



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: 21 May 2024

Language: English

Classification: Public

Public redacted version of 'Prosecution notice of witness changes'

Specialist Prosecutor's Office

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Venkateswari Alagenda

1. In line with the Panel's Order,¹ the Specialist Prosecutor's Office ('SPO') hereby reports on streamlining its witness list. The SPO maintains its case, including evidence and witness lists, under constant review in order to, where appropriate, make adjustments to enhance the efficiency of proceedings. Such changes are often contingent upon the progress of the case, including testimony already heard, any agreement as to facts,² and decisions on *inter alia* admission of evidence³ and adjudicated facts.⁴

2. Having considered such factors, the SPO no longer intends to rely upon the evidence of the following ten (10) witnesses: [REDACTED]. In addition, the SPO intends to submit the evidence of the following thirteen (13) witnesses in writing, rather than calling them to testify:⁵ [REDACTED];⁶ [REDACTED];⁷ [REDACTED];⁸ [REDACTED].⁹

3. The SPO will continue to review and, where appropriate, adjust its case presentation. Specifically, taking account of *inter alia* upcoming witnesses (and subject

¹ Transcript, 21 February 2024, p.12807, lines 2-16 ('Order').

² See *for example* Prosecution report concerning *inter partes* discussions about agreed facts, KSC-BC-2020-06/F02199, 25 March 2024 (noting that no further agreement had been reached at that time). Discussions are ongoing and the SPO will report in due course as to any agreement reached on facts, witnesses, or evidence.

³ In line with the Panel's invitation (Transcript, 26 February 2024, p.13010, lines 7-12), the SPO has filed bar table motions on 14 March and 16 April (KSC-BC-2020-06/F02178 and KSC-BC-2020-06/F02248) and motions for admission of witness statements pursuant to Rule 153 on 8 April, 8 May and 21 May 2024 (KSC-BC-2020-06/F02227, KSC-BC-2020-06/F02299 and KSC-BC-2020-06/F02322). Further such motions are being prepared for submission.

⁴ As previously forecast and following the Panel's 30 April 2024 decision reclassifying the *Mustafa* trial and appeal judgments (F02276), the SPO will shortly be submitting a motion for judicial notice of adjudicated facts arising from the *Specialist Prosecutor v Salih Mustafa* (Transcript, 21 February 2024, p.12775, lines 18-23) and – consistent with the Panel's direction (Transcript, 26 February 2024, p.13009, lines 21-25) – will simultaneously indicate further concrete witness list changes which it is envisaged could be made were the motion to be granted.

⁵ All will be submitted pursuant to Rule 153, save for [REDACTED] (who is recently deceased and therefore will be submitted pursuant to Rule 155).

⁶ [REDACTED] are all in the Rule 153 motion filed on 21 May 2024.

⁷ [REDACTED] was already included in the Rule 153 motion filed on 8 April 2024.

⁸ [REDACTED] was already included in the Rule 153 motion filed on 8 May 2024.

⁹ [REDACTED] was already included in the Rule 153 motion filed on 8 May 2024.

to decisions on evidentiary motions), it is envisaged that the SPO will be in a position to notify certain additional changes to its witness list in October 2024.

Word count: 477



Kimberly P. West

Specialist Prosecutor

Tuesday, 21 May 2024

At The Hague, the Netherlands.