

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 Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr. Fidelma Donlon

Filing Participant: Specialist Counsel for Hashim Thaçi
Specialist Counsel for Kadri Veseli
Specialist Counsel for Rexhep Selimi
Specialist Counsel for Jakup Krasniqi

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**Public Redacted Version of Joint Defence Consolidated Response to F02450 and
F02451 with Confidential Annexes 1-3**

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I. INTRODUCTION

1. The Defence for Messrs. Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi (“Defence”) hereby files its consolidated response to the Prosecution Motion for Admission of Evidence of Witnesses W02135, W03871, W04295, W04372, W04590, W04600, W04735, W04737, and W04868 pursuant to Rule 154 and Related Requests¹ and the Prosecution Submission of List of Witnesses for 19 August to 7 November 2024.²

2. The present filing responds to the Rule 154 Motion with respect to the following witnesses: W03871, W04735, and W04868. Annexes 1-3 contain objections to documents the SPO intends to use with these witnesses, as well as Defence estimates for cross-examination.

3. This filing is submitted confidentially because it responds to documents with the same classification.³

II. PROCEDURAL HISTORY

4. On 11 July 2024, the Defence gave notice to the Specialist Prosecutor’s Office (“SPO”) via *inter partes* correspondence of its intention to request an extension of time until 29 July 2024 to respond to Rule 154 and witness notification requests for

¹ KSC-BC-2020-06, F02450, Specialist Prosecutor, *Prosecution Motion for Admission of Evidence of Witnesses W02135, W03871, W04295, W04372, W04590, W04600, W04735, W04737, and W04868 pursuant to Rule 154 and related requests* (“Motion”), 16 July 2024, confidential, with Annexes 1-9, confidential.

² KSC-BC-2020-06, F02451, Specialist Prosecutor, *Prosecution Submission of List of Witnesses for 19 August to 7 November 2024* (“List of Witnesses”), 16 July 2024, confidential, with Annex 1, confidential.

³ Rule 82(4) of the Rules of Procedure and Evidence on the Kosovo Specialist Chambers (“Rules”).

witnesses appearing in the August 2024 block; and until 29 August 2024 for witnesses appearing thereafter.⁴ The SPO responded that it did not oppose the Defence request.⁵

5. On 16 July 2024, the SPO filed the List of Witnesses for the period of 19 August to 7 November 2024 and the Motion.

6. On 17 July 2024, the Panel granted the Defence request.⁶ The Panel extended the time limit to respond, by 29 July, to those in the List of Witnesses and to the Motion appearing in August 2024; and by 29 August, to the remaining witnesses in the List of Witnesses and the Motion.⁷

III. SUBMISSIONS

7. The Defence incorporates by reference, its prior submissions on Rule 154 witnesses.⁸ It notes in particular that the admission of material pursuant to Rule 154 should be appropriately time-saving and devoid of repetition, to avoid “bloating the case record even more.”⁹ Additionally, the Defence respectfully requests the Trial Panel to place reasonable limits on the admission of evidence onto the case record that is not pleaded in the SPO’s Indictment and that is unsupported by any evidence beyond tangential, unidentified hearsay evidence. Furthermore, the Defence notifies that, in light of the evidence associated with W04735 and W04868 in the Proposed

⁴ Specialist Counsel e-mail from 11 July 2024 at 15:24.

⁵ SPO e-mail from 11 July 2024 at 16:37.

⁶ KSC-BC-2020-06, In Court – Oral Order, Order Granting Extension of Time for Defence Responses, 17 July 2024, public.

⁷ *Ibid.*

⁸ See, for example, KSC-BC-2020-06, F02229, Specialist Counsel, *Joint Defence Consolidated Response to F02195 and F02196*, 8 April 2024, confidential, para. 8; F01308, Specialist Counsel, *Joint Defence Response to ‘Prosecution motion for admission of evidence of Witnesses W04474, W04421, W04355, W02161, W01236, W04337, and W03165 pursuant to Rule 154’*, 20 February 2023, confidential, paras 1-8.

⁹ KSC-BC-2020-06, Transcript of Hearing, 26 March 2024, confidential, p. 13713, line 20.

Evidence and in other material disclosed by the SPO, it will file separate motions in order to limit the scope of these witnesses' *viva voce* testimony.

A. W03871

8. The Defence does not object to the admission of W03871's [REDACTED] statement¹⁰ or his [REDACTED] SPO statements.¹¹ However, the current estimate of three hours for its in-court examination of the witness appears excessive.¹² The Defence observes that despite tendering three separate statements, including two verbatim transcripts, the SPO does not explain why it requires three additional hours of court time to adduce further evidence from the witness. It also does not provide further information on the relevance of additional issues not already covered in its Proposed Evidence.¹³ Such a lengthy examination-in-chief, in addition to W03871's preparation session (in which the SPO will have the opportunity to clarify or explain certain aspects of the witness' evidence), would jeopardise the time-saving purpose of Rule 154 admission.

Associated Exhibits

- U000-7104-U000-7105: W03871 has not adequately authenticated this document, as he expressed difficulties reading the information therein.¹⁴ The Witness does not appear to recognise the signature and identified [REDACTED] as only a possible signatory, describing [REDACTED].¹⁵ This

¹⁰ SITF00451709-SITF00451717 RED2; SITF00451718-SITF00451730 RED2.

¹¹ 0077605-TR-ET Parts 1-5; 077605-TR-AT Parts 1-5; 087626-TR-ET Part 2 RED2; 087626TR-AT Part 2 RED2; 087626-AT Part 3 RED.

¹² Motion, para. 18.

¹³ *Ibid.*

¹⁴ 077605-TR-ET Part 3, p. 13, line 24 to p. 14, line 1.

¹⁵ 077605-TR-ET Part 3, p. 14, lines 2-11.

document therefore cannot be considered an inseparable or indispensable part of his statement.

- *U003-1450-U003-1530*: W03871 does not authenticate this document, instead he noted that [REDACTED] those described in the document, but does not know who authored the document or when it might have been authored, stating “[REDACTED].”¹⁶ This should not constitute a verification of this document specifically, nor does it constitute an inseparable or indispensable part of his statement.
- *U000-7274-U000-7286*: The Witness does not authenticate this document, instead describing a [REDACTED].¹⁷ W03871 noted that [REDACTED], for instance.¹⁸ The Witness himself states to the SPO that “[REDACTED].”¹⁹ Additionally, the Witness does not appear to recognise the signature on the document, having to be prompted by the interviewer as to possible names he might recognise.²⁰ This should not constitute verification of the document proper, nor should it constitute an inseparable or indispensable part of the Witness’ Rule 154 statement.

B. W04735

9. The Defence objects to the admission of W04735’s Proposed Evidence pursuant to Rule 154. The evidence concerned is rife with (i) numerous inconsistencies that severely diminish the probative value and reliability of the evidence; (ii) multiple instances of speculation proffered in relation to paramount issues in the present

¹⁶ 077605-TR-ET Part 3, p. 17, line 9.

¹⁷ 077605-TR-ET Part 3, p. 17, line 23 to p. 18, line 4.

¹⁸ 077605-TR-ET Part 3, p. 18, lines 13-19.

¹⁹ 077605-TR-ET Part 3, p. 18, lines 18-19.

²⁰ 077605-TR-ET Part 3, p. 18, line 22 to p. 19, line 3.

proceedings; and (iii) allegations related to uncharged incidents whose probative value is severely outweighed by their prejudicial effect.

10. First, W04735's Rule 154 Statement is manifestly inconsistent on several fundamental issues relevant to the allegations made by the witness, [REDACTED];²¹ [REDACTED]²² [REDACTED];²³ [REDACTED];²⁴ [REDACTED];²⁵ [REDACTED];²⁶ [REDACTED].²⁷ Furthermore, the witness has progressively added new details to his evidence, implicating new individuals in each successive statement as having been involved in his alleged arrest and mistreatment.²⁸

11. Second, W04735 proffered several instances of speculation and unattributed hearsay on issues including [REDACTED];²⁹ [REDACTED],³⁰ [REDACTED].³¹ While inconsistencies and speculation may not, generally, in and of themselves, render the proposed evidence inadmissible, the defects that pervade W04735's evidence are associated with issues central to the SPO's case, including the role and authority of named JCE members, and their involvement in the crimes charged. In these circumstances, the admission of such evidence would unjustifiably shift the burden unto the Defence to challenge allegations for which no foundation has been

²¹ SITF00016611-SITF00016704 RED3, pp. SITF00016625- SITF00016626 *contra* SITF00013369-00013477 RED3, p. SITF00013374.

²² SITF00013369-00013477 RED3, p. SITF00013373 *contra* SITF00016611-SITF00016704 RED3, p. SITF00016624

²³ SITF00016611-SITF00016704 RED3, p. SITF00016648.

²⁴ SITF00016611-SITF00016704 RED3, pp. SITF00016640, SITF00016645; SITF00016493-00016533 RED3, pp. SITF00016500, SITF00016523, SITF00016528, SITF00016529.

²⁵ SITF00016493-00016533 RED3, p. SITF00016497.

²⁶ SITF00016493-00016533 RED3, p. SITF00016509.

²⁷ SITF00016493-00016533 RED3, SITF00016498.

²⁸ SITF00016611-SITF00016704 RED3, p. SITF00016630, SITF00016648; 083218-TR-ET Part 7, pp. 19-20, 24.

²⁹ SITF00013369-00013477 RED3, p. SITF00013401; SITF00016611-SITF00016704 RED3, p. SITF00016635; SITF00016493-00016533 RED3, p. SITF00016507.

³⁰ SITF00013369-00013477 RED3, p. SITF00013401.

³¹ SITF00016611-SITF00016704 RED3, p. SITF00016641; SITF00016493-00016533 RED3, p. SITF00016529.

established, or those which have been raised by the witness based on “[REDACTED].”³²

12. In addition, the evidence is replete with several other defects in the form of concessions made by the witness that fundamentally erode its overall reliability. In particular, the witness acknowledged that he previously gave statements to investigative authorities that he signed without being provided with a version in a language that he understood because he “[REDACTED].”³³ In particular, regarding his [REDACTED] Statement,³⁴ the witness conceded that he “[REDACTED]”³⁵ and that he indeed originally implicated [REDACTED] in several incidents in relation to which he subsequently recanted his evidence because, in the witness’ own frivolous explanation, “[REDACTED].”³⁶ Furthermore, when confronted with prior inconsistent statements, he repeatedly denied having provided the evidence contained therein and claimed to not be aware of the circumstances in which that information was included in those statements.³⁷

13. Considering the witness’ predisposition to attest to the accuracy of his statements without properly reviewing them, and to contrive implausible explanations for having offered false evidence, the mere fact that the witness will be given an opportunity to review his prior statements in a preparation session is insufficient to resolve the unreliability, and consequent prejudice, inherent in his recorded evidence. The fact that the witness has indicated that [REDACTED] further calls into question his ability to effectively review his prior statements and remedy the

³² SITF00016493-00016533 RED3, p. SITF00016507.

³³ SITF00016493-00016533 RED3, p. SITF00016500.

³⁴ SITF00013369-00013477 RED3.

³⁵ SPOE00014585-00014639 RED3, p. SPOE00014602.

³⁶ *Id.* See also 083218-TR-ET Part 8, p. 17.

³⁷ SITF00016493-00016533RED3, pp. SITF00016496, SITF00016514.

inaccuracies contained therein.³⁸ Therefore, the witness' evidence should be elicited *viva voce*.

14. In addition, the witness has proffered several allegations that do not form part of the charges and whose probative value is outweighed by their prejudicial effect. First, the witness refers on several occasions to [REDACTED] death and previous attempts on his life, alleging that his death and past assassination attempts were precipitated [REDACTED].³⁹ [REDACTED] occurred outside of the Indictment period, and [REDACTED] is not identified as a victim linked to any particular crime site either in the Indictment or in the SPO's Pre-Trial Brief. The SPO did not notify its intention to elicit evidence on these issues either in the Rule 95 of the witness' evidence or in the facts and circumstances on which the witness will be examined.⁴⁰ The witness further fails to articulate any cogent basis for the claim that [REDACTED] was killed or otherwise pursued because [REDACTED] beyond mere speculation or hearsay allegedly originating from [REDACTED], who is not a witness in the present proceedings. His definitive claim that [REDACTED] was killed by unknown individuals [REDACTED] is effectively bereft of any foundation.⁴¹

15. In these circumstances, there is no indication that the death of [REDACTED] and the alleged assassination attempts against him form part of the widespread and systematic attack against the civilian population of Opponents pled in the present case, or is otherwise relevant to any other material facts that form the substance of these proceedings. Admitting this evidence would instead allow for uncharged and prejudicial evidence of marginal probative value to be introduced in the proceedings

³⁸ 121899-121899.

³⁹ SITF00013369-00013477 RED3, p. SITF00013377; SITF00016611-SITF00016704 RED3, pp. SITF00016630, SITF00016632, SITF00016654; SITF00016493-00016533 RED3, pp. SITF00016502, SITF00016524.

⁴⁰ Annex 1 to List of Witnesses, p. 18.

⁴¹ SITF00016493-00016533 RED3, p. SITF00016524.

absent any adequate opportunity on the part of the Defence to effectively challenge it owing to the lack of particulars in the allegation concerned.

16. The witness further refers on several occasions to [REDACTED] being involved in the death of [REDACTED], and the alleged assassination attempt against [REDACTED].⁴² None of the above individuals are identified as victims in the Indictment or in the SPO's Pre-Trial Brief, and these allegations likewise do not feature in the witness' Rule 95 summary or in the notification of the facts and circumstances on which the witness will be examined.

17. The witness further provides no indication as to the alleged motivation for the killings, the precise identity of the individuals alleged to have been involved, or the manner in which these killings were alleged to have been carried out. The allegations are also inconsistent with the evidence on record showing that [REDACTED] was present in Kosovo at the time that [REDACTED].⁴³ Finally, the witness identifies this hearsay originating from [REDACTED] as the sole foundation for these allegations, whereas [REDACTED], as noted above, is not an SPO witness and exercised his right to silence during his SPO interview.⁴⁴

18. In these circumstances, the marginal, if any, probative value of the proposed evidence is severely outweighed by the prejudicial effect that would be occasioned should the Defence be expected to challenge such ambiguous, second-hand and uncorroborated allegations. Additionally, the Defence provides notice that, in light of the several instances of the witness proffering highly prejudicial evidence that falls outside the scope of the Indictment in his previous statements that are not offered for

⁴² SPOE00014585-00014639 RED3, p. SPOE00014596; SITF00016611-SITF00016704 RED3, pp. SITF00016630, SITF00016633, SITF00016634

⁴³ See, e.g., [REDACTED].

⁴⁴ 074205-TR-ET Parts 1-2.

admission, as well as the witness' clearly communicated desire to repeat these accusations while appearing before the court,⁴⁵ it will file a separate motion seeking to limit the scope of the witness' *viva voce* testimony should the matter not be resolved in the course of *inter partes* communications.

19. For the foregoing reasons, the Proposed Evidence should be denied admission. However, should the Trial Panel find the Proposed Evidence to be admissible, the Defence notes that the witness' Rule 154 Statement contains several pages of procedural discussions between the parties involved in the collection of that statement,⁴⁶ and the SPO has not indicated that it only intends to tender the portions of the respective statements that exclusively contain the witness' evidence. The Defence further notes that the witness' Rule 154 Statement contains several references to individuals by their protected witness codes, and the SPO has not disclosed a pseudonym sheet that would allow the Defence and the Trial Panel to definitively ascertain the identity of the individuals concerned.

20. For these reasons, and should the Proposed Evidence be deemed admissible, the Defence requests that only the pages containing the witness' substantive evidence be admitted, and that the SPO be ordered to produce a pseudonym sheet for the protected witnesses in the proceedings concerned.

Associated Exhibits

⁴⁵ 104364-104365, p. 104365; 121899-121899; 121902-12903, p. 12903.

⁴⁶ SPOE00014585-00014639 RED3, pp. SPOE00014607- SPOE00014611; SITF00016611-SITF00016704 RED3, pp. SITF00016612- SITF00016619.

21. The Defence does not oppose the admission of the report of a photo board identification⁴⁷ should the Panel decide to admit W04735's Proposed Evidence pursuant to Rule 154.

C. W04868

22. The Defence objects to the admission pursuant to Rule 154 of the parts of W04868's proposed evidence⁴⁸ relating to [REDACTED] (the "Allegation"). This Allegation is not pleaded in the Indictment and is unreliable since it is based on unidentified hearsay and contradicted by other SPO evidence. The Defence submits that it should form no part of the witness's evidence-in-chief and therefore objects to its admission pursuant to Rule 154. In addition, the Defence intends to file a separate motion seeking an order from the Trial Panel directing the SPO not to lead any evidence in respect of the Allegation during W04868's testimony and to caution W04868 not to voluntarily give evidence about the Allegation.

23. The allegation at issue does not form a part of the SPO's case. It was not pleaded in the Indictment; not included in the Pre-Trial Brief; and not mentioned in the Rule 95 Summary for this witness.⁴⁹ It is only in this Motion and the notification of witnesses for 19 August to 7 November 2024, filed on the same day,⁵⁰ that the Defence learned for the first time that the SPO intended to examine the witness on this topic. This is insufficient notice and should not be permitted.

⁴⁷ SITF00431126- 00431161 RED, pp. SITF00431126- SITF00431140.

⁴⁸ 106349-TR-ET Part 1, p. 14, line 20 to p. 29 line 20; 106349-TR-ET Part 2, p. 35, lines 1-5 and "[REDACTED]" entry (identified at 106349-TR-ET Part 1, p. 14, lines 20-24), at ERN p. 105939 of Item n. 9 of Annex 9 to the Motion.

⁴⁹ [REDACTED].

⁵⁰ Annex 1 to List of Witnesses, p. 2.

24. The allegation is wholly unreliable. W04868 told the SPO that he “[REDACTED]”.⁵¹ His knowledge of what [REDACTED] allegedly said is based on W04868’s recollection of what [REDACTED]. In effect, his evidence about [REDACTED] is therefore unidentified hearsay. The Defence recalls the Trial Panel’s previous finding that hearsay is admissible “[REDACTED]”.⁵² As [REDACTED] has not been identified and is not a witness to this case, admission of secondary hearsay would cause undue prejudice by disproportionately interfering with the Accused’s right to challenge evidence against him.⁵³

25. Further, the SPO’s case on this issue is unclear. W04868’s hearsay evidence about the content of [REDACTED] is contradicted by other SPO evidence, namely a contemporaneous [REDACTED] which the SPO confronted the witness with in his interview.⁵⁴ The SPO has included these two pieces of contradictory evidence in their list of proposed documents and exhibits to be used with the witness.⁵⁵ Therefore, the SPO’s case about the content of [REDACTED] is unclear as it is presenting at least two different iterations of its alleged content through this witness. This, in and of itself, introduces significant doubt into both the SPO’s case about [REDACTED] and the reliability of this witnesses’ evidence about it. Consequently, this evidence lacks probative value and any probative value that this evidence might have would be vastly outweighed by its prejudicial effect.⁵⁶

⁵¹ 106349-TR-ET Part 1, p. 15, line 13.

⁵² KSC-BC-2020-06, F01380, Trial Panel II, *Decision on Admission of Evidence of First Twelve SPO Witnesses Pursuant to Rule 154*, 16 March 2023, confidential, para. 47.

⁵³ *Idem*, para. 47.

⁵⁴ See 106349-TR-ET Part 1, pp. 25-25, referring to an [REDACTED] (SITF00173046-00173046 and 020858-020859 respectively). Proposed documents and exhibits to be used with the witness

⁵⁵ Annex 1 to List of Witnesses, p. 6.

⁵⁶ See KSC-BC-2020-06, F01623, Trial Panel II, *Decision on Thaçi Defence’s Motion to Strike Part of the Record of Testimony of W02652*, 23 June 2023, confidential, para. 36; F02393, Trial Panel II, *Decision on Selimi Defence Motion to Exclude Evidence of W04846* (“19 June 2024 Decision”), 19 June 2024, confidential, para. 23.

26. Finally, this evidence concerns an event outside the temporal scope of the indictment. Given this fact, combined with its lack of probative value and the presence of compelling reasons to exclude it as detailed above, it should not be admitted under Rule 154.⁵⁷

27. Accordingly, the Defence submits that the witnesses' evidence regarding [REDACTED] should be redacted from the Rule 154 statement and the related associated exhibit.⁵⁸

Associated Exhibits

28. The Defence objects to the admission of a number of the associated exhibits which do not form an inseparable and indispensable part of W04868's Rule 154 Statement, are prejudicial, or irrelevant. The objections below focus on their admissibility as 154 exhibits and should be read in conjunction with those set out in Annex 3:

- *R091-3823-R091-3824*: While the witness discusses the report in his SPO interview, the document clearly indicates on its face that it is of limited probative value as the information contained therein has not been verified.
- *103600-103601*: These are pages 33-34 from '[REDACTED]', [REDACTED] "[REDACTED]." The admission of these pages would not enhance the transcript of his evidence in any way, and therefore do not form an indispensable part of the statement.⁵⁹

⁵⁷ 19 June 2024 Decision, para. 17.

⁵⁸ 106349-TR-ET Part 1, p. 14, line 20 to p. 29 line 20; 106349-TR-ET Part 2, p. 35, lines 1-5 and "[REDACTED]" entry (identified at 106349-TR-ET Part 1, p. 14, lines 20-24), at ERN page 105939 of Item n. 9 of Annex 1 to Motion.

⁵⁹ 103757-TR-ET Part 2, pp. 36-38.

- *SPOE00215203-SPOE00215209*: The “[REDACTED]” discussed in one paragraph of the document are not available for inspection. Moreover, the witness only commented on this one paragraph of the item: even if this paragraph were to be found admissible, the remainder of the item is clearly not relevant or admissible.⁶⁰
- *088038-088045*: This report sets out an incident that occurred in which a [REDACTED]. [REDACTED].⁶¹ Given that it pertains to irrelevant allegations, it should not be admitted as a Rule 154 exhibit.
- *103567-103567*: Given the sparsity of detail provided in the document, it cannot be discerned from the witness’s remarks that the incident which he vaguely recalls is the same as that described in the article.⁶² It is therefore not an indispensable part of his interview.
- *105924-105951*: This document details numerous actions and incidents throughout the year 1999. Most of these incidents the witness himself cannot and does not speak to; they go beyond his scope of knowledge. The evidence is therefore not does not form an inseparable and indispensable part of W04868’s Rule 154 Statement.
- *105825-105876*: The SPO seeks admission of 51 pages of both [REDACTED] and other material. This goes far beyond what is relevant from these pages and what could be arguably said to for and indispensable part of the 154 Statement. Should the SPO wish to tender certain pages or extracts of this material, that

⁶⁰ For further details, *see* Annex 3, p. 4.

⁶¹ For further details, *see* Annex, p. 6.

⁶² 103757-TR-ET Part 2, pp. 51-53.

should be done so on a page by page basis after questioning the witness and relevant established. It is improper to seek to establish the totality of these pages as an associated exhibit in this fashion; most of the pages do not form inseparable and indispensable part of W04868's Rule 154 statement.

- 106094-106095: this document purports to be a photo of [REDACTED]. The physical characteristics of [REDACTED] are not in issue in this case and the photo is therefore irrelevant. His physical appearance has no bearing on KLA structure and organisation.⁶³
- 106093-106093: this document purports to be a photo of [REDACTED]. The physical characteristics of [REDACTED] are not in issue in this case and the photo is therefore irrelevant. His physical appearance has no bearing on KLA structure and organisation.⁶⁴
- pp. 105995-106016: this page range contains photos of [REDACTED]. The physical description these men is not in issue in this case and the photos are therefore irrelevant. Their physical appearance has no bearing on KLA structure and organisation.⁶⁵
- 105816-106095: this page range contains photos of [REDACTED]. This is not relevant to any live issue in the case.
- 106043-106043: this page contains a photo a [REDACTED]. This is not relevant to any live issue in the case.

⁶³ Annex 9 to Motion, p. 4.

⁶⁴ *Idem*, p. 5.

⁶⁵ *Ibid.*

- 106034-106034: this page contains a photo of [REDACTED]. This is not relevant to any live issue in the case.
- 105974-105978: this page range contains photos of [REDACTED]. This is not relevant to any live issue in the case.

29. Considering the recent observations of the Panel in relation to streamlining the SPO case, the Defence would invite the Panel to conduct an increasingly focused review of the SPO applications pursuant to Rule 154 and assessment of proposed exhibits true relevance and purported indispensability.

IV. CONCLUSION

30. For the reasons set out above, the Defence respectfully requests the Trial Panel to take notice of the Defence objections, and to:

- **DENY** the admission of W03871's and W04735's evidence through Rule 154 and **ORDER** the SPO to elicit their evidence *viva voce*;
- **DENY** the admission of the portions of W04868's evidence related to the Allegation [REDACTED]; and
- **DENY** the admission of U000-7104-U000-7105; U003-1450-U003-1530; U000-7274-U000-7286; R091-3823-R091-3824; 103600-103601; SPOE00215203-SPOE00215209; 088038-088045; 103567-103567; 105924-105951; 105825-105876; 106094-106095; 106093-106093; 105995-106016; 105816-106095; 106043-106043; 106034-106034; and 105974-105978 as associated exhibits.

Word count: 4,340

Respectfully submitted on 29 July 2024



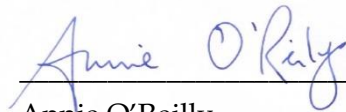
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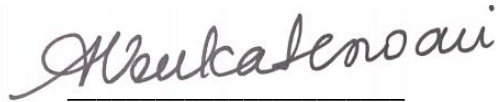
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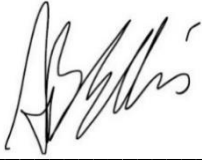
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