



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: 12 June 2024

Language: English

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**Public Redacted Version of 'Prosecution submissions pursuant to Decisions
F02044, F02117, and F02328'**

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Venkateswari Alagenda

1. As ordered, the Specialist Prosecutor's Office ('SPO') hereby makes submissions concerning the redactions to ERNs applied in the 8 January 2024 Decision,¹ 12 February 2024 Decision,² and 22 May 2024 Decision.³
2. In the circumstances of W02144 and W04741,⁴ redactions to all ERNs of the Proposed Evidence in the 8 January 2024 Decision are no longer necessary,⁵ as the witnesses have testified without in-court protective measures and, as appropriate, their evidence has been admitted.
3. Consistent with the SPO's previous submissions,⁶ to give effect to the witness's in-court protective measures, the [REDACTED] ERNs of W04305's Proposed Evidence in the 22 May 2024 Decision must remain redacted,⁷ including after his testimony.

¹ Decision on Prosecution Motion for Admission of Evidence of Witnesses W01163, W02144, W02749, W04230, W04445, W04489, W04576, W04739, W04741, and W04820 Pursuant to Rule 154 and Related Request, KSC-BC-2020-06/F02044, 8 January 2024, Confidential ('8 January 2024 Decision'), paras 87, 88(f). The term 'Proposed Evidence' is defined in para.5.

² Decision on Prosecution Motion for Admission of Evidence of W01453, W03878, W04446, W04575, and W04651 Pursuant to Rule 154 (F02005), KSC-BC-2020-06/F02117, 12 February 2024, Confidential ('12 February 2024 Decision'), paras 57, 58(f). The term 'Proposed Evidence' is defined in para.5.

³ Decision on Prosecution Motion for Admission of Evidence of Witnesses W01511, W04260, W04305, W04410, W04744, W04752, and W04764 Pursuant to Rule 154 (F02204), KSC-BC-2020-06/F02328, 22 May 2024, Confidential ('22 May 2024 Decision'), paras 94, 95(g). The term 'Proposed Evidence' is defined in para.5.

⁴ These being the only two witnesses to whose Proposed Evidence redactions were applied.

⁵ Public Redacted Version of Decision on Prosecution Motion for Admission of Evidence of Witnesses W01163, W02144, W02749, W04230, W04445, W04489, W04576, W04739, W04741, and W04820 Pursuant to Rule 154 and Related Request, KSC-BC-2020-06/F02044/RED, 8 January 2024, footnotes 49, 59, 65-66, 68, 70, 195, 207, 216-217. *See also* Public Redacted Version of 'Prosecution motion for admission of evidence of Witnesses W01163, W02144, W02749, W04230, W04445, W04489, W04576, W04739, W04741, and W04820 pursuant to Rule 154 and related request', KSC-BC-2020-06/F01980/RED, 4 December 2023, footnotes 26, 29, 66, 69.

⁶ Prosecution motion for admission of evidence of Witnesses W01511, W04260, W04305, W04410, W04744, W04752, and W04764 pursuant to Rule 154, KSC-BC-2020-06/F02204, 27 March 2024, Confidential, para.61.


⁷ Public Redacted Version of Decision on Prosecution Motion for Admission of Evidence of Witnesses W01511, W04260, W04305, W04410, W04744, W04752, and W04764 Pursuant to Rule 154 (F02204), KSC-BC-2020-06/F02328/RED, 22 May 2024 ('Public Redacted Version of 22 May 2024 Decision'), footnotes 61, 69, 73, 79-80. *See also* Public Redacted Version of 'Prosecution motion for admission of evidence of Witnesses W01511, W04260, W04305, W04410, W04744, W04752, and W04764 pursuant to Rule 154', KSC-BC-2020-06/F02204/RED, 27 March 2024, footnote 27.

Documents with [REDACTED], and therefore, in order to not reveal his identity as a witness, the ERNs need to remain redacted.

4. Finally, the ERNs of certain associated exhibits of witnesses W04446 and W04410 were redacted in the 12 February 2024 Decision⁸ and the 22 May 2024 Decision,⁹ respectively. While W04446 has protective measures, the redactions to the ERN of a related associated exhibit in the 12 February 2024 Decision are not necessary, as the ERN itself is not identifying. Likewise, the redactions to ERNs of associated exhibits for W04410 in the 22 May 2024 Decision are not necessary, noting that W04410 has now testified without protective measures.

5. This filing is confidential pursuant to Rule 82(4).

Word count: 613



Kimberly P. West

Specialist Prosecutor

Wednesday, 12 June 2024

At The Hague, the Netherlands.

⁸ Public Redacted Version of Decision on Prosecution Motion for Admission of Evidence of W01453, W03878, W04446, W04575, and W04651 Pursuant to Rule 154 (F02005), KSC-BC-2020-06/F02117/RED, 12 February 2024, paras 65, 80, 83.

⁹ Public Redacted Version of 22 May 2024 Decision, KSC-BC-2020-06/F02328/RED, paras 83, 94-97.