

In: KSC-BC-2020-06
**The 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: Dr Fidelma Donlon

Filing Participant: Victims' Counsel

Date: 1 June 2023

Language: English

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Victims' Counsel's submissions on trial publicity

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I. INTRODUCTION

1. Pursuant to the Order¹, Articles 21 and 23 of the Law², and Rules 80 and 120 of the Rules,³ Victims' Counsel hereby files his submissions in relation to the publicity of the proceedings.
2. Victims' Counsel acknowledges that this filing is submitted one day late. This is as a result of an administrative error for which Victims' Counsel apologises and asks the Panel, exceptionally, to permit this late filing.

II. SUBMISSIONS

3. Victims' Counsel supports the SPO's proposal⁴ that the evidence of witnesses testifying with in-court protective measures to protect their identity, should be held in private session, and that an edited version of the video recording should be made available thereafter.
4. This will offer a significantly improved experience to those wishing to follow the proceedings. At present, the viewer faces the challenge of the proceedings going into private session for an unpredictable period of time. This inevitably discourages the viewer from following. Allowing the proceedings to be watched as a continuous narrative of all the footage that can be shown publicly, represents a real improvement to the experience of the viewer. By achieving this, the level of engagement with the proceedings by the public is likely to be increased. A delayed, but greatly superior product, is preferable to an inferior, contemporaneous one.
5. Victims' Counsel additionally suggests that where it has been necessary to remove a section of the footage that makes the narrative difficult to follow, a

¹ Oral Order, Transcript, 17 May 2023, pp.4207-4209 ('Order')

² 2 Law no.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015

³ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

⁴ Email 'SPO proposal pursuant to the Trial Panel's 17 May 2023 oral order,' sent by the SPO at 16:14 on 19 May 2023.

neutral summary of the testimony could be displayed in text at the appropriate moment.

6. Victims' Counsel shares the SPO's reservations about the use of codes to conceal identifying information. This makes the experience of testifying more difficult and complex for the witness, is subject to human error both by the questioner and the witness (necessitating further disruption to the feed), and greatly complicates the subsequent use of the transcript by the parties, participants and the Panel.

Word count: 398



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01 June 2023, The Hague, the Netherlands