



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2020-06

**The 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:** Fidelma Donlon

**Date:** 5 July 2024

**Language:** English

**Classification:** Public

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**Decision on Prosecution Submission of Proposed Public Lesser Redacted Transcripts (W02749)**

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**Specialist Prosecutor**  
Kimberly P. West

**Counsel for Hashim Thaçi**  
Luka Mišetić

**Counsel for Victims**  
Simon Laws

**Counsel for Kadri Veseli**  
Ben Emmerson

**Witness Protection and Support Office**  
Head of Office

**Counsel for Rexhep Selimi**  
Geoffrey Roberts

**Counsel for Jakup Krasniqi**  
Venkateswari Alagendra

**TRIAL PANEL II** (“Panel”), pursuant to Articles 21(2), 23 and 40(6)(f) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 80, 84(1) and 116(4)(b) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 7 November 2023, the Panel issued an oral order on the review of private session portions of hearing transcripts in view of their reclassification, wherein it set out the procedure to be followed by the Parties and participants.<sup>1</sup>
2. On 26 February 2024, W02749 testified in these proceedings.<sup>2</sup>
3. On 24 April 2024, the Specialist Prosecutor’s Office (“SPO”) filed submissions (“Submissions”) in relation to the testimony transcript of W02749 (“W02749’s Transcript”), to which it annexed consolidated proposals of a public lesser redacted version of the transcript (“Annex 1”).<sup>3</sup>
4. The Witness Protection and Support Office (“WPSO”) and Victims’ Counsel responded *inter partes* to the SPO:<sup>4</sup> (i) the WPSO agrees with the SPO’s proposed redactions, and it proposes additional redactions; and (ii) Victims’ Counsel agrees with the SPO’s proposed redactions.<sup>5</sup> The Defence teams did not respond.

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<sup>1</sup> Transcript of Hearing, 7 November 2023, p. 9444, line 14 to p. 9446, line 21.

<sup>2</sup> Transcripts of Hearing, 26 February 2024, pp. 12927-13014.

<sup>3</sup> F02263, Specialist Prosecutor, *Prosecution Submission of Proposed Lesser Redacted Transcripts (W02749) (“Submissions”)*, 24 April 2024, with Annex 1, confidential.

<sup>4</sup> Submissions, para. 1.

<sup>5</sup> See Annex 1, p. 3, para. 4.

## II. DISCUSSION

5. With respect to W02749's Transcript, the SPO submits that the proposed redactions are necessary to protect the witness' identity.<sup>6</sup> The WPSO agrees with the SPO's proposals and proposes additional redactions, with which the SPO partly disagrees,<sup>7</sup> in particular to the gender-related wording.<sup>8</sup> Victims' Counsel agrees with the SPO's proposed redactions.<sup>9</sup>

6. The Panel recalls that W02749 was granted in-court protective measures of pseudonym, face and voice distortion and closed or private session for in-court discussion or testimony identifying the witness to avoid identification by the public.<sup>10</sup> The Panel is satisfied that the redactions proposed by the SPO and Victims' Counsel are necessary and proportionate to protect W02749's identity. The relevant portions of W02749's testimony should therefore be classified as confidential.

7. Turning to the WPSO's proposals, the Panel finds that gender-related redactions are not necessary in relation to W02749 as such information does not identify the witness. Thus, the Panel rejects the WPSO's proposed redactions to: p. 12932, lines 6, 13 reference to "Mr"; and p. 12996, line 25 reference to "Mr".

8. In the interest of guaranteeing to the greatest possible extent the publicity of the proceedings, the Panel finds that any confidential portion of W02749's testimony which is not the subject of a proposed redaction in the SPO's Submissions can be reclassified as public.

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<sup>6</sup> Annex 1, p. 3, para. 1.

<sup>7</sup> Annex 1, p. 3, para. 2.

<sup>8</sup> Annex 1, p. 3, para. 3.

<sup>9</sup> Annex 1, p. 3, para. 4.

<sup>10</sup> F00133, Pre-Trial Judge, *First Decision on Specialist Prosecutor's Request for Protective Measures*, 10 December 2020, strictly confidential and *ex parte*, para. 132(q). A corrected version was filed on 14 December 2020 (F00133/COR); a confidential redacted version was filed on 14 December 2020 (F00133/COR/CONF).

## III. DISPOSITION

9. For the above-mentioned reasons, the Panel hereby:
- a) **FINDS** that, with the exception of the portions identified in paragraph 7 above, the redactions to W02749's Transcript identified in Annex 1 to the Submissions proposed by the SPO, the WPSO, and Victims' Counsel are necessary and proportionate, and any remaining portions of W02749's Transcript are suitable for reclassification and can be reclassified as public;
  - b) **APPROVES** the proposed redactions as set out in Annex 1, subject to the changes specified in paragraph 7 above;
  - c) **DIRECTS** the SPO to communicate to the Registry the public lesser redacted versions of W02749's Transcript in accordance with the redactions approved in the present decision; and
  - d) **DIRECTS** the Registry to ensure, upon receipt of the public lesser redacted version of the transcript mentioned in sub-paragraph (c) above, that the same redactions are implemented in the Albanian and Serbian versions of these transcripts as well as the respective audio-video records, to the extent technically feasible.



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**Judge Charles L. Smith, III**  
**Presiding Judge**

Dated this Friday, 5 July 2024

At The Hague, the Netherlands.