



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06

The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi

Before: Trial Panel II

Judge Charles L. Smith III, Presiding Judge

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 22 January 2024

Language: English

Classification: Public

**Decision on Prosecution Submission of Proposed Public Lesser Redacted
Transcript of W04753's Testimony**

Specialist Prosecutor
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TRIAL PANEL II (“Panel”), pursuant to Articles 21(2), 23 and 40(6)(f) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 80, 84(1) and 116(4)(b) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 30 October 2023, W04753 testified in the present proceedings.¹
2. On 7 November 2023, the Panel issued an oral order on the review of private session portions of hearing transcripts in view of their reclassification, wherein it set out the procedure to be followed by the Parties and participants.²
3. On 7 December 2023, the Specialist Prosecutor’s Office (“SPO”) filed submissions (“SPO Submissions”) in relation to W04753’s testimony transcript of 30 October 2023 (“W04753’s Transcript”), to which it annexed a consolidated proposal of a public lesser redacted version of said transcript (“Annex 1”).³ According to the SPO and the Witness Protection and Support Office, the redactions proposed by them in Annex 1 are necessary to protect W04753’s identity.⁴ The SPO Submissions also contain a related request for suspension of time limits (“Request for Suspension of Time”).⁵
4. The Parties and participants responded, *inter partes*, to the SPO and agreed to their proposal.⁶ No further responses were filed on the record.
5. On 11 December 2023, the Panel granted the Request for Suspension of Time.⁷

¹ Transcript of Hearing, 30 October 2023, pp. 9119-9239.

² Transcript of Hearing, 7 November 2023, p. 9444, line 14 to p. 9446, line 21.

³ F01987, Specialist Prosecutor, *Prosecution Submission of Proposed Lesser Redacted Transcripts (W04753) and Related Request for Suspension of Time Limits*, 7 December 2023, with Annex 1, confidential. *See, in particular*, SPO Submissions, paras 1-2, 4.

⁴ Annex 1, p. 3.

⁵ SPO Submissions, para. 3.

⁶ SPO Submissions, para. 1.

⁷ Transcript of Hearing, 11 December 2023, p. 10876, line 8 to p. 10877, line 1 (Oral Order).

II. DISCUSSION

6. The Panel recalls that, to prevent identification by the public, W04753 was granted in-court protective measures of a pseudonym (including redaction of the witness's name and identifying information from the Specialist Chambers' public record and non-disclosure to the public of records identifying the witness) and face and voice distortion (including closed or private session for any in-court discussion or testimony identifying the witness).⁸ Furthermore, the Panel notes that none of the Parties or participants opposes the proposed redactions contained in Annex 1.⁹

7. Further to the Parties' and participants' submissions,¹⁰ with one exception specified below, the Panel considers that the redactions proposed in Annex 1 remain necessary and proportionate and consistent with the effective protection of the rights of the Accused. With respect to line 15 on page 9196, however, the Panel considers it not necessary to redact this line as it does not contain any identifying information.

8. The Panel considers that for reasons of consistency with other proposed redactions that are necessary and proportionate to prevent W04753's identification by the public,¹¹ the entirety of line 6 on page 9219 of W04753's Transcript should also be redacted.

9. In the interest of guaranteeing to the greatest possible extent the publicity of the proceedings, the Panel orders that the remainder of W04753's Transcript be reclassified as public.

⁸ F00373, Pre-Trial Judge, *Sixth Decision on Specialist Prosecutor's Request for Protective Measures*, 25 June 2021, strictly confidential and *ex parte*, para. 107(i) (a confidential redacted version was issued on the same day, F00373/CONF/RED).

⁹ See SPO Submissions, paras 1-2.

¹⁰ See Annex 1, p. 3.

¹¹ See above, para. 7.

III. DISPOSITION

10. For the above-mentioned reasons, the Panel hereby:

- a) **FINDS** that, save for line 6 on page 9219, those portions of W04753's Transcript identified in Annex 1 as suitable for reclassification can be reclassified as public;
- b) **APPROVES** the proposed redactions as set out in Annex 1, subject to the changes specified in paragraphs 7-8 above; and
- c) **DIRECTS** the SPO to communicate to the Registry a public lesser redacted version of W04753's Transcript in accordance with the redactions approved in the present decision.



Judge Charles L. Smith, III
Presiding Judge

Dated this Monday, 22 January 2024

At The Hague, the Netherlands.