



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:** 18 September 2024

**Language:** English

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Public Redacted version of 'Prosecution reply relating to video-link requests  
F02533 and F02543'

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Venkateswari Alagenda

1. While the Defence does not oppose video-conference testimony for W01163 and W04422, the Response<sup>1</sup> artificially isolates and mischaracterises the circumstances presented in the Requests.<sup>2</sup> The Requests are based on multiple factors, including: (i) the witnesses' personal circumstances, safety, well-being, and dignity; (ii) the scope, nature, and anticipated length of their testimony; (iii) the uncertain timing of their testimony, which is dependent on completion of witnesses scheduled before them; and (iv) the need for a degree of flexibility in witness scheduling, which, in turn, facilitates fair and expeditious proceedings. These factors should be considered holistically and in the concrete and unique circumstances of each of the witnesses. In this respect, Defence claims that the reasons given in the Requests are 'no more than the ordinary and inevitable inconveniences of providing in-person testimony'<sup>3</sup> fail to account for the burden and impact of the prolonged absences, often of uncertain length, required for in-person testimony before this Court, and the specific circumstances of these witnesses.

2. W01163 and W04422, who are crime-base witnesses, are both expected to testify for less than a day.<sup>4</sup> In their specific circumstances, having them travel internationally for multiple days or more – particularly if their testimony is postponed or delayed due to unforeseen developments in the court schedule – would have a significant and

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<sup>1</sup> Joint Defence Consolidated Response to Prosecution Request for Video-Conference Testimony for W01163 (F02533) and W04422 (F02543), KSC-BC-2020-06/F02577, 16 September 2024, Confidential ('Response').

<sup>2</sup> Prosecution request for video-conference testimony for W01163, KSC-BC-2020-06/F02533, 5 September 2024, Confidential; Prosecution request for video-conference testimony for W04422, KSC-BC-2020-06/F02543, 10 September 2024, Confidential (collectively 'Requests').

<sup>3</sup> Response, KSC-BC-2020-06/F02577, para.6.

<sup>4</sup> W04422's testimony is expected to take approximately half a day. *See* Annex 2 to Prosecution submission of list of witnesses for 15 January to 4 April 2024, KSC-BC-2020-06/F02007/A02, 14 December 2023, Confidential, p.8; Annex 12 to Joint Defence Further Response to Prosecution submission of list of witnesses for 15 January to 4 April 2024 (F02007), KSC-BC-2020-06/F02045/A12, 08 January 2024, Confidential, p.2; Annex 5 to Prosecution motion for admission of evidence of Witnesses W03885, W04422, and W04669 pursuant to Rule 154 and related request, KSC-BC-2020-06/F02530/A05, 4 September 2024, Confidential, p.1; Annex 2 to 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, 12 September 2024, Confidential, p.2.

disproportionate impact on their lives for the reasons given in the Requests. For example, W01163, [REDACTED]. She is concerned that an absence of more than a day may result [REDACTED]. Further, and in addition to the potential impact on his livelihood, [REDACTED]. In these circumstances, the benefits of video-conference testimony will also facilitate the witnesses' open and truthful testimony, as the time required will be minimised and proportionate to the circumstances of the witnesses and their anticipated testimony, thereby alleviating the undue and unnecessary stress and anxiety that would otherwise result.

3. For the foregoing reasons and those given previously – and considering that the Defence does not oppose the Requests 'given the specific nature of [the witnesses'] evidence and to ensure the efficient conduct of proceedings'<sup>5</sup> – the Requests should be granted.

4. This filing is confidential pursuant to Rule 82(4).<sup>6</sup>

**Word Count: 591**



**Kimberly P. West**

**Specialist Prosecutor**

Tuesday, 18 September 2024

At The Hague, the Netherlands.

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<sup>5</sup> Response, KSC-BC-2020-06/F02577, para.5.

<sup>6</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').