



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 September 2024

Language: English

Classification: Public

Prosecution reply relating to Rule 154 motion F02530

Specialist Prosecutor's Office

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Venkateswari Alagendra

1. The Response¹ ignores prior findings of the Panel, and the established standard for admissibility of statements, particularly in the context of Rule 154, where the witnesses will be available for cross-examination.
2. In relation to W03885, the Defence raises arguments about the purported centrality of his Proposed Evidence.² As the Panel has previously held,³ the centrality of a witness's evidence is not, of itself, a ground which prevents its admission under Rule 154. The Panel has repeatedly confirmed that in light of the ability to cross-examine the witness, evidence going to important issues in the case is admissible under Rule 154 and does not, without more, cause undue prejudice.⁴
3. Regarding W04422's Proposed Evidence, as already stated in the Motion,⁵ the SPO is only tendering the pages which are W04422's proposed Rule 154 Statement.⁶
4. For the foregoing reasons and those previously given, the Motion should be granted.

¹ Joint Defence Response to Prosecution motion for admission of evidence of Witnesses W03885, W04422, and W04669 pursuant to Rule 154 and related request, KSC-BC-2020-06/F02562, 11 September 2024, Confidential ('Response').

² Response, KSC-BC-2020-06/F02562, para.3.

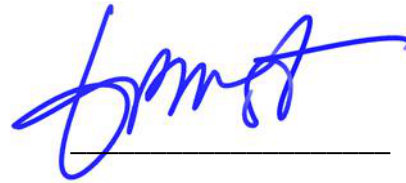
³ Decision on Prosecution Motion for Admission of Evidence of W01453, W03878, W04446, W04575, and W04651 Pursuant to Rule 154 (F02005), KSC-BC-2020-06/F02117, 12 February 2024, Confidential ('12 February 2024 Decision'), para.17.

⁴ See e.g. Decision on Prosecution Motion for Admission of Evidence of W01511, W04260, W04305, W04410, W04744, W04752, and W04864 Pursuant to Rule 154 (F02204), KSC-BC-2020-06/F02328, 22 May 2024, Confidential, paras 55, 70-71, 88; 12 February 2024 Decision, KSC-BC-2020-06/F02117, para.17; Decision on Prosecution Motion for Admission of Evidence of W00072, W02153 and W04586, KSC-BC-2020-06/F01664, 10 July 2023, Confidential, para.31; Corrected Version of Decision on Second Prosecution Motion Pursuant to Rule 154, KSC-BC-2020-06/F01595/COR, 9 June 2023, Confidential, paras 15, 23, 33, 47, 82-83; Decision on Admission of Evidence of First Twelve SPO Witnesses Pursuant to Rule 154, KSC-BC-2020-06/F01380, 16 March 2023, Confidential, para.28.

⁵ KSC-BC-2020-06/F02530/A02, p.2. See also Prosecution motion for admission of evidence of Witnesses W03885, W04422, and W04669 pursuant to Rule 154 and related request, KSC-BC-2020-06/F02530, 4 September 2024, Confidential ('Motion').

⁶ Specifically, pages SPOE00119681-00119689 (English) and SPOE00119697-00119706 (Albanian).

Word Count: 348



Kimberly P. West

Specialist Prosecutor

Thursday, 12 September 2024

At The Hague, the Netherlands.