



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:** 16 July 2024

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**Public Redacted Version of 'Prosecution submission of list of witnesses for 19 August to 7 November 2024 with confidential Annex 1'**

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1. Pursuant to the Conduct of Proceedings Order,<sup>1</sup> the Specialist Prosecutor's Office ('SPO') submits Annex 1 listing witnesses,<sup>2</sup> with their tentative order of appearance, for the evidentiary blocks between 19 August and 7 November 2024.<sup>3</sup>
2. In reaching these discretionary scheduling decisions,<sup>4</sup> the SPO has taken into account and balanced a number of—often competing—factors, including: (i) publicity; (ii) witness availability, testimony modes, examination estimates, and sitting schedules; (iii) the scope, nature, and subject matter of the witness's anticipated testimony; (iv) the status of the presentation of evidence;<sup>5</sup> (v) the witness's personal circumstances; (vi) security concerns; and (vii) the need to provide adequate notice, to facilitate Defence preparation.
3. As required by the Conduct of Proceedings Order, Annex 1 sets out the following as to the proposed witnesses: (i) name and pseudonym; (ii) all prior statements; (iii) the mode of testimony, including whether fully live or Rule 154; (iv) the issues, facts and circumstances in relation to which the witness will be examined; (v) time estimate for direct examination; (vi) documents and exhibits which the SPO intends to use with each witness (identified by their complete ERN,<sup>6</sup> the date, description and relevance of each document, and the exhibit or MFI number of any of those already admitted or marked for identification); and (vii) information regarding

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<sup>1</sup> Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023 ('Conduct of Proceedings Order'), paras 73-74, 80-81. *See also* Decision on Prosecution Request for Compliance with Third Oral Order Regarding Proposed Duration of Cross-Examination and Related Matters, KSC-BC-2020-06/F01336, 1 March 2023, paras 20, 25(d).

<sup>2</sup> Annex 1. This list is tentative and any change will be notified at the earliest opportunity.

<sup>3</sup> The list includes witnesses who have been identified as suitable reserve witnesses 'scheduled' in the order in which they are anticipated to be called. Due to the nature of reserve witnesses, there must be a degree of flexibility. Therefore, changes in order and/or further identification of reserve witnesses may be required and the SPO will notify any such changes at the earliest opportunity.

<sup>4</sup> *See, inter alia*, Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rule' or 'Rules'), Rules 118, 121, 127; Conduct of Proceedings Order, KSC-BC-2020-06/F01226/A01, Sections XII, XV(C).

<sup>5</sup> This includes consideration of any noticed and/or proposed adjudicated facts related to the subject matter of each witness's evidence.

<sup>6</sup> Transcript parts and separate records of the same hearing, testimony, or interview are grouped together, where applicable.

protective measures ordered in relation to the witness (with reference to relevant orders).

4. In the interest of expeditious proceedings, the SPO has: (i) changed two witnesses from live to Rule 154;<sup>7</sup> and (ii) reduced the estimated examination time of nine witnesses.<sup>8</sup> Additionally, [REDACTED], who was initially proposed under Rule 153, has been converted to Rule 154 and is included in Annex 1 due to changes in circumstances over the course of the trial, including witness cooperation issues and the unanticipated unavailability of [REDACTED], who provides evidence about the same crime site.<sup>9</sup> Further, as already communicated *inter partes*, the SPO has decided to convert [REDACTED] to Rule 154.<sup>10</sup>

5. As the order of the identified witnesses, and the need to call reserve witnesses at all, depends on examination estimates, the SPO again emphasises that accurate cross-examination estimates – noticed in a timely manner and sufficiently in advance of testimony – are essential, *inter alia*, for the necessary logistical arrangements to be made and for the SPO to provide timely notice of the witnesses it intends to call.

6. This filing and Annex 1 are confidential pursuant to Rule 82(4) and to give effect to existing protective measures.

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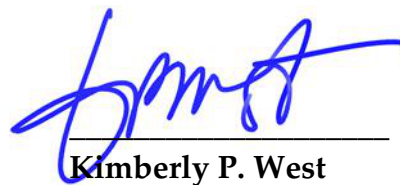
<sup>7</sup> See Annex 1 ([REDACTED]).

<sup>8</sup> See Annex 1 ([REDACTED]).

<sup>9</sup> See [REDACTED].

<sup>10</sup> [REDACTED] was initially proposed under Rule 153. The SPO decided to convert him to Rule 154 when assessing the evidence of related witnesses holistically, including its related decision, as also communicated *inter partes*, to convert [REDACTED], who was previously Rule 154, to Rule 153.

**Word count:** 682



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**Kimberly P. West**

**Specialist Prosecutor**

Tuesday, 16 July 2024

At The Hague, the Netherlands.