leeway,
18 ask you to just trust us on it and say -- and if we start getting
19 into irrelevant time or wasting time, then fine.

20 PRESIDING JUDGE SMITH: You tell us why and it's usually good
21 enough.

22 MR. MISETIC: Then that may be the approach that I take going
23 forward on this. I would not want firm limits on cross.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MR. MISETIC: I appreciate that. And one of the functions is

1 that we have the misfortune of being first, and so it might be that
2 our perspective is different. And if we were not first, I'll put it
3 that way, we also may be focusing on very discrete issues related
4 solely to Mr. Thaci and then our crosses would be shorter.

5 But to get back to my fundamental point which is we certainly
6 don't want to wait until October to figure out what's the structural
7 problem here. And so I'll commit that our cross-examination times
8 will be lowered, but I think we do need to assess, again, the length
9 of the witness list and deal with it now so that we hit the deadline.

10 PRESIDING JUDGE SMITH: My very next question to the Prosecution
11 was: Why do you have to wait till October? I mean, I think you know
12 what this case is about. You know what the witnesses are going to
13 testify to. You know those witnesses that are somewhat repetitious.
14 You know that you've got maybe too many crime base witnesses. I
15 don't know why you can't get on with it.

16 MR. HALLING: We know all of that. You're correct. What we
17 don't know is if the witnesses are going to come to court and come up
18 to proof on the points that we expect them to. And until we have
19 clarity on that - and there are big witnesses coming in the next few
20 months - it's hard for us to make decisions to streamline people who
21 are cumulative on paper but may not be cumulative in fact. And this
22 is an issue that is also important for our streamlining
23 conversations.

24 I mean, to be clear, and I hope it's apparent from my
25 submissions, we are still working towards the April 2025 deadline. I

1 can say all the things that have been said before. It was said at a
2 moment before the trial because it had to be. It didn't take into
3 account the actual hearing hours, the actual cross estimates,
4 obstruction, and other barriers. We are still here. We are still
5 continuing to work towards it anyway.

6 And I have no doubt that if we file an extension of time request
7 and it is not to the Panel's liking, it will not be a *fait accompli*,
8 it will be rejected. And we know that we need to be accountable
9 throughout and we would say that we are.

10 JUDGE METTRAUX: Mr. Halling, just a follow-up on your last
11 submissions. I think the Panel understands that there are issues, to
12 use your words, of whether witnesses are going to come up to proof on
13 these points.

14 Now, my question is this. You could figure this today or you
15 could figure this out in six months. Is there any benefit in time
16 passing to the extent you can say that in a public setting? If a
17 witness is not going to deliver on your expectations, having that
18 knowledge today might be more useful than to have it in six months.

19 MR. HALLING: I think I follow. I'll give an answer and if it's
20 not fully responsive, please let me know.

21 It is not predictable, in part due to the climate of witness
22 intimidation in this case, when a witness is going to suddenly
23 diverge from what their testimony was anticipated to be. And so we
24 have an understanding that if certain witnesses happen in this way or
25 if certain developments unfold, then witnesses may be able to be

1 dropped down the line. But it's not something that we can actually
2 make a final decision on until we have actually elicited the evidence
3 that we were expecting.

4 And so we are calling people in the next few months that we
5 think are going to be very helpful in deciding future streamlining
6 decisions. It's also dependent on procedural developments. And I
7 gave an example of adjudicated facts from the Mustafa case at the
8 February hearing. Another example would be the pending appeal on the
9 admissibility of the accused's statements in this case, which we
10 consider to be extremely important evidence, and we think that it's
11 admitted, it's pending appeal, and we would not want to make a
12 decision assuming anything given that the matter is pending appeal.

13 And so because it's conditional on certain events, we do have to
14 wait, but it doesn't mean that we are not actively streamlining the
15 entire time.

16 JUDGE METTRAUX: Thank you.

17 PRESIDING JUDGE SMITH: Just while we have you here. At least
18 in my view, and I think in the Panel's view, the 154 rule is very
19 helpful, but it is not helpful if the Prosecution asks the same
20 questions that are already asked in the statement itself. It wastes
21 a lot of time.

22 I can't say it's a huge thing. The Prosecution has limited its
23 direct examination. But there have been times when a good deal of it
24 wasn't very necessary, and I'd like that to be attended to.

25 MR. HALLING: Yes. And Your Honour said the same thing in the

1 February Status Conference.

2 PRESIDING JUDGE SMITH: I didn't see much improvement in that.

3 MR. HALLING: In this regard, we will say, though, most of our
4 witnesses are Rule 154. In the 20 witnesses that we've called since
5 February 21st, we only used 22 direct examination hours. We really
6 are trying to prioritise cutting out repetitive questioning, and
7 we're mindful of the direction of the Panel.

8 PRESIDING JUDGE SMITH: Yeah, there is still some room for
9 improvement. That's all I'm saying.

10 And I do want to re-emphasise that the Panel has noticed a
11 remarkable improvement in the amount of time used in
12 cross-examination. That's not what the complaint was about. The
13 complaint was just about the estimates. And I appreciate that. And
14 I don't see anything vastly unreasonable about that type of
15 cross-examination that's been going on recently. It's been
16 efficient, it's been cooperative among the Defence teams, and we do
17 appreciate that.

18 We are not inclined to want this matter to go beyond April, and
19 I don't think anybody else is either. At least I hope that's the
20 case. There's nothing to be gained by it. There's something to be
21 lost by your clients and something to be lost by the Prosecution if
22 we start cutting things ourselves because you're not going to like
23 what we cut. Your cuts are going to be a lot more important to you
24 than ours.

25 So anybody else have anything they'd like to bring up?

1 I'll give you one more chance to go around. Is there anything
2 you would like to add, Mr. Misetić?

3 MR. MISETIĆ: Nothing more.

4 PRESIDING JUDGE SMITH: Mr. Veseli, you had your hand up. You
5 had something you wanted to say -- or, okay.

6 Ms. Rowan:

7 MS. ROWAN: If Your Honour would hear from myself, I --

8 PRESIDING JUDGE SMITH: [Microphone not activate].

9 MS. ROWAN: If Your Honour is willing to hear from myself, I
10 believe Mr. Veseli is keen to address the Court. But in advance of
11 that, perhaps if I could be of some assistance.

12 Your Honour has been very keen from the outset to gain from us
13 some constructive suggestions as to how we could do better or how we
14 could move forward, and we have some suggestions as to how that might
15 come about.

16 One of those is, as Your Honour will be aware, in this block we
17 have three reserve witnesses. Two of those witnesses are videolink
18 witnesses, and they are the type of witnesses for whom that type of
19 testimony works very well, but it also means that they are
20 essentially on standby to give evidence when and if required in this
21 block.

22 Now, in our submission, there are numerous other witnesses of a
23 similar nature who could, and, in our submission, should, be on
24 standby at any given time for the blocks that we have going forward
25 because if the SPO were in a position to do so, we do not have the

1 difficulty of witnesses travelling, the difficulty of extended prep
2 sessions. They would be in their domestic jurisdictions, and they
3 would be available on standby to fill the gaps that we are finding
4 ourselves occasionally coming across. And the way that we may well
5 do things in this three-week block would be a good example of how we
6 could seek to do that in the future. And we would invite and suggest
7 the SPO to look to do that as that may well be a way of saving time
8 in the future.

9 Those witnesses tend to be crime base witnesses. Now, linked to
10 that is an additional issue which appears to have arisen, which,
11 during *inter partes* discussions and during 153 submissions, both in
12 filings and in communication between the parties, what the Defence
13 have sought to do, particularly in recent months with Your Honours'
14 direction to reduce the case and seek to work together to do so, we
15 have sought on a regular basis to identify to the SPO the witnesses
16 that, in our view, do not assist the Panel with the ultimate issues
17 that they have to determine in this case and who are witnesses who do
18 not go directly to crimes on the indictment and, therefore, in our
19 submission, are witnesses that could be dispensed with. And,
20 unfortunately, on each and every occasion, those suggestions have
21 been rebuked by the Prosecution.

22 We have noticed, and it is clear from the last update that we
23 have received from the Prosecution, that all but one of the witnesses
24 sought to be dropped are not crime base, and that came as some
25 concern to the Defence because, as has been the basis of much of this

1 discussion, is that the form and basis of the evidence upon which
2 there is more agreement is the crime base. Yet, there seems to be a
3 reluctance or a resistance on the part of the SPO to dispense with
4 some of that crime base evidence.

5 And we would invite the Panel to encourage the SPO, in
6 particular, to assess the crime base evidence that is duplicative or
7 unnecessary when it comes to the Panel's ultimate issues in this case
8 because there is quite a considerable lack of that sort of evidence
9 being dispensed with. And we are concerned that perhaps it may be
10 that there is a policy not to dispense with victims or crime base
11 testimony, which we hope is not the case, but we would like to simply
12 highlight that as a pattern that we have seen emerge.

13 The third, perhaps, suggestion would be we would invite --
14 perhaps it's more of a feature of domestic jurisdictions. But while
15 the Prosecution, of course, in good faith, makes submissions that
16 they anticipate being able to finish this trial by April of next
17 year, in our submission what might be a constructive exercise is for
18 them to concretely map out how that might be achieved. To take the
19 weeks that we have, to take the witnesses that they have, examine
20 them thematically, examine the time that they anticipate those
21 witnesses to take, and in essence -- of course, not in circumstances
22 where they would be held to it, but where they would essentially map
23 out the case for the rest of the year: These are the witnesses we
24 anticipate calling in September; these are the witnesses we
25 anticipate calling in October.

1 Of course, they cannot be held to that. It's too early for that
2 to be the case. But were they to be required to seek to create that
3 batting order and to seek to narrow their minds in such a respect,
4 all parties would have a far better idea of how close or how far away
5 we are from that deadline.

6 And the final matter, Your Honour, of course, we've now had
7 these statistics in relation to time spent asking questions. And one
8 of the issues that must be dealt with and cannot, unfortunately, be
9 ignored, is the time taken by Judges' questions. And perhaps in that
10 respect, the Judges now -- as has been identified by my learned
11 friend, the Panel takes more time than three of the Defence teams,
12 which is, of course, a significant proportion of examination time.

13 But one of the features that has emerged and continues to emerge
14 from the Panel's questions is that the Panel often seeks to open up
15 new issues that are not relied upon by the Prosecution in calling
16 their case, seeks to elicit evidence that is not part of the
17 Prosecution case, and seeks to explore issues that are not raised by
18 the Defence in cross-examination.

19 Now, of course, that can't be anticipated by the Defence, and
20 that therefore then in turn leads to extended Defence
21 cross-examination. But also what that does is broaden the issues in
22 the case, extend the case and take more time. And we would perhaps
23 invite the Panel to consider whether or not the extent to which new
24 issues, new documents, new areas are explored and introduced is
25 necessary when looking at the issues on the case that the SPO have

1 sought to bring.

2 And those are the four suggestions, perhaps, we hoped we could
3 assist with.

4 And I understand that Mr. Veseli is conscious that he would like
5 to address the Court, and if I could turn to him at this time, if
6 Your Honour would allow.

7 PRESIDING JUDGE SMITH: I have no idea what he wants to address
8 the Court about.

9 MS. ROWAN: Your Honour, I don't myself know the content of the
10 submission he'd like to make, but I'm conscious he's very anxious to
11 do so.

12 [Trial Panel confers]

13 PRESIDING JUDGE SMITH: Why don't you find out from him what it
14 is that he wants to discuss.

15 MS. ROWAN: I am conscious that it relates to proceedings today
16 and the issues that have been discussed today, so I am confident that
17 his submissions will be relevant. And it is only in those
18 circumstances that I invite the Panel to hear from him.

19 PRESIDING JUDGE SMITH: And he understands that he will be on
20 the record?

21 MS. ROWAN: He does.

22 PRESIDING JUDGE SMITH: All right.

23 Mr. Veseli, go ahead. Please, briefly, though.

24 THE ACCUSED VESELI: [Interpretation] Thank you very much,
25 Your Honour, honourable Panel.

1 I want to thank every person who spoke before me in relation to
2 subject matter today. Allow me to be very brief in what I have to
3 say and straightforward with you, because it is in the public
4 interest what I'm about to say.

5 There are two matters. The first one has to do with the
6 duration of these proceedings. From day one, when we entered this
7 courtroom, the Prosecution transparently asked for 545 hours. From
8 the first day, as a matter of fact, we all knew that, having in mind
9 the proceedings that were to take place in this courtroom, three to
10 four years would pass and the Prosecution would not be able to finish
11 their case, even if the Defence or you, Panel members, did not ask
12 any question at all.

13 What I want to say is the following: I believe it is in the
14 interest of the public, and not only in our interest as the accused,
15 for someone to take responsibility for the decision that these
16 proceedings must be fair, transparent for the people of Kosovo, to
17 respect the procedures and the laws and the Constitution of the
18 Republic of Kosovo, but also to preserve and to guarantee a fair and
19 expeditious and reasonable trial time.

20 As an accused, honourable Panel, I am afraid that if we do not
21 comply with these principles, this will not impact only our
22 individual fate, but it will also send a message to the people of
23 Kosovo who consciously, awaringly, and with trust and confidence
24 established this Court and to you as our partners, international
25 partners, and we should not in any event violate this trust which

1 they have in the rule of law and international justice.

2 Also, I want to stress something that has to do with me as an
3 accused and my Defence counsel, my lawyer. Honourable Panel, you
4 have a lengthy experience, but I see a communication which is not
5 professional or normal. I'm not being prejudicial. As an accused, I
6 have the right to send a message. I would not like to be influenced
7 and pre-judged in things that are outside my reality. I'm referring
8 here in particular to the intemperance, in addressing my legal
9 representative, Mr. Ben Emmerson.

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

11 Anybody else have anything?

12 MR. MISETIC: Just very briefly, Mr. President. I want to thank
13 you for scheduling this conference, and the Prosecution for making
14 efforts to make sure we stick to the April deadline.

15 The one thought that crossed my mind, having considering
16 Mr. Halling's comments, is if the issue is whether witnesses who
17 they're anticipating calling, for example, within the next few
18 months, testify in a manner that they're anticipating that they
19 testify, then consistent with what counsel for Mr. Veseli stated, if
20 there can be some way of sort of policing that. In other words --
21 and I don't need to see the list myself, I -- speaking for our
22 Defence. If it's *ex parte* to the Panel as to who those witnesses are
23 so that you're aware that these are the witnesses that they want to
24 put up first, if I can call them the primary witnesses, and if then
25 something -- if needed, then there's this batch of reserve witnesses,

1 and that if they can map out here's how we're getting to April 2024.
2 I would be happy even if it's just to you on an *ex parte* basis so
3 that there's some record of -- that you can keep track of to know
4 that, okay, yes, this witness didn't testify on that matter, so
5 they're going to call these two or three witnesses in addition, then
6 fine. But I just don't want to lose control of the process and not
7 be aware until October of where we are. Thank you.

8 JUDGE BARTHE: Thank you, Judge Smith.

9 I have a question, I'm not sure whether it will be the final
10 question, but a question for the Prosecution.

11 Mr. Prosecutor, you can be sure that we, the Judges, also have
12 to prepare for each individual witness, as you can see from the
13 questions that we ask, because we think they are relevant to comply
14 with our obligation under the KSC's legal framework to seek and
15 determine the truth.

16 However, it's very, very difficult to prepare for a witness when
17 we have heard the last witness to a specific incident weeks,
18 sometimes even months or a year before. So my question is wouldn't
19 it make more sense to call witnesses, if possible, of course, to an
20 incident together or at least within the same witness block,
21 especially in cases where two or more witnesses come from the same
22 family? Thank you.

23 MR. HALLING: Thank you, Your Honour. And I believe a similar
24 question was asked of us at the Status Conference in February.

25 So this is part of our witness scheduling considerations, and

1 recently there were two German witnesses about the same crime sites
2 and we called them right next to each other back-to-back. So we do
3 take this into account.

4 JUDGE BARTHE: That was much appreciated.

5 MR. HALLING: I'm glad. But there are also competing
6 considerations, and one of them is related to the logistics of
7 streamlining.

8 We have several witnesses from a particular family or in
9 relation to a particular site. Those can be prime candidates for
10 streamlining. But if you line them up all in a row, you may not be
11 able to actually repurpose the Court time if they are all scheduled
12 and you learn three days before that someone is cumulative. So
13 sometimes people are grouped together and sometimes they are spaced
14 out. It's dependent on other things as well such as witness
15 availability.

16 The Panel has been consistent in telling us that this is
17 something that they appreciate. It's certainly something that we try
18 and emphasise in our scheduling. It doesn't always happen for these
19 reasons. And if there's any particular witness where the Panel
20 considers that it would be difficult to call them in the order
21 because of judicial preparation time, we will obviously make
22 necessary adjustments accordingly.

23 JUDGE BARTHE: Thank you.

24 PRESIDING JUDGE SMITH: I'd be interested to hear your response
25 too to the suggestion about mapping out where you're going, perhaps

1 even on an *ex parte* basis or confidential basis. If you think it's
2 possible, if you think it's something you could do, or don't, or have
3 a reason not to do it.

4 MR. HALLING: I mean, some of what has been discussed in those
5 proposals is what's happening in this Status Conference, and some
6 things about the Panel policing the progression of our case comes
7 from submissions like this, the Rules of Procedure and Evidence.
8 It's not strictly necessary to set up additional procedures in order
9 to achieve the effect the Defence wants.

10 There are certain aspects to our streamlining procedure that we
11 would consider to be internal work product. There are other parts of
12 our streamlining procedure that we might be able to be more
13 forthcoming with the Panel than in a public *inter partes* setting. So
14 it's -- a lot of what is being discussed in these proposals is
15 already happening. And if Your Honours are ever interested in having
16 a Status Conference, even an *ex parte* Status Conference, on this,
17 we're always available.

18 PRESIDING JUDGE SMITH: That might be a solution, partially, to
19 get to what you and Ms. Rowan were both talking about. But we'll
20 consider that.

21 Anything else from the Panel?

22 Anything else from any of you -- yeah, Mr. Ellis.

23 MR. ELLIS: Your Honour, if we're discussing trying to estimate
24 future dates for the case, we would be interested if there's any
25 possible indication at this stage as to whether Victims' Counsel

1 intends to present evidence.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 First of all, Mr. Laws, is there anything you'd like to bring up
4 in connection with this long discussion, because, as I said, you
5 certainly haven't abused the process in any way, not that anybody
6 else has abused it either.

7 MR. LAWS: No. We're conscious that the time we take up comes
8 out of the Prosecution's time that's been allotted, and that the
9 broader interest of the victims are in the Prosecution having
10 sufficient time to call as many of them as possible. So we try --
11 and also it's fair to say, obviously, that the issues that we are
12 dealing with are not anything like the magnitude of the issues being
13 dealt with by the parties. That's fair.

14 So we don't think it's a topic on which we can make any very
15 useful submissions, but thank you for inviting us to do so.

16 PRESIDING JUDGE SMITH: To answer the question that was asked,
17 do you have any -- without binding you to anything, is your present
18 indication going to be that you will call witnesses in your own
19 behalf?

20 MR. LAWS: It's something which we're obviously considering. I
21 don't want to give an answer now, if that's all right, because we're
22 at least a year away from that arising. But it's something which we
23 are considering. The shape and the scope of the case that we put on
24 is not at all set in stone now and won't be for some months.

25 There are other issues as well to raise on the topic of the

1 Victims' case, but I have it in mind to raise one in particular,
2 which is reparations *inter partes* before troubling the Court with it,
3 because it's potentially quite a large topic, and there's more than
4 one way that it can be approached. And I intend to approach my
5 colleagues opposite in the relatively near future in relation to
6 that.

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

8 Thank you to everybody for your candour. I hope we can come up
9 with some solutions. We will consider all of the suggestions made
10 and try to adopt something that makes sense for everybody and is fair
11 to everybody.

12 So we are adjourned.

13 --- Recess taken at 3.46 p.m.

14 --- On resuming at 4.30 p.m.

15 PRESIDING JUDGE SMITH: I note that Mr. Thaci and Mr. Krasniqi
16 have waived their right to be present in the courtroom and are
17 following the hearing via videolink. Mr. Veseli and Mr. Selimi are
18 present in court today.

19 We will start hearing the evidence of Prosecution
20 Witness W04305, who will testify via video-conference as granted by
21 the Panel in F02308. As you know, today, and if needed tomorrow, we
22 will be sitting from 4.30 to 7.30 p.m., with a 15-minute break
23 between 6.00 and 6.15 p.m. I thank the parties and the participants
24 and the court officers and stenographers and interpreters and
25 security officers for accommodating this altered sitting schedule.

1 now. You can bring the chair back up.

2 WITNESS: W04305

3 [The witness answered through interpreter]

4 [The witness testified via videolink]

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

6 THE COURT OFFICER: [via videolink] Your Honours, I can confirm
7 that present in the remote room are the witness, W04305, and myself,
8 Court Officer. Thank you, Your Honours.

9 PRESIDING JUDGE SMITH: Thank you very much, Mr. Court Officer.
10 Witness, are you hearing me all right?

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

12 PRESIDING JUDGE SMITH: Witness, today we will start your
13 testimony, which is expected to last approximately three hours. As
14 you may know, the Prosecution will ask you questions first. Once
15 they are finished, the Defence has the right to ask questions of you,
16 and members of the Panel might have some questions for you as well.

17 The Prosecution estimate for your examination is 30 minutes.
18 Victims' Counsel will take approximately 15 minutes for questions.
19 The Defence estimates that it will need approximately 2.5 hours. And
20 as regards each estimate, we hope that the counsel will be judicious
21 in the use of their time. The Panel may also allow redirect
22 examination by the Prosecution if conditions for it are met.

23 Witness, please try to answer the questions clearly with short
24 sentences. If you don't understand a question, feel free to ask
25 counsel to repeat the question or tell them that you don't understand

1 and they will clarify. Also, please try to indicate the basis of
2 your knowledge of facts and circumstances that you will be asked
3 about.

4 In the event you are asked by the SPO to attest to some
5 corrections made regarding your statements, you are reminded to
6 confirm on the record that the written statement, as corrected by the
7 list of corrections, accurately reflects your declaration.

8 Please also speak into the microphone and wait five seconds
9 before answering a question, and then speak at a slow pace for the
10 interpreters to catch up.

11 During the next days while you are giving evidence in this
12 Court, you are not allowed to discuss with anyone the content of your
13 testimony outside of the courtroom. If any person asks you questions
14 outside the Court about your testimony, please let us know.

15 Please stop talking if I ask you to do so and also stop talking
16 if you see me raise my hand. These indications mean that I need to
17 give you an instruction.

18 If you feel the need to take breaks, please make an indication
19 and we will accommodate you.

20 We begin with questions from the Prosecution.

21 Mr. Quick, you have the floor.

22 MR. QUICK: Thank you, Your Honour.

23 Examination by Mr. Quick:

24 Q. Hello, Mr. Witness. Can you hear me okay?

25 A. Yes, I can. Hello.

1 Q. So we have met before, but I will introduce myself again. I am
2 Nathan Quick with the SPO. I will be asking you some questions. I
3 expect that my questioning will take less than 30 minutes.

4 As I explained during your preparation session, rather than
5 asking you questions about every relevant issue that you may have
6 information about, it may be possible to admit some of your prior
7 statements containing such information into evidence. In order to do
8 so, there are a number of procedural steps to follow which I will
9 turn to after establishing your identity.

10 MR. QUICK: Your Honour, if we could move into private session
11 to protect the witness's identity.

12 PRESIDING JUDGE SMITH: Please, into private session,
13 Madam Court Officer.

14 [Private session]

15 [Private session text removed]

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6 [Open session]

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

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MR. QUICK: [Microphone not activated]. Thank you.

10 Q. Witness, before your testimony today, were you given the
11 opportunity to make clarifications and corrections to your prior
12 statements?

13 A. Yes, I was.

14 Q. And do you recall these clarifications and corrections being
15 included in a note which was read back to you?

16 A. Yes, I do.

17 Q. And do you recall being asked to confirm that the information in
18 this note reflected your account fully and accurately?

19 A. Yes, I do.

20 MR. QUICK: Court Officer, if we can please pull up Preparation
21 Note 1. It's ERN 121136 to 121140, page 1. That should not be shown
22 to the public.

23 Q. Witness, can you see a document on your screen?

24 A. Yes.

25 Q. Witness, this is the note that was read back to you and that you

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Examination by Mr. Quick

1 confirmed at your preparation session.

2 MR. QUICK: Court Officer, if we can please go to page 4 of this
3 note.

4 Q. Witness, on your screen, on this document, there's a chart at
5 the bottom of the page which lists three statements by description
6 and date. I don't want you to read or say out loud any of the
7 information about these statements as it may identify you, but if you
8 can please have a look at the descriptions and the dates of those
9 statements.

10 A. Yes, they are correct.

11 Q. Thank you.

12 MR. QUICK: Court Officer, if we can please move to page 5 of
13 the notes.

14 Q. And, Witness, the chart continues on this page, and there's a
15 fourth statement listed including a description and a date. Again,
16 please don't read any of that information out loud, but please have a
17 look at the description and the dates.

18 A. Yes, they are okay.

19 Q. And, Witness, do you recall being shown these four statements
20 during your preparation session?

21 A. Yes, I do.

22 Q. And do you recall being asked to confirm that you reviewed those
23 four statements?

24 A. Yes, I do.

25 Q. And do you recall being asked to confirm that those four

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Examination by Mr. Quick

1 statements accurately reflect your evidence and what you would say if
2 examined about the events recorded therein?

3 A. Yes, I do.

4 Q. Thank you, Witness. And do you confirm that that remains the
5 case today, that those four statements accurately reflect your
6 evidence and what you would say if examined about the events recorded
7 therein?

8 A. Everything that I have stated therein is true.

9 MR. QUICK: Your Honours, the SPO seeks the admission of
10 Preparation Note 1 with ERN starting 121136, and the English and
11 Albanian versions of the four statements, and the three associated
12 exhibits listed on pages 4 to 5 of Preparation Note 1. These
13 statements and associated exhibits were found to be admissible under
14 Rule 154 in decision F02328. All of these statements should be
15 confidential. And I would ask that for the witness's protection, the
16 ERNs, descriptions, and dates of statements 2 to 4 in particular and
17 the associated exhibits not be read onto the record as they are
18 identifying. If necessary, they can be referred to by item numbers
19 in the charts.

20 PRESIDING JUDGE SMITH: Any objection?

21 MS. TAVAKOLI: No, Your Honour.

22 MS. ROWAN: No, thank you.

23 MR. ROBERTS: No, Your Honour.

24 MR. BAIESU: No objection.

25 PRESIDING JUDGE SMITH: The note at ERN 121136 to 121140 is

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Examination by Mr. Quick

1 admitted. The four statements as set out therein in Note 1 and the
2 associated exhibits are all admitted in evidence and all will be
3 assigned exhibit numbers.

4 THE COURT OFFICER: Thank you, Your Honour. For item listed as
5 number 1 in the Preparation Note 1, the exhibit numbers for the three
6 parts will be assigned P1200.1; Part 2, P1200.2; and Part 3, P1200.3.

7 For the items listed under number 2 in the chart in the
8 preparation note, the sub-item 1 under item 2 in the note will be
9 Exhibit P1201.1; sub-item 2 will be Exhibit P1201.2; sub-item 3 will
10 be Exhibit P1201.3.

11 Then the items listed under number 3 in the chart. Sub-item 1
12 therein will be Exhibit P1202.1; sub-item 2 will be Exhibit P1202.2;
13 sub-item will be Exhibit P1202.3.

14 The item listed under number 4 in the preparation note will be
15 Exhibit P1203.

16 The preparation note with ERN 121136 to 121140 will be
17 Exhibit P1204.

18 And then, lastly, the associated exhibits. Your Honours, the
19 item listed under number 1 will be Exhibit P1205.

20 Associated exhibit listed under number 2 will be Exhibit P1206.

21 And associated exhibits under number 3 will be Exhibit P1207.

22 And they will all be classified as confidential, Your Honours.

23 Thank you.

24 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.

25 Mr. Quick, you may proceed.

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Questioned by Victims' Counsel

1 MR. QUICK: Thank you, Your Honour.

2 The SPO sent a brief summary of the witness's 154 statement to
3 the Panel, parties, and participants, which with your leave I'll now
4 read.

5 PRESIDING JUDGE SMITH: Go ahead.

6 MR. QUICK: The witness, a Kosovo Albanian, was mistreated,
7 beaten, interrogated and detained by the KLA -- by KLA members in
8 spring and summer 1998. KLA members accused him of being an LDK
9 supporter, traitor, and collaborator. The witness also observed the
10 mistreatment and detention of others in spring and summer 1998.

11 Q. Witness, as you've just heard, four of your prior statements
12 have now been admitted and cover your experiences and knowledge of
13 relevant events in great detail. The necessary clarifications and
14 corrections were already made during your preparation session, so at
15 this stage I do not have any further questions for you. Thank you.

16 MR. QUICK: Thank you, Your Honour.

17 PRESIDING JUDGE SMITH: Thaci Defence.

18 [Microphone not activated].

19 Mr. Laws.

20 MR. LAWS: Yes, thank you, Your Honour.

21 PRESIDING JUDGE SMITH: Thank you. You have the floor.

22 MR. LAWS: Thank you.

23 Questioned by Victims' Counsel:

24 Q. Good morning, Witness. Can you see me and hear me all right?

25 A. Yes, I can. Good morning.

Witness: W04305 (Open Session)

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Questioned by Victims' Counsel

1 Q. You and I have met, but for the record, I am Simon Laws, the
2 Victims' Counsel in this case. And I'm going to ask you some
3 questions in just a moment not about what happened to you, because
4 the Judges have said that that can be received in writing. So not
5 about what happened to you but about how you were affected by what
6 happened to you. Do you understand?

7 A. Yes.

8 Q. And at the moment, we are in open session. The public can hear
9 what you say, and so you must be careful not to say anything that
10 identifies you. Do you also understand that?

11 A. Yes.

12 Q. All right. I'm going to start, please, with the physical
13 effects of your mistreatment.

14 As of today, are you still affected physically by what happened
15 to you during your detention?

16 A. There are consequences and I have to live with these things my
17 entire life, of both sorts of consequences, be them physical and
18 psychological.

19 Q. Can we start, please, with the physical consequences. How are
20 you affected physically by the way that you were treated when you
21 were detained?

22 A. I have nightmares every night where I relive what I went
23 through. I see -- I suffer from anxiety, thinking that people will
24 come and kill me. Sometimes I have these nightmares even if I'm
25 awake. I'm not even able to watch certain types of movies because

1 they bring back to what I experienced and went through. Sometimes my
2 children love to watch action movies, and then I just don't stay
3 there because I don't like -- I cannot watch those movies. I'm also
4 easily irritable.

5 Q. Was the last sentence that you said that you're easily
6 irritable?

7 A. Yes.

8 Q. Just tell us about that.

9 A. For no reason, I have these sudden episodes when I relive what I
10 went through. It just comes back to my mind. And at that moment, I
11 lose my sound reason and I become upset or irritated, and so I step
12 aside from people if I'm in a social gathering or if I'm at work or
13 if I'm with people. So I need to step aside and recover my senses
14 and calm down.

15 Q. Are your family able to help you when that happens to you?

16 A. If I didn't have my family to support me, I would have ended up
17 in a psychiatric ward. My children are able to now recognise the
18 first signs of these episodes, so they will always come up with a
19 proposal to take me away from those thoughts and say, "Let's go for a
20 coffee," or "Let's go for a walk outside the house," to calm me down.
21 And I'm very grateful for that to my wife and my children, because
22 they understand what I have inside me.

23 Q. What have you got inside you?

24 A. They understand what I experience when I relive things. Because
25 my children, not all of them know what I went through, with the

1 exception of my son and my two elder daughters. They understand what
2 I -- they know what I went through, so they immediately take action
3 and take me outside or do something different.

4 Q. Have you ever sought psychiatric or medical help for your
5 condition?

6 A. No, I haven't.

7 Q. Is there a reason for that?

8 A. No, there's no particular reason. It's just as there's nothing
9 that can help me. I will have these with me - I know this for a fact
10 - my entire life.

11 Q. *[REDACTED] Pursuant to In-Court Redaction Order F02343RED.*

12 *[REDACTED] Pursuant to In-Court Redaction Order F02343RED.*

13 MR. LAWS: And, Your Honour, it may be necessary for us to go
14 into private session for at least part of this.

15 PRESIDING JUDGE SMITH: We'll go into private session,
16 Madam Court Officer.

17 MR. LAWS:

18 Q. *[REDACTED] Pursuant to In-Court Redaction Order F02343RED.--*

19 THE COURT OFFICER: [Microphone not activated].

20 MR. LAWS: I'm so sorry. I'm so sorry.

21 Q. Just a moment. Sorry, just hold on one moment.

22 THE WITNESS: [via videolink] [Interpretation] *[REDACTED] Pursuant
to In-Court Redaction Order F02343RED..*

23 [Private session]

24 [Private session text removed]

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Witness: W04305 (Private Session)

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Questioned by Victims' Counsel

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Witness: W04305 (Private Session)

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Questioned by Victims' Counsel

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Witness: W04305 (Private Session)

Page 16050

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16051

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16052

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16053

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16054

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16055

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16056

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16057

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16058

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16059

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16060

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16061

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16062

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

Page 16063

Cross-examination by Ms. Tavakoli

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Witness: W04305 (Private Session)

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Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W04305 (Private Session)

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Questioned by the Trial Panel

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Witness: W04305 (Private Session)

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Procedural Matters

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24 [Open session]

25 THE COURT OFFICER: Your Honours, we are back in public session.

1 PRESIDING JUDGE SMITH: All right. So I thank everyone once
2 again for your cooperation in allowing this special session. Because
3 we were able to finish, we will go to the regular session tomorrow to
4 begin at 9.00 with the next witness. Any questions by anybody? All
5 right.

6 We're adjourned until 9.00 a.m. tomorrow.

7 --- Whereupon the hearing adjourned at 5.45 p.m.

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