



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

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

Filing Participant: Specialist Prosecutor's Office

Date: 18 April 2024

Language: English

Classification: Public

Public redacted version of

Prosecution response on admissibility of items tendered in F02242

Specialist Prosecutor's Office

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Venkateswari Alagenda

1. The Specialist Prosecutor's Office ('SPO') hereby responds to the KRASNIQI Defence request to admit five items with a public classification following its examination of W04739.¹
2. As for the AFP Report (019631-019632),² the SPO has no objection to its admission or public classification.
3. As concerns [REDACTED],³ [REDACTED]. These items are only marginally relevant, and cannot reasonably suggest that documents provided by the Serbian authorities are inherently suspicious.⁴ The SPO does not object to the admission of these items, but [REDACTED]. These items should therefore be admitted with a confidential classification.
4. As concerns [REDACTED],⁵ W04739's testimony on this statement makes clear that he was not previously aware of it.⁶ Whether or not [REDACTED]⁷ also changes nothing about the many tendered and admitted documents seized from Jakup KRASNIQI's residence – which [REDACTED] could not have been expected to know about at the time of his statement – that implicate Jakup KRASNIQI in his detention.⁸
5. The SPO does not object to the admissibility of these [REDACTED] items, despite their limited relevance. But admitting these items with a public classification reveals that [REDACTED], risking W04739's identification. These items should be admitted

¹ Krasniqi Defence Request for Admission of Items Used during Cross-Examination of W04739, KSC-BC-2020-06/F02242, 15 April 2024, Confidential ('Request').

² Request, KSC-BC-2020-06/F02242, paras 12-13.

³ Request, KSC-BC-2020-06/F02242, paras 9-11.

⁴ See Decision on Admission of Documents Shown to W04769, KSC-BC-2020-06/F01963, 27 November 2023, para.28.

⁵ Request, KSC-BC-2020-06/F02242, paras 3-8.

⁶ Transcript of Hearing, 3 April 2024, T.14378.

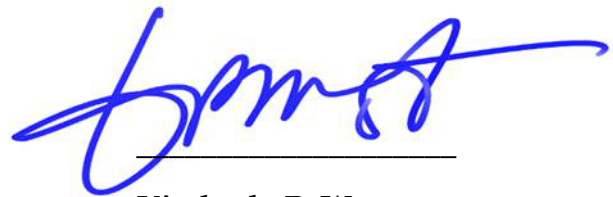
⁷ Request, KSC-BC-2020-06/F02242, para.6.

⁸ See [REDACTED]. See also [REDACTED].

with a confidential classification, no differently than the other [REDACTED] items admitted through W04739. In the alternative, these items should be classified as public only with exhibit numbers which disguise that they were admitted in connection with W04739.⁹

6. This filing is classified confidentially pursuant to Rule 82(4). At this stage, noting in particular that the witness testified entirely in closed session and to give full effect to his existing protective measures, a meaningful public redacted version would unduly risk W04739's identification given the submissions concerning the items used and his related testimony.

Word count: 444



Kimberly P. West

Specialist Prosecutor

Thursday, 18 April 2024

At The Hague, the Netherlands.

⁹ See Transcript of Hearing, 21 February 2024, T.12789-12790.