

1 Thursday, 12 October 2023

2 [Status Conference]

3 [Open session]

4 [The accused entered the courtroom]

5 --- Upon commencing at 2.00 p.m.

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

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

9 THE COURT OFFICER: Good afternoon, Your Honour. This is file
10 KSC-BC-2023-10, The Specialist Prosecutor versus Sabit Januzi and
11 Ismet Bahtjari.

12 JUDGE GUILLOU: Thank you, Madam Court Officer.

13 Now I will ask the parties and participants to introduce
14 themselves, starting with the Prosecutor's Office.

15 Madam Prosecutor, please.

16 MS. SHAHABUDDIN: Good afternoon, Your Honour. For the
17 Specialist Prosecutor's Office, my name is Taz Shahabuddin. Next to
18 me is Josh Hafetz and John Devaney, and behind me are seated Fabian
19 Unser-Nad and Marlene Yahya.

20 JUDGE GUILLOU: Thank you, Madam Prosecutor.

21 Now, I turn to the Defence, starting with the Defence of
22 Mr. Januzi, please.

23 MR. GILLIS: Thank you, Your Honour. My name is
24 Mr. Thomas Gillis, bar association, Ghent, Belgium, and I am the
25 Special Counsel for Mr. Sabit Januzi. Thank you.

1 JUDGE GUILLOU: Thank you, Mr. Gillis. And for the record, I
2 note that your client is here present in the courtroom.

3 Now, I turn to the Defence of Mr. Bahtjari. Counsel, please.

4 MR. SYTEMA: Thank you, Your Honour. My name is Hendrik Sytema,
5 member of The Hague bar, representing as Duty Counsel Mr. Bahtjari,
6 also present here.

7 JUDGE GUILLOU: Thank you, Mr. Sytema. And the same for the
8 record, I note that your client is also present here in the
9 courtroom.

10 And I turn to the Registry.

11 MR. NILSSON: Good afternoon, Your Honour. Jonas Nilsson,
12 Deputy Registrar, representing the Registry today.

13 JUDGE GUILLOU: Thank you, Mr. Nilsson.

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

16 On 9 October, I scheduled the first Status Conference in this
17 case for today. My goal is to review the status of the case and to
18 organise exchanges between the parties to ensure an expeditious
19 preparation for trial.

20 In particular, I would like to discuss: The status of the SPO's
21 investigations, the estimated amount of documentary and testimonial
22 evidence the parties will bring to trial, as well as issues related
23 to disclosure of supporting material to the indictment, additional
24 material intended to use at trial, evidence material to the Defence
25 preparation, exculpatory evidence, and protected material. And then

1 we'll also discuss about the procedure for disclosure, the redaction
2 regime to be adopted in the present proceedings, and, finally, any
3 other issues that the parties wish to raise.

4 I thank the parties for their submissions, and I will invite
5 them to present their views in a concise fashion about each item on
6 the agenda that I will address individually.

7 I remind the parties to give prior notice should any submission
8 require the disclosure of confidential information so that we can go
9 in private or closed session.

10 So let's start with the general questions as I mentioned in my
11 Scheduling Order.

12 Before I give the floor to the parties, I wish to remind them of
13 the general principles of disclosure in the legal framework of the
14 Specialist Chambers. Disclosure is an *inter partes* process in
15 electronic form and facilitated through the Registry's court
16 management system.

17 Disclosure shall be a priority for the Prosecution at this
18 stage, and the parties shall disclose evidence of true relevance to
19 the case and not the greatest volume of evidence.

20 In view of the publicity principle, evidence is registered as
21 public unless there are reasons to classify otherwise. The
22 disclosing party determines the appropriate level of classification
23 of evidentiary items on a case-by-case basis.

24 I first would like to hear from the SPO on this first topic in
25 the agenda; notably, the status of its investigation, the type of

1 evidence it intends to use in the proceedings, and how many witnesses
2 it intends to call at trial.

3 Madam Prosecutor, you have the floor.

4 MS. SHAHABUDDIN: Your Honour, just to address those issues in
5 turn. Well, first, as an initial matter, I would just refer the
6 Court to the Prosecution's submissions for the first Status
7 Conference, which the Specialist Prosecutor's Office filed yesterday
8 on 11 October.

9 With regard to the ongoing investigation, there is an ongoing
10 investigation related to this case but it is limited in scope. That
11 said, there may be additional evidence adduced as a result of that
12 investigation. If such evidence is adduced, then it will be
13 disclosed to the Defence.

14 Despite the limited ongoing investigation, the Specialist
15 Prosecutor's Office does not foresee that this will in any way impede
16 the speedy conduct of proceedings. And furthermore, we aim to
17 complete the investigation during the pendency of the pre-trial
18 proceedings, which should be over the next three months.

19 With regard to the scope of the case. The evidence for trial
20 and the volume of the forthcoming disclosures we anticipate, in terms
21 of volume, will be relatively small, at least compared to other cases
22 that have been before this Chambers. In particular regarding
23 witnesses, the SPO currently intends to call one witness but may add
24 up to two more, and would ask leave of the Court to include others to
25 the extent that would be necessary in order to authenticate its

1 documentary evidence for trial.

2 Turning to that evidence. Broadly speaking, we expect that the
3 documentary evidence to be disclosed to the Defence is going to
4 include transcripts of witness statements, Official Notes from
5 witness contacts, records from mobile telephones, call data records,
6 reports, and potentially audio-visual material. And that is across
7 the board.

8 If Your Honour wishes, I can address each of the disclosure
9 rules in turn.

10 JUDGE GUILLOU: Later. We'll address them in turn.

11 MS. SHAHABUDDIN: I see.

12 JUDGE GUILLOU: So just the general remarks now.

13 MS. SHAHABUDDIN: In that case, I believe, Your Honour, that
14 that addresses generally the scope of the case and the extent of the
15 disclosures that the SPO intends to make.

16 JUDGE GUILLOU: Thank you, Madam Prosecutor.

17 I note that you indicated that investigation would not last more
18 than three months. Is that a correct interpretation?

19 MS. SHAHABUDDIN: Yes, you're correct, Your Honour. We
20 anticipate to wrap up early next year.

21 JUDGE GUILLOU: Thank you, Madam Prosecutor.

22 Now, let me turn to the Defence. And before giving the floor to
23 counsel, I note that, at this stage, both Defence teams for
24 Mr. Januzi and Mr. Bahtjari cannot provide any further detail
25 regarding the steps they intend to take as regards the question

1 raised in the agenda for this hearing, notably because disclosure
2 hasn't started.

3 So I will ask the Defence for their submissions on what the
4 Prosecution just indicated, starting with the Defence for Mr. Januzi.
5 Mr. Gillis, please.

6 MR. GILLIS: Thank you, Your Honour. This meeting started with
7 Your Honour, you, saying that disclosure should be a priority for the
8 Prosecutor's Office. I think that's absolutely also in the rules and
9 in the procedure, of course, and, basically, that's what the Defence
10 of Mr. Januzi's main concern.

11 The time schedule that we had in the submission that we received
12 from the Specialist Prosecutor's Office, the time schedule is really
13 broad. The Special Prosecutor just two minutes ago said maybe three
14 months maximum. The time schedule that has been presented in the
15 submission talks about -- of course, the first delay we don't have
16 any problems with, 8 November. It's within the law, of course. 8
17 November, the 30th day. But then the two other dates, 24 January
18 2024 and 26 February 2024. The Defence of Mr. Januzi, for us, it
19 conflicts a bit with what is said orally today but also in the
20 submission under margin number 21.

21 I think that it's a limited case. It's a limited case with not
22 so much evidence will be presented, but we jump immediately from
23 today until 26 February 2024. We have an objection to that. Of
24 course, some of the evidence will be presented. Today, we had a
25 CD-ROM, a CD, which will be important, I think. It's the

1 interrogation of my client the 4th October, which will be very
2 interesting, and we will start immediately. But I think within the
3 law, normally the rule, and I don't have to say, 102(3), that
4 normally such material and evidence should be disclosed
5 [indiscernible] without delay. Without delay. That should be the
6 rule.

7 And within this, for the Defence, with what we know now, and
8 also what the Specialist Prosecutor said, limited in -- I -- when we
9 compare to other cases, limited case, I think jumping to 24 January
10 and 26 February is, for now, as such, on today, it's far too
11 reaching.

12 And, of course, I'm not going to say something already about our
13 submission on the detention on remand. But, of course, add this
14 towards the time limit, that's an element that is absolutely vital
15 for the Defence. Those three elements I absolutely wanted to already
16 remark for now.

17 Thank you, Your Honour.

18 JUDGE GUILLOU: Thank you, Mr. Gillis.

19 Mr. Sytema, please.

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

21 I would gladly support the words of my learned colleague on this
22 subject.

23 As you all know, with my client being held in detention, there
24 is a pressure on the case and the speed of the investigation and,
25 with that, the speed of the disclosure. At this moment, like my

1 colleague said, we have no supporting material or the material
2 supporting the indictment. We only have the indictment itself.

3 Also as stated, we filed submissions on the detention of -- on
4 remand. We also, yeah, have to do that with our hands tied behind
5 our back, so to speak. So also in that respect, we need disclosure
6 of material as soon as possible.

7 Considering that what we heard from the Special Prosecutor is
8 that it's a limited case, not as big as all the other cases, then it
9 seems a bit strange to us, in this situation, that the presented time
10 schedule is even going so far as the end of November next year. So
11 we would urge you to decide a disclosure in that manner, that at an
12 earlier stage we would get our material so we could build up our
13 defence and our submissions which we need to make in that respect.

14 That's what I wanted to add to the words of my colleague at this
15 moment. So, basically, the detention is the biggest argument for us
16 to get our material as quick as possible. Thank you for this moment.

17 JUDGE GUILLOU: Thank you, Mr. Sytema.

18 We are going to discuss about these deadlines in the next topic
19 in the agenda because we're going to talk about each category of
20 material, but I've well noted your request to get the material
21 earlier. So we will see what we all can get from the Specialist
22 Prosecutor's Office.

23 Let us now move to the second item on the agenda, which is the
24 supporting material to the indictment, the so-called 102(1)(a)
25 material.

1 I take note that the SPO intends to disclose material falling
2 under this rule by 8 November 2023. I also take note that part of
3 the SPO's material under Rule 102(1)(a) may require protective
4 measures. So I invite the SPO to give further submissions on the
5 disclosure of the supporting material to the indictment, notably, the
6 overall amount of evidentiary material, whether translations into
7 Albanian of witness statements whom the SPO intends to call to
8 testify at trial have been finalised, and any other details that the
9 SPO wishes to provide.

10 Madam Prosecutor.

11 MS. SHAHABUDDIN: Thank you, Your Honour. I would like to begin
12 by just stating that the Specialist Prosecutor's Office is also
13 interested in speedy proceedings here. And while overall the volume
14 of materials ultimately may be relatively smaller to other cases, it
15 is also still the case that it is just not a matter of us collecting
16 materials and turning it over, but there's also the issue of
17 translations and review and the application of redactions and
18 potential protective measures.

19 And so it is with those additional considerations in mind that
20 the SPO has proposed the various dates it has.

21 With regard to the 102(1)(a) materials, the SPO has proposed to
22 take the 30 days prescribed under the rules, which would provide us
23 with a deadline of 8 November. But I'm also happy to place on the
24 record now that we fully intend to make that disclosure in advance of
25 that date and as far in advance of that date that we can manage so

1 that the Defence has an ability to begin a thorough review of the
2 indictment-supporting materials.

3 With that said, regarding what the materials consist of. We
4 anticipate that there will actually be fewer than 30 items on the
5 102(1)(a) list. It will consist of three statements from the
6 accused, including two statements that were given by the accused to
7 the Specialist Prosecutor's Office last week, which are currently in
8 the process of being transcribed. A process we are pursuing as
9 speedily as possible.

10 In addition, we will be providing the Defence with a detailed
11 outline which accompanied the indictment as well as transcripts of
12 witness statements, Official Notes from witness contacts, records
13 from mobile telephones, and call data records, amongst others. These
14 materials will need to be redacted consistent with the forthcoming
15 redaction regime to be adopted by Your Honour.

16 And beyond that, to the extent that the Defence has any
17 particular requests with regard to materials that have been
18 identified as forthcoming 102(1)(a) materials, we are certainly open
19 to having a dialogue about disclosure.

20 JUDGE GUILLOU: Thank you, Madam Prosecutor. I take from your
21 submissions that we can anticipate disclosure before 8 November,
22 probably at the end of October. Is it what I can read between the
23 lines?

24 MS. SHAHABUDDIN: That is certainly our aim, Your Honour. The
25 reason that we have asked for the full 30 days is, you know,

1 sometimes these transcription, translation processes can come across
2 unexpected hurdles, but we will as soon as is practicable make those
3 disclosures.

4 JUDGE GUILLOU: Would it be possible for you to disclose the
5 evidence that do not need redactions first so that the Defence can
6 start reviewing all these documents and disclosing the rest as soon
7 as possible?

8 MS. SHAHABUDDIN: If Your Honour is referring to a rolling
9 disclosure process, certainly we can entertain that.

10 JUDGE GUILLOU: Thank you, Madam Prosecutor.

11 Counsel for the Defence, do you want to say anything on this
12 specific type of evidentiary material?

13 Mr. Gillis.

14 MR. GILLIS: Thank you, Your Honour. First of all, a small
15 correction. The precise date, as mentioned before, on 26 January
16 2024 for Rule 102(1)(a). It was not the 26th. And in February,
17 23 February 2024 for 102(3). It has to be correct. Excuses for
18 that.

19 Secondly, very short, because I've already -- yeah, I've already
20 spoken about it and our concerns, but I am glad to hear from the
21 Defence, and I count on that, that the loyalty of the Specialist
22 Prosecutor's Office will be that way, that if there's any material,
23 that we get it and we can start working. And that would be also
24 completely logic in the sense of margin 21 and the submission that
25 it's a limited case and that they want to speed it up, but speed it

1 up, of course, in the -- in the sense of with regard to Article 6 of
2 the European Treaty of Human Rights with correct -- that we can work
3 in a proper way with time and, of course, in a thorough way.

4 So, of course, that's all I have to say, Your Honour, because I
5 already did it before. Our main concern are the dates and,
6 basically, the loyalty of the Special Prosecutor's Office, which will
7 be there, I'm absolutely sure. Thank you.

8 JUDGE GUILLOU: Thank you, Mr. Gillis.

9 Mr. Sytema, do you want to add something?

10 MR. SYTEMA: Thank you, Your Honour.

11 I'm very much in favour of presenting -- of being presented the
12 evidence by the Special Prosecutor's Office as soon as it is able to
13 do so. I'd rather have it in, say, so to speak, bits and pieces than
14 all in once. We have to discuss it. I have to discuss it with my
15 client. And every time there is something material being presented,
16 it gives me that opportunity, so it also helps build up the Defence
17 in a practical way. So I'm very much in favour of that, that as soon
18 as something is available, that it be presented.

19 Thank you.

20 JUDGE GUILLOU: Thank you, Mr. Sytema.

21 Madam Prosecutor, the material supporting the indictment that is
22 unredacted or that do not need redaction, can it be disclosed in the
23 following days to the Defence as a first batch? Because you proposed
24 a disclosure on a rolling basis, which I support. But for the
25 material that is ready, can you disclose this, I don't know, tomorrow

1 or Monday or Tuesday?

2 MS. SHAHABUDDIN: Your Honour, I would just ask that we be
3 allowed to review the redaction regime as it is ordered before
4 committing to a date. I think I would have no problem making an
5 initial disclosure under Rule 102(1)(a) by the end of this month,
6 which would at least be in advance of the deadline we have now.
7 Otherwise, I would ask to reserve on that particular commitment.

8 JUDGE GUILLOU: I note that you will do your best as long as I
9 issue my framework decision.

10 So let's now move to the additional material that the SPO
11 intends to use at trial, which is the 102(1)(b) material.

12 I take note that the SPO proposes to disclose additional
13 material falling under 102(1)(b) by 26 January 2024 or, in any case,
14 no later than 30 days prior to the opening of the SPO's case.

15 I invite the SPO to give any further submissions on the
16 estimated amount and type of material it intends to disclose, the
17 redactions that will be required, and any other details that the SPO
18 wishes to provide in relation to this category of evidence.

19 Madam Prosecutor.

20 MS. SHAHABUDDIN: Thank you, Your Honour.

21 I would begin by saying that, you know, the primary driver, as I
22 see it, of the deadlines that the Specialist Prosecutor's Office has
23 proposed with regard to this category of material is the fact that
24 the investigation is ongoing, and we do anticipate receiving
25 additional materials for review.

1 And so that review is underway in order to identify
2 Rule 102(1)(b) material, and we are certainly pursuing it as
3 aggressively as possible. We anticipate, again, that it will include
4 documentary materials along the lines of what is to be disclosed
5 under 102(1)(a), including records for mobile telephones, call data
6 records, the addition of some audio-visual material.

7 That said, the materials that we already have under review may
8 require transcription, translation, redaction, and there is this
9 question of new evidence that we expect may come in that would also
10 require that additional process. And so it is with those
11 considerations in mind that, although, as colleagues in the Defence
12 have noted, the ultimate volume may be relatively small compared to
13 some of what this Chamber has seen, the Specialist Prosecutor's
14 Office was not comfortable coming up -- or committing to a more
15 aggressive deadline than the one we have proposed for January of next
16 year.

17 That said, we are confident that we will be able to meet that
18 deadline, and certainly, again, happy to have open dialogue with the
19 Defence regarding rolling disclosure and particular materials that
20 they may be interested in.

21 JUDGE GUILLOU: Thank you, Madam Prosecutor.

22 I turn to the Defence.

23 Do you want to add anything?

24 MR. GILLIS: [Microphone not activated]

25 JUDGE GUILLOU: Mr. Gillis.

1 MR. GILLIS: Very short, Your Honour.

2 I noted the Specialist Prosecutor not being comfortable with
3 getting it earlier. I can only say not being -- to you, Your Honour,
4 not being comfortable is not the same as not being possible or not
5 being prepared to do it. I think behind me, of course, is an
6 accused. For him, it's not being comfortable either. And with that
7 I mean there is a pressure, like my colleague for the other Defence
8 also has said, there is a pressure of the remand in custody. And not
9 being comfortable for us, and that's with all the respect that I say
10 that, Your Honour, for the Defence of Mr. Januzi that's not enough as
11 an argument.

12 And I really ask, Your Honour, to make their decision bearing in
13 mind -- I'm having margin 21 here in front of me, and the
14 Special Prosecutor in the submission says that:

15 [As read] "The relatively -- relatively limited volume of
16 material to disclose as compared to other cases [indiscernible] and
17 in particular the nature of the disclosed material."

18 So also the nature of it is not too complex. And for us, it's
19 really too far. So do I understand being not comfortable, I do
20 understand that, but it's not enough as a legal argument for us.

21 So we ask, the Defence, Your Honour, to look at that and rule
22 that there must be a possibility. It's three months and a half, I
23 think, for 102(1)(b). Three months and a half from today. That's
24 too far, I think in this case. That I wanted to add.

25 JUDGE GUILLOU: Thank you, Mr. Gillis.

1 Mr. Sytema, please.

2 MR. SYTEMA: Thank you, Your Honour.

3 I agree with the words of my colleague. I would add to that,
4 may I suggest for you to set a more strict date or more strict time
5 limit for the 102(1)(b) disclosure than argued by the Special
6 Prosecutor's Office.

7 If there will come up a need for them to, yeah, postpone that
8 period of time or to set another limit, they could file a submission,
9 file a request to Your Honour for extending the time-period, but it
10 keeps the pressure also on that case regarding the detention on
11 remand giving them the whole period on advance. There is also
12 felt -- a pressure felt by the SPO, but it needs to be more strict as
13 far as the Defence is concerned. And if there's some issue to be
14 raised, then the Special Prosecutor could turn themselves to you,
15 asking for either one solution coming up at that time. But a more
16 strict time limit has the definite favour of the Defence. Thank you.

17 JUDGE GUILLOU: Thank you, Mr. Sytema.

18 Madam Prosecutor, on this very interesting proposal by the
19 Defence of having a deadline that would be, for example, on Friday,
20 15 December, provided that it could be extended, would you get
21 evidence from investigations that you would continue in the following
22 weeks, does it seem like a deadline that is possible for you?

23 MS. SHAHABUDDIN: I think it's certainly possible to, again,
24 just as we did with the 102(1)(a) disclosure, agree to make a rolling
25 production here. That said, I would just remind everybody that we do

1 have an ongoing investigation that I've estimated will take at least
2 three months. So I think, you know, having set a deadline that is
3 approximately three and a half months out per my colleague's
4 calculation is pretty aggressive. We're actually -- we are trying
5 very hard to get this information to the Defence in a timely fashion.

6 And, again, I would just emphasise that as information comes
7 in -- even the information we have now is subject to several
8 additional processes before it can be disclosed in some cases, right?
9 We're talking about redactions often in more than one language.
10 We're talking about transcription, about translation, all in addition
11 to the ongoing review process.

12 That said, being prepared to commit to a rolling basis, if
13 Your Honour were to set a specific date of 15 December as, you know,
14 certainly by that date some form of disclosure under this rule will
15 have to have been made by the Specialist Prosecutor's Office, I have
16 no objection to committing to that.

17 JUDGE GUILLOU: Thank you, Madam Prosecutor. This is noted.

18 Now, let us move to the next item on our agenda today, which is
19 the evidence material to the Defence preparation, which is the
20 Rule 102(3) material.

21 I would like to remind the SPO that disclosure or inspection of
22 evidence such as statements, documents, photographs, or tangible
23 objects material to the Defence must be disclosed without delay. The
24 detailed notice of such material must include not only information
25 the SPO assesses to be potentially material to the Defence

1 preparation, but any material and evidence in the SPO's possession
2 which has not been disclosed under Rule 102(1)(a) and (b), and 103,
3 and which is relevant to the case.

4 And I invite the parties to review the jurisprudence of the KSC
5 on this legal question.

6 I also remind the parties that disputes as to the materiality of
7 the information as claimed by the Defence must be submitted
8 immediately to the Pre-Trial Judge for resolution.

9 I take note that the SPO anticipates providing the Defence with
10 a detailed notice of Rule 102(3) material by 23 February 2024. I
11 also take note that the SPO requests a time-period of two weeks to
12 file materiality challenges to material identified by the Defence.

13 So I invite the SPO to indicate for this category an estimation
14 of the type and amount of material, the redactions that would be
15 required, and any other detail that the SPO wishes to provide.

16 Madam Prosecutor, you have the floor.

17 MS. SHAHABUDDIN: Your Honour, the SPO anticipates that the
18 Rule 102(3) review that will be undertaken will depend in large
19 amount to the process we engage in as far as our 102(1)(b) review
20 goes. Ultimately, what will be produced under 102(3) to the Defence
21 is going to consist in large part of residual material and,
22 therefore, would consist of the same categories of documentary
23 evidence that I've already outlined, namely, call data records, and,
24 in particular, under 102(3), the full contents of mobile phones that
25 have been seized from the accused and from the individual named

1 Co-perpetrator 1 in the Confirmed Indictment.

2 And to that end, I will note that actually the Specialist
3 Prosecutor's Office intends to make a disclosure of the full images
4 of those mobile devices to the Defence on the same timeline that it
5 is producing the very first disclosure it will be making under
6 102(1)(a). And so we are fully cognisant of the importance of
7 certain of this evidence to the Defence's review from the beginning,
8 and so those materials will be made speedily available to the
9 Defence.

10 As to the rest, not knowing as of yet, given where we are with
11 the investigation, the full volume of materials that we will be
12 dealing with and what will be residual after our pending 102(1)(b)
13 analysis, it did seem reasonable to the Specialist Prosecutor's
14 Office to set that February deadline having -- in consideration of
15 the January deadline we propose for the 102(1)(b) materials.

16 JUDGE GUILLOU: And if the January proposed deadline becomes a
17 December deadline for the 102(1)(b), what could we anticipate for the
18 Rule 102(3) list of 102(3) material?

19 MS. SHAHABUDDIN: Your Honour, I think, as with the previous
20 categories, we would certainly be willing to engage in disclosure on
21 a rolling basis. As I've noticed, the mobile phone evidence will be
22 going over well in advance of certain of these deadlines, you know,
23 early in -- late this month, early November, as soon as is
24 practicable for us to turn it over.

25 And so I think having a final deadline of what we have proposed

1 in, you know, 23 February, I believe, would be entirely reasonable
2 given what we may be up against as the Specialist Prosecutor's
3 Office, but certainly we could make disclosures pursuant to 102(3)
4 earlier as well on a rolling basis.

5 JUDGE GUILLOU: The problem is that you need to provide the
6 Defence with a list of material. So the rolling basis --

7 MS. SHAHABUDDIN: I'm sorry. Yes, of course, the list.

8 JUDGE GUILLOU: I understand that this would be for --

9 MS. SHAHABUDDIN: It would be --

10 JUDGE GUILLOU: -- after the deadline you propose. But the
11 difficulty I see is that the later the list is provided to the
12 Defence, if we add the time for the Defence to review the list, then
13 the two weeks that you request to be able to reply to the Defence,
14 then the materiality challenge before me, this is an extra, probably,
15 month or month and a half, we're looking at April. And if the
16 Defence asks me to make investigations based on the documents that
17 you will have disclosed under 102(3), we're already in May.

18 So I find that it is a bit long for a case like this. This is
19 why I am insisting on having the possibility to have the notice
20 before the end of February.

21 MS. SHAHABUDDIN: Yes, Your Honour. Certainly, we are not
22 looking to push things out, you know, without due cause. I believe
23 that we should be able to get a, at least preliminary, 102(3) list to
24 the Defence at the end of January and would ask that we be allowed to
25 supplement that list as needed.

1 JUDGE GUILLOU: Thank you, Madam Prosecutor. Much appreciated.
2 Mr. Gillis, please.

3 MR. GILLIS: Thank you, Your Honour.

4 I only had one remark, but the remark has already been shortened
5 by the question you asked. Is -- there is a clear connection between
6 102(1)(b) and 103 -- 102(3). And then the logic -- the logic
7 question is, of course, if the 102(1)(b) delay would be 15 December,
8 then the Defence asks very clearly to bring it down, of course, the
9 -- the 23rd, 23rd February, of course, bringing it down. Of course.

10 Of course, sometimes I forget by talking about the dates. In
11 the law, of course, 102(3) says - this is the second time I say it,
12 it will be the last time - without delay. This is too much gap to be
13 reasonable and acceptable, because the Specialist Prosecutor says,
14 "For us it is entirely reasonable the delay that is now foreseen."
15 For the Defence, it's not. There is too much big difference between
16 "without delay" and then almost four months and a half.

17 But the our main argument for the Defence of Mr. Januzi is,
18 Your Honour, of course, the connection between 102(1)(b) and 103.
19 And, of course, if Your Honour makes a decision concerning 102(1)(b)
20 in the direction of 15 December, I ask to be a logic there and then,
21 of course, straightforward, and have a far shorter delay for 102(3).

22 Once again, I finish with that, I refer to the submission from
23 the Special Prosecutor's Office margin 21, that is very clear where
24 it says it's a limited case, not extremely limited, relatively
25 limited case, but also in the content of the evidence that will be

1 presented. That is what I have to say. Thank you, Your Honour.

2 JUDGE GUILLOU: Thank you, Mr. Gillis.

3 Mr. Sytema, please.

4 MR. SYTEMA: Thank you, Your Honour.

5 I've little to add on what has been said both by you,
6 Your Honour, and my colleague on this subject. I think we made very
7 clear that as a Defence we have a clear interest, there's a clear
8 importance of disclosure of any material, also this material or lists
9 that go along with it. Thank you.

10 JUDGE GUILLOU: Thank you, Mr. Sytema.

11 Let us now move to the rule -- unless, Madam Prosecutor, you
12 want to add something?

13 Let us move to the Rule 103 material, which is the exculpatory
14 material. I remind the SPO that it must disclose immediately to the
15 Defence any exculpatory evidence as soon as it is in its custody,
16 control, or actual knowledge, and which may reasonably suggest the
17 accused's innocence or mitigate the guilt of the accused or affect
18 the credibility or reliability of the SPO's evidence.

19 Disclosure of exculpatory evidence is a continuous obligation
20 subject only to protective measures where necessary.

21 I note that the SPO is continuing its review of Rule 103
22 material within its custody, control, or actual knowledge. So as for
23 the other category of material, I will ask you, Madam Prosecutor, to
24 indicate the amount and type of exculpatory material the Defence can
25 anticipate, whether redactions will be required, and if there are any

1 other details you would like to provide.

2 Madam Prosecutor, please.

3 MS. SHAHABUDDIN: Currently, Your Honour, the SPO has not
4 identified any material under 103. Our review, as we noted in our
5 submission, is ongoing.

6 That said, we are very mindful of our obligations under
7 Rule 103, and will certainly make immediate disclosures of any such
8 material upon its discovery.

9 JUDGE GUILLOU: Thank you, Madam Prosecutor.

10 Does the Defence want to mention anything on this?

11 MR. GILLIS: [Microphone not activated]

12 MR. SYTEMA: No, Your Honour. Thank you.

13 JUDGE GUILLOU: Thank you very much.

14 Let us now move to the protected material, which is the 107
15 material.

16 I take note that, at the current stage, the material that the
17 SPO intends to disclose pursuant to the rules do not require Rule 107
18 clearances.

19 Madam Prosecutor, do you want to add anything to your written
20 submissions on this point?

21 MS. SHAHABUDDIN: I would just state once again the
22 investigation is ongoing. There is information flowing in as a
23 result. And to the extent that any such material would be subject to
24 Rule 107 clearance, we would certainly promptly inform Your Honour
25 and proceed accordingly.

1 JUDGE GUILLOU: Thank you, Madam Prosecutor.

2 I turn to the Defence.

3 Do you want to add anything on this point?

4 MR. GILLIS: No, thank you, Your Honour.

5 MR. SYTEMA: No, thank you, Your Honour.

6 JUDGE GUILLOU: Thank you, counsels.

7 Let us now move to the procedure for disclosure. Notably, the
8 use of the case-specific categorisation in Legal Workflow for
9 material falling under Rule 102(1)(a) and (b), and Rule 104(1), (5),
10 and (6) at the time of disclosure at each batch of such material.

11 In its submission, the SPO contends that the proposed
12 categorisation would both delay the disclosure process, and, I quote,
13 "potentially cause confusion during the review process."

14 I invite the SPO to indicate why the categorisation of evidence
15 by count or by accused would cause confusion. I was a bit surprised
16 when I read your written submissions, to be honest. And if the SPO
17 is not available to indicate which piece of evidence supports each
18 count or if much -- each mode of liability, then I don't really
19 understand how you will plead your case, Madam Prosecutor.

20 The SPO also submits that it would be, nevertheless, in favour
21 of a mutual agreement with the Defence, should this find the proposed
22 subcategorisation of assistance.

23 As regards the Defence, I take note that the Defence for both
24 Mr. Januzi and Mr. Bahtjari are in favour of the proposed disclosure
25 procedure.

1 So I invite the parties to give further detail on this topic,
2 notably: Whether the parties wish to make any proposal as to further
3 subcategories to be added; whether the parties can agree on a model
4 of consolidated disclosure chart that satisfies the requirements of
5 Rule 109(c) of the rules; and whether the SPO and the Defence agree
6 to provide each other with a consolidated disclosure chart at the
7 time of the submission of the SPO pre-trial brief and the Defence
8 pre-trial brief respectively.

9 Madam Prosecutor.

10 MS. SHAHABUDDIN: The Specialist Prosecutor's Office position
11 that additional subcategorisation of the items to be disclosed is
12 unnecessary here is based largely on our review of items already in
13 our possession, including the indictment-supporting materials that
14 Your Honour is aware of.

15 It seems to the office that there are many items, if not most
16 items, that would end up getting tagged with the "all" category or
17 most of the other categories such that the meaning of these
18 additional categories would essentially collapse in on itself. And,
19 you know, despite that being the case, consideration of which
20 categories do apply to each individual item would, nevertheless, be a
21 time-consuming process that may involve the -- you know, multiple
22 resources, multiple individuals' input, and in that sense would delay
23 the disclosure. And on the back end, it occurs to me that if what
24 the Defence were to receive is a categorisation that essentially
25 checks all the boxes for most materials, it could cause confusion or

1 at the very least would not be of any additional assistance than the
2 more standard categorisation framework.

3 And so our proposal would be not to apply the additional
4 subcategories. But, of course, we are open to discussion with the
5 Defence regarding categories that they would find helpful and coming
6 up with a mutually agreed framework in that regard, and similarly
7 would agree to both provide and be provided with a consolidated
8 disclosure chart within some distance of time, we propose 15 days of
9 any pre-trial filing, which we think would be of help to the parties
10 involved.

11 And so that would be the reason for our position, Your Honour.

12 JUDGE GUILLOU: Thank you, Madam Prosecutor.

13 Before I give the floor to the Defence, let me put this debate
14 in context.

15 I've had long discussions with the SPO on the issue of
16 categorisation of evidence in past cases because I've always
17 considered that it was a duty for the Bench to organise the evidence
18 so that it would be clear, not only for the Judges but also for the
19 Defence, for the understanding of the case, and it will also
20 facilitate the work of all parties and, thus, speed up the
21 proceedings. So this is the reason why I asked for this
22 categorisation.

23 And before I give the floor to the Defence, maybe one question
24 to the Prosecution. The fact that the categorisation would, in fact,
25 not be pertinent because it would apply to -- in fact, you would tag

1 all documents with any category, is it true for the counts or is it
2 also true for the modes of liability and for the names of the two
3 accused? Because I can understand what you say *vis-à-vis* the counts,
4 but the modes of liability I question -- I have more questions, and
5 the two accused I have even more questions.

6 MS. SHAHABUDDIN: I think, Your Honour, that it would also apply
7 to the modes of liability possibly to a lesser extent, but certainly
8 many overlapping modes involved as far as what the Specialist
9 Prosecutor's Office alleges. And I think perhaps to an even lesser
10 extent to the accused. But, again, one of the allegations here is
11 that the accused worked together in a group. And so given the nature
12 of the charges, I think in that case also there would be quite a bit
13 of overlap, which, again, to -- in our view, to diminishing value in
14 terms of the use of the subcategories.

15 JUDGE GUILLOU: Thank you, Madam Prosecutor.

16 Mr. Gillis, please.

17 MR. GILLIS: Thank you, Your Honour.

18 To be honest, since one day I've been thinking about this --
19 this part of the submission. For the Defence of Mr. Januzi, not
20 going along with the standard Rules of Procedure and Evidence would,
21 for us -- we have to be presented with an argument that really makes
22 it tangible. And, indeed, as Your Honour already noticed, the main
23 question I have is -- we are not following specifically here the
24 Rules of Procedure and Evidence. And the categorisation would mean
25 that there would be, yeah, confusion, I don't see it directly. Of

1 course, I've been listening to what the Specialist Prosecutor
2 answered, but I don't see it legally in this case, bearing in mind
3 once again the relatively limited volume of material and, of course,
4 also the nature of the disclosed material. And, secondly, how also
5 this would delay the disclosure process, I don't see it directly. Of
6 course, Your Honour, you will, with all the experience, make a
7 decision there. But the Defence, after one day -- sometimes one day
8 is not enough to think over things. But I've done -- I think we've
9 done also, my colleague counsel, have been really thinking about
10 that. And the first argument, the Defence of Mr. Januzi,
11 Your Honour, says that, for us, I don't see it.

12 And I think if, indeed, in this case there is no specific reason
13 that we can see in the file and that can be argued, I think that
14 following the rules of the categorisation following the standard
15 Rules of Procedure and Evidence should be the norm. It should be the
16 norm.

17 Having said this, of course, looking for mutual agreement on
18 that, of course, we -- we're willing to do that, of course. But then
19 it has to be a mutual agreement and sometimes it's not that -- not
20 that easy. We don't want to lose time there either. And that is the
21 difficult decision, Your Honour, you have to make.

22 But our main point of view, looking at it, is that we don't see
23 a specific grounded reason to depart from the rules of standard
24 procedure and evidence in this case, bearing in mind for sure that
25 categorisation in this case should not take ages, I think. And it's

1 very important. I think looking forward to where we'll end up and
2 the trial itself, I think it will be very important.

3 But a mutual agreement should be possible, but I think the
4 Defence is clear at what we ask, Your Honour.

5 JUDGE GUILLOU: Thank you, Mr. Gillis.

6 Mr. Sytema, please.

7 MR. SYTEMA: Thank you, Your Honour. I agree with my colleague,
8 Mr. Gillis. If what I hear from the side from the Prosecution's
9 Office is that, and that's my summarisation of it, that there is an
10 overlap and there is a connection between the charges, and it's one
11 complex of facts, that it leads to a categorisation like we have to
12 check all the boxes. Well, wouldn't that be easy? So where's the
13 profit of seeking another framework that's different from the
14 standard framework? So I can understand the questions raised by
15 yourself, Your Honour.

16 But also on the other hand, it's in our interest to make things
17 work easy and quick for our -- work for our defendants or our
18 clients, so the Defence of Mr. Bahtjari is also open for any
19 agreement discussion on these topics. But, first, we would ask you
20 to stick to the framework you suggested. Thank you.

21 JUDGE GUILLOU: Thank you, Mr. Sytema.

22 Madam Prosecutor, do you want to mention something?

23 MS. SHAHABUDDIN: I believe I've already addressed some of what
24 my colleagues have raised. I do want to clarify one thing, though.

25 We are certainly not looking to divert from what the rules

1 provide for. We would certainly still mark all items consistent with
2 the main categories called for by the rules. Our response is it was
3 limited to the subcategories provided by Your Honour in order to
4 further clarify and aid the Defence in its review of the evidence,
5 and our position is simply that we don't actually think that the
6 subcategories, as applied to our evidence, would be helpful in that
7 regard.

8 But, again, in terms of mutual agreement on categories that
9 would be helpful, we are certainly open to that conversation.

10 JUDGE GUILLOU: Thank you, Madam Prosecutor.

11 I don't see any request for the floor. So let us now move to
12 the redaction regime.

13 I remind the parties that, in adopting a redaction regime, it is
14 necessary to ensure the efficiency of the disclosure process while
15 striking a balance between the duty to protect the interests of the
16 victims and witnesses and upholding the rights of the accused.

17 In their submissions, the SPO and the Defence agreed to adopt
18 the redaction regime applied in Case KSC-BC-2020-04. I invite the
19 SPO and the Defence to make any further submissions on this topic.

20 Madam Prosecutor.

21 MS. SHAHABUDDIN: Thank you, Your Honour. As a general matter,
22 the Specialist Prosecutor's Office agrees to adopting the redaction
23 regime that is outlined in the framework decision for Case 04.

24 I would just note that with regard to the default timeline to
25 file materiality charges, the office has found the five days to be

1 unmanageable and would request two weeks, consistent with protective
2 measures, in the same context. Thank you.

3 JUDGE GUILLOU: Thank you, Madam Prosecutor.

4 Mr. Gillis, please.

5 MR. GILLIS: Your Honour, I don't have any remarks on this
6 subject.

7 JUDGE GUILLOU: Thank you, Mr. Gillis.

8 Mr. Sytema, please.

9 MR. SYTEMA: The same goes for the Defence of Mr. Bahtjari.
10 Thank you.

11 JUDGE GUILLOU: Thank you, Mr. Sytema.

12 There is one other point I would like us to discuss today that
13 was not on the agenda but the SPO raised it in its written
14 submissions. It is the question of the adoption of a protocol on
15 handling confidential information and protocol governing the --
16 sorry, protocol of handling confidential information and contact with
17 witnesses of the opposing party.

18 This is a protocol that I have adopted in other cases.

19 Madam Prosecutor, can you expand on this? What would be the
20 need, and would it be efficient if such a protocol was annexed to my
21 Framework Decision on Disclosure of Evidence?

22 MS. SHAHABUDDIN: Thank you, Your Honour. Yes, the Specialist
23 Prosecutor's Office intends to make a submission in short order to
24 address the confidentiality of information as well as contacts with
25 witnesses.

1 Such provisions have been made in former cases, as Your Honour
2 is well aware. In this case in particular, it is of immense
3 importance given the nature of the charges at issue here and of the
4 alleged conduct, which involves the approach by the accused made to
5 an individual whom they believed to be connected with proceedings
6 under way here before the Chambers and the way in which it was made.
7 I don't particularly wish to go -- say anything further on the record
8 today. We will be following up with a written submission that will,
9 of course, be accessible to all in the courtroom today, and I think
10 actually it would be helpful for Your Honour to incorporate that into
11 the framework decision that is forthcoming.

12 JUDGE GUILLOU: Madam Prosecutor, do you request any changes in
13 the protocol that I have adopted in other cases before the KSC or
14 would it be the same protocol that I adopted before?

15 MS. SHAHABUDDIN: It would be largely the same, but there is a
16 significant modification that we would request with regard to the
17 contact protocol, which I'm happy to expand upon in my written
18 submission.

19 But, basically, we would ask that contact limitations be applied
20 not just to the individual identified as Witness 01 in the Confirmed
21 Indictment but also to family members.

22 JUDGE GUILLOU: Apart from that, it would be the same regime as
23 the protocol I've already adopted in other cases?

24 MS. SHAHABUDDIN: Yes, Your Honour.

25 JUDGE GUILLOU: I'm trying to find the most efficient way,

1 because if I want to annex it to my Framework Decision on Disclosure
2 of Evidence, I need submissions from the parties very soon.

3 Would it be possible for both the SPO and the Defence to file
4 submissions on this protocol by, I don't know, Monday next week, for
5 example, or Tuesday next week? It means that for the Defence it's a
6 question of reviewing the protocol that I've issued in other cases,
7 which is actually the same as the protocol in the annex of the
8 Chambers manual of the ICC, so it's nothing that is very different
9 from common practice.

10 Is it something that is feasible for the Prosecution and the
11 Defence? And you can take 30 seconds or a minute to think about it
12 or discuss with your colleagues if needed.

13 [Specialist Prosecutors confer]

14 [Specialist Counsel confer]

15 JUDGE GUILLOU: Madam Prosecutor.

16 MS. SHAHABUDDIN: Yes, Your Honour. Certainly possible from the
17 Specialist Prosecutor's side.

18 JUDGE GUILLOU: Thank you, Madam Prosecutor.

19 Mr. Gillis.

20 MR. GILLIS: Yes, Your Honour. Two remarks. First of all, we
21 eagerly await the submission of the Special Prosecutor's Office. We
22 want to read it, of course, and then maybe we don't have any remarks.
23 Then it will be a very short submission. But we absolutely want
24 that.

25 Secondly, Your Honour. Monday is really not possible for me,

1 and I think for my colleague. I propose -- the Defence of Mr. Januzi
2 proposes Wednesday, by 12.00, noon, again, like, by the way,
3 yesterday, also by 12.00, noon. By then, of course, we will have the
4 submission, we will have directly -- we will have -- directly study
5 it and evaluate. But we respectfully ask Your Honour to make a
6 decision on that, that, first of all, we have the submission and,
7 secondly, that the delay would be Wednesday at noon instead of
8 Monday. That's really almost impossible for the Defence of
9 Mr. Januzi.

10 Thank you, Your Honour.

11 JUDGE GUILLOU: Thank you, Mr. Gillis.

12 Mr. Sytema, please.

13 MR. SYTEMA: Thank you, Your Honour.

14 The same goes for the Defence of Mr. Bahtjari. I think it's
15 wise that we await the submission of the Special Prosecutor's Office
16 so that we can react on that, and maybe that's a very plain and
17 simple reaction, that we have no comments on it. And if we do, we
18 will do so. But the order of things would be most practical in that
19 way.

20 Also for me, it applies that I couldn't file a submission by
21 coming Monday due to my other obligations, amongst which visiting my
22 client tomorrow. Thank you.

23 JUDGE GUILLOU: So if we have the submissions of the SPO on
24 Monday and the response of the Defence on Wednesday, would this be
25 agreeable to all of you?

1 Madam Prosecutor.

2 MS. SHAHABUDDIN: Yes, Your Honour. Certainly the Specialist
3 Prosecutor's Office could make its submission on Monday.

4 If I might clarify one point. Your Honour had asked regarding
5 what modifications we might be proposing in our submission, so I want
6 to clarify. In addition to the expansion of the contact protocol,
7 there would be an additional modification regarding the mode of
8 testimony and the specifically pre- and post-testimony contact, which
9 I could expand upon in the submission. But just so that it was
10 noticed today here in court.

11 JUDGE GUILLOU: Thank you, Madam Prosecutor.

12 Mr. Gillis.

13 MR. GILLIS: [Microphone not activated] ... Your Honour, that we
14 agree, of course.

15 JUDGE GUILLOU: Thank you, Mr. Gillis.

16 Mr. Sytema.

17 MR. SYTEMA: The same goes for the Defence of Mr. Bahtjari.
18 Thank you.

19 JUDGE GUILLOU: Thank you, Mr. Sytema.

20 I will issue an oral order on this in a couple of minutes.
21 Before I issue the oral order, at this point do the parties have any
22 issues they would like to raise today?

23 Madam Prosecutor.

24 MS. SHAHABUDDIN: Yes, Your Honour. Something small and
25 something I had hoped to discuss with counsel for Mr. Januzi before

1 we got started today. But it is my understanding that Mr. Januzi may
2 prefer to use an alternate spelling of his name in these proceedings.
3 And if that is the case, just something I wanted to get on the record
4 in terms of clearing that up so that we could use the preferred
5 spelling going forward.

6 JUDGE GUILLOU: Thank you, Madam Prosecutor.

7 Mr. Gillis, do you have any submissions on this point?

8 MR. GILLIS: Not directly. We will address that and then take
9 contact, of course, with the Prosecutor's Office. Thank you,
10 Your Honour.

11 JUDGE GUILLOU: Thank you, Mr. Gillis.

12 Madam Prosecutor, anything else?

13 MS. SHAHABUDDIN: No, Your Honour. Thank you.

14 JUDGE GUILLOU: Mr. Gillis, anything else you would like to
15 raise today?

16 MR. GILLIS: Your Honour, of course, we submitted a second
17 submission on the detention on remand. And, of course, as for now, I
18 don't know whether Your Honour asks us to give any oral arguments on
19 that. I'm ready, of course, to do that, but it's not clear for me
20 if, Your Honour, you expect me to do that right now. I don't think
21 so. I understood no.

22 JUDGE GUILLOU: No, no, it will be done by written rulings.

23 MR. GILLIS: Yeah.

24 JUDGE GUILLOU: And you will have also access to a certain
25 number of decisions that will be disclosed to you I think this

1 afternoon or tomorrow at the latest. So feel free to supplement your
2 submissions if needed with the decisions or evidence that will have
3 been disclosed to you.

4 MR. GILLIS: I understood that, Your Honour. But just because
5 you asked me if I have any remarks, that was the remark. Thank you.

6 JUDGE GUILLOU: Thank you, Mr. Gillis.

7 Mr. Sytema, please.

8 MR. SYTEMA: Thank you, Your Honour.

9 Exactly this point was raised before the start of the case with
10 the Prosecution. They suggested that we added supplements to the
11 submissions we already made considering what we know now rather than
12 we did yesterday filing the submissions, so we gladly will take the
13 opportunity to do so. And then the Prosecution -- Special
14 Prosecution can react on that. So thank you for that.

15 JUDGE GUILLOU: Thank you, Mr. Sytema.

16 Would you supplement your submissions on detention of remand for
17 both Defence teams? If you can just inform the SPO so that they do
18 not make a response, for example, while you are at the same time
19 filing supplementary submissions, because that way it will avoid a
20 bit of confusion between the filings on both sides, and it will also
21 clarify the briefing schedule.

22 MR. SYTEMA: Of course we will do that, and I'm talking for
23 Mr. Gillis on this point also, I guess.

24 JUDGE GUILLOU: Thank you very much. I don't see that the
25 parties request the floor.

1 So I would like to inform the parties that I intend to hold the
2 second Status Conference on 3 November 2023, most likely in the
3 morning.

4 I note in this regard that should counsel of the accused wish to
5 participate via video-conference, written notice shall be sent to the
6 Registry via e-mail 24 hours in advance so that arrangements can be
7 made, and such notice should also include the written consent of the
8 accused, as I mentioned during the Initial Appearance.

9 I will also -- I also indicate that you will receive a
10 Scheduling Order for the next Status Conference that will include the
11 agenda. If you wish to address other issues at the Status
12 Conference, please indicate this in your written submissions ahead of
13 the Status Conference so that the other parties can be briefed and so
14 we can have efficient and productive hearings.

15 I will now ask you to wait for a couple of seconds, the time for
16 me to finalise the oral order, and I will issue it in a couple of
17 seconds, but you can stay in the courtroom.

18 So we're going to break for five minutes, and then I will come
19 back with the oral orders. Just before we break, to make sure that
20 the parties do not have anything else to add? No? I don't see
21 requests for the floor. Okay.

22 So we break for five minutes and we'll be back in the courtroom
23 very soon.

24 --- Break taken at 3.06 p.m.

25 --- On resuming at 3.12 p.m.

1 JUDGE GUILLOU: So I will now issue my first oral order
2 concerning the adoption of the protocol on handling confidential
3 information, adoption of protocols governing the handling of --
4 sorry, excuse me.

5 I will issue my first oral concerning the adoption of the
6 protocol on handling confidential information.

7 And I instruct the SPO to file its submission by Monday, 16
8 October 2023, and the Defence is instructed to respond by Wednesday,
9 18 October 2023. No reply will be entertained.

10 And this concludes my first oral order.

11 And this concludes the Status Conference today. I thank the
12 parties and participants for their participation. As usual, I thank
13 the interpreter, audio-visual technician, stenographer, and security
14 personnel for their assistance.

15 The hearing is adjourned.

16 --- Whereupon the Status Conference adjourned
17 at 3.14 p.m.

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