



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

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Public Redacted version of 'Prosecution request to amend the Exhibit List and admit video following W04410's testimony'

Specialist Prosecutor's Office

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I. INTRODUCTION

1. Pursuant to Article 40 of the Law,¹ and Rules 118(2), 137-138 of the Rules,² the Specialist Prosecutor's Office ('SPO') requests the Panel's authorisation to amend the Exhibit List³ to include 121386-01 – a recently published video ('Video').⁴ The SPO also tenders the Video for admission into evidence. The Video meets the test for admissibility as it is *prima facie* authentic, relevant, and has probative value that is not outweighed by any prejudice.⁵

II. SUBMISSIONS

2. Good cause exists for the request as the Video is relevant to the evidence of W04410. The Video depicts the same events and partially overlaps with the video admitted as 2D00022 during W04410's testimony.⁶ That video depicts Kadri VESELI escorting civilians and wounded from Baicë/Banjica (Drenica Zone) on 8 April 1999.⁷ That a high level KLA member like Kadri VESELI was part of this group is particularly relevant to [REDACTED].⁸ [REDACTED].⁹ 2D00022 provides general corroboration in

¹ Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'), All references to 'Article' or 'Articles' herein refer to the Law, unless otherwise specified.

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'), All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

³ Annex 1 to Prosecution submission of amended exhibit list, KSC-BC-2020-06/F02254/A01, 19 April 2024, Strictly Confidential and *Ex Parte* ('Exhibit List').

⁴ The video was published in a Nacionale article titled 'Pamje të rralla: Kadri Veseli e Rexhep Selimi teksa largojnë civilë dhe të plagosur nga zonat e luftës' [Rare footage: Kadri Veseli and Rexhep SELIMI as they remove civilians and wounded from war zones] dated 10 June 2024.

⁵ The applicable law has been set out in prior decisions. *See e.g.* Decision on Specialist Prosecutor's Bar Table Motion, KSC-BC-2020-06/F01409, 31 March 2023, Confidential, paras 8-13.

⁶ Transcript of 5 June 2024 hearing, pp.16822-16825, 16834-16835.

⁷ Transcript of 5 June 2024 hearing, pp.16822-16825. The date of 8 April 1999 can be heard in video 2D00022 between timestamps 00:45-00:58.

⁸ [REDACTED].

⁹ [REDACTED].

[REDACTED], but the expanded Video is more probative still as it clearly depicts Rexhep SELIMI being present.¹⁰

3. The request is timely. The Video was published in a Nacionale article on 10 June 2024, following the completion of W04410's testimony on 6 June 2024. The SPO undertook to download and register the Video as soon as it became aware of its existence, and has made this request to amend the Exhibit List and tendering the Video as soon as practicable. SPO communicated *inter partes* with the four Defence teams on 11 June 2024 to inquire whether there was any objection to also admitting the Video as it is a partially duplicative and expanded version of 2D00022,¹¹ which was opposed by the SELIMI Defence with a suggestion that the SPO make a request to amend the Exhibit List if it wishes to rely on the Video.¹²

4. The Video is *prima facie* authentic as it was published in a Nacionale article, referring specifically to Kadri VESELI and Rexhep SELIMI being depicted in the video footage.¹³ W04410 was able to provide further comment on the content of the similar video 2D00022 during his testimony, including identifying Kadri VESELI and that he had seen part of the video previously as it was used in a documentary on the war invalids.¹⁴

5. The probative value of the Video is not outweighed by any prejudice to the Defence and there is limited – if any – prejudice to the Defence by amending the Exhibit List to include the Video, and admitting it into evidence. The Video is

¹⁰ 121386-01 between *inter alia* timestamps 01:02-01:14. The title of the Nacionale article publishing the video also identifies both Kadri VESELI and Rexhep SELIMI in the video footage.

¹¹ See SPO email 11 June 2024 at 12:40. SPO's email included a hyperlink to the Nacionale article where the video could be watched.

¹² See email from Geoff Roberts on 12 June 2024 at 09:50.

¹³ See <https://nacionale.com/drejtisi/pamje-te-rralla-kadri-veseli-e-rexhep-selimi-teksa-largojne-civile-dhe-te-plagosur-nga-zonat-e-luftes>.

¹⁴ Transcript of 5 June 2024 hearing, pp.16822-16825.

essentially an expanded version of the video already admitted as 2D00022, which was admitted without any objection during W04410's testimony.¹⁵

III. CLASSIFICATION

6. This filing is confidential pursuant to Rule 82(4) and to give effect to existing protective measures.

IV. RELIEF REQUESTED

7. For the foregoing reasons, the Panel should authorise the requested amendment to the Exhibit List, and admit Video 121386-01 into evidence.

Word Count: 797



Kimberly P. West
Specialist Prosecutor

Friday, 21 June 2024

At The Hague, the Netherlands.

¹⁵ Transcript of 5 June 2024 hearing, pp.16834-16835.