1 Wednesday, 1 April 2026
2 [Open session]
3 [Defence Preparation Conference]
4 [The Accused Thaci, Kilaj and Fazliu appeared
5 via videolink]
6 [The Accused Smakaj and Kuci not present]
7 --- Upon commencing at 2.01 p.m.
8 JUDGE GOSNELL: Madam Court Officer, please call the case.
9 THE COURT OFFICER: Good afternoon, Your Honour. This is file
10 KSC-BC-2023-12, The Specialist Prosecutor versus Hashim Thaci,
11 Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and Hajredin Kuci.
12 JUDGE GOSNELL: May we have the appearances from the parties,
13 starting with the Prosecution, please.
14 MR. HAFETZ: Good afternoon, Your Honour. Josh Hafetz on behalf
15 of the Specialist Prosecutor's Office, and I'm joined by my
16 colleagues here today, Earl Sullivan, Brent Hicks, Line Pedersen, and
17 Ella Palsenberg.
18 JUDGE GOSNELL: Defence. Ms. Menegon.
19 MS. MENEGON: Good afternoon, Your Honour. Today I am with
20 Lea Allix-Cornelissen, Lirim Greicevci, and Pranvera Haxhiaj for the
21 Defence of Mr. Thaci. Thank you.
22 JUDGE GOSNELL: Thank you.
23 Mr. Rees, joining us on Zoom.
24 MR. REES: [via videolink] I am. And I am assisted also on Zoom
25 by co-counsel Mr. Huw Bowden and team member Muharrem Halilaj.

1 JUDGE GOSNELL: Mr. Holmes.
2 MR. HOLMES: [via videolink] Yes, good afternoon, Your Honour. I
3 am appearing via videolink with Mr. Omar Soliman, also on the screen,
4 and I believe in the courtroom is Eva Kalb and Alex Baer.
5 JUDGE GOSNELL: Mr. Young.
6 MR. YOUNG: [via videolink] Yes, good afternoon, Your Honour. I
7 appear remotely for Mr. Fazliu. I am assisted by Mr. Beqiri and
8 Ms. Dumoshi, who I think are also remotely connected. Thank you.
9 JUDGE GOSNELL: And Mr. Admiraal.
10 MR. ADMIRAAL: All by myself. Good afternoon.
11 JUDGE GOSNELL: And I see that Mr. Thaci, Mr. Kilaj, and
12 Mr. Fazliu are joining us as well remotely. And Mr. Smakaj and
13 Mr. Kuci are not attending, having waived their right to be present
14 pursuant to Rule 96(2)(c).
15 We're convened today for the Defence Preparation Conference,
16 which is required prior to the opening of the Defence case pursuant
17 to Rule 119(3). This follows the formal closure of the Prosecution's
18 case on 13 March 2026, pursuant to filing 792.
19 On the same day, I issued a Scheduling Order, filing 790,
20 setting 27 March 2026 as the deadline for the Defence to file its
21 witness and exhibit lists but with the possibility of supplementing
22 those filings by 1 April 2026 - that is today - upon a showing of
23 good cause. I also set the period of 7 through 24 April 2026 for the
24 hearing of Defence witnesses, which was subsequently extended by
25 e-mail to 28 April 2026.

1 I note that the Smakaj, Fazliu, and Kuci Defence teams have
2 filed notices indicating that they will not be calling any evidence.
3 Can I please confirm with each of you, starting with you, Mr. Holmes,
4 that you will not be filing any request to supplement -- I'm sorry,
5 not Mr. Holmes, it's Mr. Young, in the first instance, that you'll
6 not be seeking to supplement those filings today?
7 MR. YOUNG: [via videolink] Your Honour, thank you. Yes, that's
8 correct.
9 JUDGE GOSNELL: Thank you.
10 Mr. Rees, will you be supplementing your filing today?
11 MR. REES: [via videolink] No, we won't. Our position is
12 confirmed.
13 JUDGE GOSNELL: Mr. Admiraal.
14 MR. ADMIRAAL: We won't.
15 JUDGE GOSNELL: And, Mr. Young, I see at paragraph 2 of your
16 filing that you say you reserve the right to make an address during
17 the opening and closing speeches. I understand you to mean that you
18 wish to make an address during closing submissions; is that right?
19 You wouldn't be requesting to make an opening address without
20 presenting evidence, would you?
21 MR. YOUNG: [via videolink] Your Honour, obviously, I'll only
22 make a closing speech where I'm allowed to. If the fact I'm not
23 calling evidence means I can only make one closing speech in closing,
24 that's fine by me, but I can estimate a time of some 45 minutes.
25 Thank you.

1 JUDGE GOSNELL: Yes. I think the position of the Court, not
2 having heard any submissions on this yet, but the position of the
3 Court would be that really an opening statement should be reserved
4 for a situation where evidence is being presented, and that otherwise
5 arguments should be presented as part of closing submissions.
6 I understand --
7 MR. YOUNG: [via videolink] Understood.
8 JUDGE GOSNELL: -- that that would be agreeable to you; is that
9 correct.
10 MR. YOUNG: [via videolink] Yes, of course, of course. In
11 England and Wales we're used to normally making closing rather than
12 opening speeches in any event. So thank you.
13 JUDGE GOSNELL: Thank you very much.
14 Mr. Holmes, I note that you have listed four witnesses on behalf
15 of Mr. Kilaj whose evidence is tendered via Rule 153, that is, in
16 written form. Can I confirm that you will not be seeking today to
17 add any other witnesses to your list?
18 MR. HOLMES: [via videolink] Your Honour, you can, yes. That's
19 correct.
20 JUDGE GOSNELL: Thank you.
21 And, Ms. Menegon, you have listed one witness on behalf of
22 Mr. Thaci, DHT-01. May I inquire whether you will be seeking to
23 supplement that witness list by way of a filing today?
24 MS. MENEGON: Not at this stage, Your Honour. Thank you.
25 JUDGE GOSNELL: May I ask, Ms. Menegon, what is your current

1 estimate for an opening statement on behalf of Mr. Thaci?
2 MS. MENEGON: Your Honour, given the fact that we do not intend
3 to call any live evidence at this stage, we prefer to make oral
4 submissions at the stage of the closing statements.
5 JUDGE GOSNELL: Thank you for those indications.
6 I think now I should turn the floor to the Prosecution and ask
7 whether they have any observations at this stage on the Defence's
8 Rule 119 filings.
9 MR. HAFETZ: Only limited, Your Honour. I think it will depend
10 a bit on what transpires for the rest of today. But we will be
11 responding tomorrow, as indicated, to one of the 153 motions, and
12 we're in discussions with Mr. Kilaj's Defence regarding potential
13 agreed facts related to that which affect our position on that
14 filing. And Your Honour granted the extension for the second 153,
15 which we will file on time next week.
16 I would just note that two of the reports contained in
17 Mr. Thaci's disclosed exhibits appear on their face to be of expert
18 evidence in character, and there has been no 149 notice, and there is
19 no witness necessarily associated with them in the Legal Workflow
20 disclosure. And so the question remains, if those are opposed, and
21 if there is no basis for the reports -- and I'm not saying there
22 isn't at this moment, but we are reviewing that. If there is no
23 basis to submit them on the paper, there is then the question of
24 whether a witness would be proposed, and we haven't heard anything
25 about that. And also if that were an expert, for expert testimony

1 there is, of course, the Rule 149 and the Conduct of Proceedings in
2 this case notice requirement around that, which is longer than the
3 time we are talking about.
4 So other than that, I don't have anything at this time other
5 than what comes up in the proceedings.
6 JUDGE GOSNELL: Just before I turn to Ms. Menegon in respect of
7 that comment that you just made. When you say that the time period
8 under 149 would be longer, can you just please indicate to me what
9 you mean, longer than what, and what do you understand the applicable
10 time period to be.
11 MR. HAFETZ: Sure, Judge. What I intended to say was that
12 Rule 149 expert notice and the Conduct of Proceedings, I think, in
13 this case, which indicated, I believe, 30 days notice of an expert
14 report. But, in any event, we are where we are. And my point is
15 what we don't have right now is clarity on what would happen if this
16 is opposed on the merits via paper submission, which appears to be
17 the mode of submission.
18 JUDGE GOSNELL: Well, my understanding - and, again, this is
19 subject to correction - is that the time period prescribed under 149
20 is seven days for the period of -- prior to the witness's appearance
21 to elapse or seven days to raise an objection, which is actually
22 less, as I understand it, than the period in the Scheduling Order
23 before a witness can appear who is listed in respect of the
24 supplemental notification, so that's why I was curious about the
25 potential difference in notice periods.

1 MR. HAFETZ: Your Honour, I don't have it in front of me
2 memorised, but I believe in the Conduct of Proceedings it notes, and
3 it may be paragraph 35, that the notice requirement for the
4 disclosure of an expert report, if that's what it is, is 30 days.
5 JUDGE GOSNELL: Ms. Menegon, do you have any comment about those
6 materials that are on your exhibit list?
7 MS. MENEGON: Indeed, Your Honour. At this stage, we intend to
8 tender this report through Rule 138 like the SPO did with various
9 reports as part of its SPO case. Indeed, in light of the deadline of
10 30 days notice that you had previously indicated, this is one of the
11 reasons why we decided not to call these witnesses, because we
12 obtained their report at a late stage despite our effort to get them
13 a bit earlier.
14 But, indeed, if the admission of this report were not accepted,
15 we would likely seek leave eventually to tender the report through
16 Rule 149 by calling them if need be. We have not added them to our
17 witness list at this stage because we do rely on 138. We consider it
18 sufficient and admissible on this basis. But, of course, we will
19 file a written submission in this regard. Thank you.
20 And -- yeah.
21 JUDGE GOSNELL: But this does have an impact on scheduling. If
22 we are in a position where we are waiting for the bar table motion,
23 first of all, to be submitted, and then a decision rendered, and then
24 - only then - a 149 application brought, that could delay matters
25 considerably as opposed to, for example, filing a 149 motion and

1 concurrently tendering the materials via a bar table motion.
2 Is that something that would be contemplated? And in addition
3 to that, of course, it wouldn't be unheard of to request a variation
4 of the time periods that have been established in the decision of the
5 Conduct of Proceedings.
6 MS. MENEGON: The issues that are in Case 06 for -- as a
7 precedent, one of the parties had put a witness, an expert witness on
8 its witness list, and tried to tender the report in writing, and it
9 was denied, let's say, through Rule 138, because the witness was on
10 the witness list of the party. So we believe that once we put him or
11 her on our list -- witness list, you may consider that the report
12 itself is not admissible anymore through Rule 138, which is also why
13 we have decided to go this way.
14 JUDGE GOSNELL: And do I --
15 MS. MENEGON: May I add that we had consulted one of the
16 potential witness with regard to her availability, and she had
17 indicated that she will not be available before the week of 8 May,
18 which is also why we decided to tender the report in writing.
19 JUDGE GOSNELL: It may be premature at this stage to ask the
20 Prosecution this question, but given that you received notice on
21 27 March of a document that we've now heard characterised by the
22 Thaci Defence as a report that they may seek to tender as an expert
23 report, I wonder whether it would be your position or whether you
24 would be willing to accept the position that the 30 days starts to
25 run from 27 March or not?

1 MR. HAFETZ: I think that would depend a bit, Judge, on when
2 we're talking about the witness would be coming. We need to prepare
3 and analyse for the -- you know, the expert to testify. And I will
4 say that the material referenced in one of the reports, the one,
5 without getting into the specifics, that relates not to the law, an
6 interpretation of the law, but to the recorded material in this case,
7 overlaps fundamentally with quite a bit of evidence that's been --
8 just been tendered by the Defence and has already -- and some of
9 which is already admitted in this case.
10 So there's quite a bit to engage with in that particular report,
11 and so that is my understanding of why the rule is the way it is in
12 the conduct.
13 JUDGE GOSNELL: And on DHT-01, will the Prosecution's position
14 be that the witness should be cross-examined? In other words, that
15 the witness's testimony should be heard in court? Or is the position
16 going to be that the witness's testimony is not relevant and should
17 not be heard at all?
18 MR. HAFETZ: Your Honour, I'd like to answer that right now,
19 but, quite frankly, we're dealing with a witness who talks about
20 multiple transcripts that have been subject to the verification
21 process and that themselves are subject to another witness's tendered
22 version of parts of those own -- of those documents. So that
23 requires quite a bit of analysis before taking a position on whether
24 it is, A, in the first instance, entirely irrelevant and out of line
25 with the proceedings as already ordered by Your Honour in this case,

1 or whether -- or possibly in the alternative, if that first grounds
2 were denied, the person must come and be cross-examined.
3 JUDGE GOSNELL: [Microphone not activated].
4 The reason for the question is that DHT-01 at the moment is
5 actually the only witness who potentially could be heard -- well, who
6 is being tendered even in theory as a potential witness to be heard
7 orally in court, assuming that the Court were to decide that the
8 witness should, indeed, be heard orally and should be cross-examined.
9 MS. MENEGON: Indeed, the witness is available. I will need to
10 confirm exactly the dates of availability, but he's on our list. And
11 so if the Rule 153 motion were denied, we reserve the possibility to
12 tender his evidence under an alternative legal basis. Thank you.
13 JUDGE GOSNELL: So my understanding, just to be clear, is that
14 as of now there is no witness being tendered to be heard by the
15 Defence in court, and that the only one potential exception to that
16 at the moment is if there is a denial of the 153 application for
17 DHT-01 and the witness is required to be heard orally in court; is
18 that correct?
19 MS. MENEGON: That's a possibility, Your Honour. I note,
20 nevertheless, that the SPO has tendered his various SPO transcript
21 and translation under Rule 138 without calling any transcriber, any
22 translator, so there is also, we submit, an alternative legal basis
23 to tender the transcript he created, not his statement, obviously,
24 under Rule 138, so we will also need to consider this possibility.
25 Thank you.

1 JUDGE GOSNELL: Yes. I wasn't asking that question to discuss
2 the merits but more just to understand the position in terms of
3 whether any court days should be maintained within the time period
4 that was scheduled for the hearing of Defence witnesses, and it
5 sounds as if in order to resolve the 153 issue, it wouldn't be until
6 -- certainly not the week of the 7th, but possibly the week
7 thereafter.
8 Can I ask would the witness be available during that following
9 week?
10 MS. MENEGON: I will need to check with him. But we would
11 appreciate, indeed, if you reserve, let's say, some availability for
12 testimony in light of the observations of the Prosecution and if --
13 and of your upcoming ruling. I want to note that we would request,
14 in this case, if we decide to tender his evidence through Rule 154,
15 in case you deny our 153 motion, that he would appear via videolink,
16 which I hope will make things a bit more simple.
17 JUDGE GOSNELL: And I would suggest that, at the moment, there
18 does seem to be a difficulty if the reports that have been mentioned
19 as potentially being admissible under 138 in the end are not admitted
20 on that basis and then you seek to have those materials admitted as
21 expert reports. I've heard what you said about the reason for not
22 making that application, that it could potentially prejudice your 138
23 request. As I sit here, I have a hard time seeing how that would be
24 the case, especially in light of the discussion that we're having
25 now, which is that the purpose is to, as much as possible, expedite

1 the hearing of a witness who you may wish to call.
2 MS. MENEGON: If Your Honour orders us to submit an alternative
3 Rule 154 -- sorry, 159 application and -- by confirming that it will
4 not prejudice a Rule 138 motion, we are willing to do so.
5 JUDGE GOSNELL: Can I ask, first of all, whether the Prosecution
6 would be opposed to such an understanding? In other words, that
7 making a 149(1) notification immediately would not prejudice their
8 request for admission of the report from the bar table?
9 MR. HAFETZ: Yes, I understand that, Judge.
10 JUDGE GOSNELL: And you would be willing to accept that it does
11 not, in fact, prejudice a bar table request that might be pending
12 simultaneously?
13 MR. HAFETZ: No. That appears to be the appropriate way to
14 proceed to give the proper notice and also to allow for the
15 expeditious nature of the proceedings. I don't think it resolves the
16 issue of the time necessary to prepare for the calling of that
17 witness, if, in fact, that is what happens.
18 JUDGE GOSNELL: Yes, I agree with you, Mr. Hafetz. We do have
19 the 30 days, and we have a deadline for the end of the hearing
20 Defence witnesses that is now less than 30 days from now, so that
21 does pose a problem.
22 But what I would suggest, nonetheless, in light of this
23 discussion, that, indeed, a 149 application or notification be
24 submitted promptly.
25 MS. MENEGON: We will do so, Your Honour.

1 JUDGE GOSNELL: The Court is inclined not to sit for the week of
2 7 April in light of these submissions because it doesn't appear that
3 there is actually a witness to be heard.
4 And perhaps I should, Ms. Menegon, just pin down one point
5 before I move on. If any of the materials that are now being
6 considered as tendered via 153 or 138, if those materials are
7 admitted in writing, do you wish to make an opening statement or not?
8 MS. MENEGON: If all the materials tendered are admitted in
9 writing, we do not wish to make an opening statement.
10 JUDGE GOSNELL: And if any of those materials have to come in
11 *viva voce*, does that change the position or not?
12 MS. MENEGON: I presume if we decide -- I mean, if Your Honour
13 and the Defence decide to call a live witness in light of your
14 upcoming ruling, then it would make sense for us to make a short
15 opening statement.
16 JUDGE GOSNELL: I'm going to adjourn briefly to consider what
17 kind of Scheduling Order I should issue now in light of these
18 submissions.
19 Before I do that, however, I would like to address one other
20 matter, which is the attendance of the accused during the
21 presentation of Defence evidence.
22 I note that Mr. Fazliu has made a request, in filing 804 of
23 23 March 2026, to attend the Defence phase of proceedings by
24 video-conference, pursuant to Rule 68(2).
25 Is the SPO able to indicate its position on this request?

1 MR. HAFETZ: Your Honour, we take no position on this at this
2 time.
3 JUDGE GOSNELL: All right. This is an oral order on the
4 request.
5 My view is that greater latitude is warranted in respect of the
6 physical attendance of the accused during the Defence case as opposed
7 to the hearing of Prosecution evidence. Accordingly, and having
8 considered in particular Mr. Fazliu's submissions, as well as the
9 position just stated by the Prosecution, I hereby grant Mr. Fazliu's
10 request, F00804, to attend the Defence phase of trial proceedings via
11 video-conference, pursuant to Rule 68(2).
12 The Registry is kindly requested to facilitate Mr. Fazliu's
13 participation accordingly.
14 This ends the oral order.
15 I would add that I would be favourably inclined towards such
16 requests from any of the other accused. I will set tomorrow as the
17 deadline for any such requests to be submitted, and this does
18 constitute a variation of the time limits for such requests as set
19 out in the Conduct of Proceedings decision.
20 We'll now take a very brief adjournment - I anticipate less than
21 ten minutes. Please do stay where you are in the courtroom, and we
22 will resume very shortly. Thank you.
23 MR. REES: [via videolink] Your Honour, before Your Honour
24 rises --
25 JUDGE GOSNELL: Yes, Mr. Rees?

1 MR. REES: [via videolink] -- can I apologise for not being
2 present when Your Honour returns to court. Mr. Bowden will be here
3 representing Mr. Smakaj's interests, but I need to depart.
4 JUDGE GOSNELL: Certainly. Thank you for that, Mr. Rees.
5 MR. REES: [via videolink] Thank you, Your Honour. I appreciate
6 it.
7 JUDGE GOSNELL: We adjourn briefly.
8 Thank you.
9 --- Break taken at 2.29 p.m.
10 --- On resuming at 2.41 p.m.
11 JUDGE GOSNELL: In light of the submissions heard today and the
12 filings received under Rule 119, it's apparent that there are no
13 witnesses to be heard, at least for the week of 7 April.
14 The next witness who may need to be heard for which court days
15 would be set aside is Witness DHT-01, but that does depend on the
16 outcome of the 153 application, which is yet to be fully briefed.
17 So I will ask the parties to remain available for 14 and
18 15 April for the potential hearing of Witness DHT-01. Again, that
19 does depend on the outcome of the litigation concerning the admission
20 of that witness's testimony in writing.
21 So that's the first issue. The parties are instructed to be
22 available on 14 and 15 April 2026.
23 The second issue, and this is an order, the Thaci Defence shall
24 file any request pursuant to Rule 149 by tomorrow at 4.00 p.m. That
25 request shall include an explanation for not having filed this

1 request by today at 4.00 p.m., which the Court considers to have been
2 the applicable deadline, notwithstanding the explanation that's been
3 presented, but that explanation can be explained further in the
4 written filing that will be filed by tomorrow.
5 That completes this oral order.
6 But outside of the context of an order, I will ask the
7 Thaci Defence to please be as specific as possible in the filing as
8 to when the witnesses, if indeed they ultimately are categorised as
9 witnesses, as expert witnesses, when they would be available; and if
10 they're not available -- and, secondly, if they are to be presented
11 within 30 days, the just cause for curtailing or reducing the time
12 limit set out in the decision on the Conduct of Proceedings. And in
13 addition to that, if they are to be heard after 28 April, the good
14 cause to justify a modification of the existing sitting schedule.
15 Are there any other matters that the parties wish to raise at
16 this point?
17 MR. HOLMES: [via videolink] Your Honour, may I?
18 JUDGE GOSNELL: Yes, Mr. Holmes.
19 MR. HOLMES: [via videolink] Please. I'm grateful, Your Honour.
20 As Your Honour will have noted, we have filed motions for the
21 admission of four character witnesses under Rule 153; in other words,
22 witnesses whose written evidence is to be admitted in lieu of oral
23 evidence. These four collectively have impeccable standing in the
24 community. They are apolitical and independent insofar as these
25 proceedings are concerned, and they speak unanimously and

1 unequivocally about Mr. Kilaj's integrity.
2 This morning we were alerted to the possibility of the existence
3 of material which may prompt the SPO to oppose the 153 application
4 inasmuch as they would require one or more of these witnesses to
5 appear for cross-examination.
6 Having regard to the criteria in Rule 153, Your Honour may feel
7 that it's unlikely that these witnesses ought to appear for
8 cross-examination, particularly since these witnesses relate to the
9 character of the accused only and are tendered for that purpose
10 alone. They do not go to the acts and conduct of the accused.
11 But be that as it may, in light of Your Honour's order, and
12 perhaps I ought to have raised this sooner, but in light of
13 Your Honour's order as to the scheduling of live evidence if there is
14 to be any, it may well be that if Your Honour finds merit in the
15 SPO's objection and refuses to admit one or more of those witnesses
16 as written witnesses only, that we seek to call those witnesses
17 *viva voce*, in which case -- even though those circumstances may well
18 be remote, there is that remote possibility, Your Honour, that we
19 would seek to call live evidence as well, but it's with those
20 caveats.
21 JUDGE GOSNELL: Yes. And I understand that this application
22 will be fully briefed by 7 April 2026. So, therefore, I would
23 suggest that the dates of the 14th and 15th continue to be useful for
24 that purpose as well, provided that that would provide adequate
25 notice to the witnesses, who I assume, Mr. Holmes, would be, if they

1 do testify, testifying by video-conference?
2 MR. HOLMES: [via videolink] Your Honour, I'd have to confirm
3 that, but we'd like to keep open, if we may, the possibility that
4 that happen, but we'd certainly seek to do -- to tender them in as
5 efficient way as possible, yes.
6 JUDGE GOSNELL: Any comment on that from the Prosecution?
7 MR. HAFETZ: Just very briefly, Your Honour.
8 We just heard extensive submissions about the merits of the four
9 witnesses called. I'm not going to get into that here. I'm not
10 going to debate the merits and the unassailable information they're
11 providing, including one who is labelled as an acquaintance. What I
12 am saying is what I told counsel this morning, which I think he is
13 responding to, which is that in the very brief time we've had to look
14 into the four witnesses that were notified on Friday, we have found
15 some information that we need to bring to the Court's attention. And
16 what we're seeking to do, and what I continue to seek to do with
17 counsel, and I am confident we will be able to resolve it, may be an
18 additional set of agreed facts relating to statements that one or
19 more of these individuals have made publicly that may affect the
20 weight and manner in which their evidence is considered if we -- if
21 those statements are accepted. That's all.
22 And I take your point, this can be fully briefed on the schedule
23 you have set. And if it turns out in the unlikely event that they
24 need to be called, that can be done in short order.
25 JUDGE GOSNELL: Thank you. And, of course, I do encourage the

1 parties to the greatest extent possible to consult with one another
2 and seek whether, indeed, this -- seek common ground as to how to
3 proceed on this matter.
4 MR. HOLMES: [via videolink] Yeah. And, Your Honour, may I just
5 thank Mr. Hafetz for doing so exactly that this morning. Yes.
6 JUDGE GOSNELL: Does anyone else have anything to raise at this
7 point?
8 Yes, Mr. Young.
9 MR. YOUNG: [via videolink] Your Honour, firstly, I'd just like
10 to briefly thank Your Honour for the oral order in relation to the
11 attendance of Mr. Fazliu. That's much appreciated. And also,
12 without going into the detail of it, can I thank Your Honour for the
13 written decision on the other matter to do with *[REDACTED] Pursuant to In Court Redaction Order F836RED.*
14 JUDGE GOSNELL: Anything else from anyone?
15 MS. MENEGON: Yes, Your Honour. I wanted to raise an issue with
16 regard to the LSU verification process.
17 As per your order setting various deadlines, we had asked the
18 LSU to review some of the SPO transcript. We had initially
19 challenged the methodology applied, and you had decided that the LSU
20 should review the SPO transcripts while doing their verification. We
21 have started to receive the results of their review.
22 At this stage, we maintain our prior submissions pursuant to
23 which we do not agree with the methodology adopted by the LSU, and so
24 we do not intend to rely on the LSU work. So we leave it to you
25 whether they should continue to process our various verification

1 requests because we do not intend - at this stage at least - to
2 tender them, with the exception of the verification related to the
3 Kuci visit.
4 Thank you.
5 JUDGE GOSNELL: I should ask whether -- does every other party
6 agree with that submission? Because there are some other parties
7 that are involved in some of those transcript requests which actually
8 do remain pending as of now.
9 MS. MENEGON: Yes, Your Honour. And just I would like to stress
10 for the record, we did comply with your deadline in order to preserve
11 our right. And the fact that we today inform you that we do not
12 require that LSU complete all the verification requested does not
13 mean that we -- does not mean that we agree with the SPO transcripts.
14 We maintain our challenge. Simply, we do not consider that this
15 process is necessary for our Defence. Thank you.
16 JUDGE GOSNELL: And just to be clear about this, does that apply
17 to each and every one of the transcriptions that is currently still
18 under review and verification by the LSU?
19 MS. MENEGON: On our side, yes. Nevertheless, as I've
20 indicated, we are interested to know the result of the review process
21 for the Kuci material, the Kuci visit.
22 JUDGE GOSNELL: So it's not actually revoked for that particular
23 set of transcripts; is that right?
24 MS. MENEGON: Indeed.
25 JUDGE GOSNELL: But you are seeking to revoke that request for

1 all the other transcripts?
2 MS. MENEGON: Given that we are not going to tender such items,
3 we leave it to you whether this process is necessary. At this stage,
4 we do not maintain our request.
5 JUDGE GOSNELL: Well, I think I would have to -- because the
6 requests were made jointly, Ms. Menegon, I would have to consult as
7 well with the other defendants who jointly submitted requests for
8 verification of the same transcripts.
9 May I just suggest that this be a matter that you consult on out
10 of court, and then if a position is taken that any of the ongoing
11 verifications are -- need not be continued, that you then advise
12 either the Registry or the Chamber through the Registry?
13 MS. MENEGON: This is noted and will be done, Your Honour.
14 Thank you.
15 JUDGE GOSNELL: Thank you.
16 Are there any other matters that anyone wishes to raise?
17 We stand adjourned until 14 April at 9.30 a.m., subject to
18 further notification from the Chamber.
19 Thank you very much.
20 --- Whereupon the hearing adjourned at 2.55 p.m.
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