



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

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

**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

**Filed by:** Registrar

**Date:** 18 September 2024

**Language:** English

**File Name:** The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli,  
Rexhep Selimi and Jakup Krasniqi

**Classification:** Public

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**Public Redacted Version of “Registry Assessment Regarding Specialist  
Prosecutor’s Request for Video-Conference Testimony for Witness W01163”**

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**Specialist Prosecutor’s Office**

Kimberly P. West

**Counsel for Victims**

Simon Laws

**Specialist Counsel for Hashim Thaçi**

Luka Mišetić

**Specialist Counsel for Kadri Veseli**

Rodney Dixon

**Specialist Counsel for Rexhep Selimi**

Geoffrey Roberts

**Specialist Counsel for Jakup Krasniqi**

Venkateswari Alagendra

1. Pursuant to Rules 23(2) and 144 of the Rules,<sup>1</sup> and Article 3 of the Practice Direction on Video Links,<sup>2</sup> the Registrar hereby submits her assessment of the feasibility of facilitating the testimony of witness W01163 via video-link from [REDACTED].

## I. PROCEDURAL HISTORY

2. On 5 September 2024, the Specialist Prosecutor's Office ('SPO') filed a request for the testimony of witness W01163 to be heard via video-link from an appropriate location in [REDACTED] ('Request').<sup>3</sup> The SPO has provided information on: (a) when the witness is expected to testify (1 October 2024)<sup>4</sup>; (b) the expected duration of direct examination ("no more than one hour and half", [REDACTED]);<sup>5</sup> (c) the country details [REDACTED];<sup>6</sup> (d) whether protective measures have been or will be ordered,<sup>7</sup> including an indication of whether the witness has any special needs;<sup>8</sup> and (e) the language the witness will testify in [REDACTED].<sup>9</sup>

3. [REDACTED].<sup>10</sup>

## II. APPLICABLE LAW

4. Pursuant to Rule 144 of the Rules, the Panel may order that testimony be received via video-conference, provided that such technology permits the witness to be

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<sup>1</sup> Rules of Procedure and Evidence Before the Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

<sup>2</sup> Registry Practice Direction on Video Links, KSC-BD-23/COR, 17 July 2020 ('Practice Direction on Video Links'); *see also* Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2013, art. 34(3).

<sup>3</sup> KSC-BC-2020-06, F02533, Prosecution request for video-conference testimony for W01163, 5 September 2024, confidential (*see also* F02533/RED).

<sup>4</sup> Request, para. 9(i): "W01163 is currently anticipated to testify on 1 October 2024".

<sup>5</sup> Request, para. 9(ii). *See also*, [REDACTED]. [REDACTED]. *See*, [REDACTED].

<sup>6</sup> *Id.*, para. 9(iii): "the SPO requests W01163 to appear via video-conference from [REDACTED]".

<sup>7</sup> *Id.*, para. 9(iv): "W01163 has no in-court protective measures".

<sup>8</sup> *Id.*, para. 9(v): "due to [REDACTED], the witness may require breaks during testimony, but the SPO is not aware of any other special needs".

<sup>9</sup> *Id.*, para. 9(vi): "W01163 will testify in [REDACTED]".

<sup>10</sup> [REDACTED].

properly examined. The Registrar shall ensure the efficient and expeditious implementation of any such order.

5. Pursuant to Article 3(1) of the Practice Direction on Video Links, “[t]o ensure the efficient preparation and organization of the Video Link, the Party requesting a Video Link shall, prior to or at the time of the request, inform the Registrar, in writing” of certain specified information.

6. Pursuant to Article 3(3) of the Practice Direction on Video Links, the Registrar may seek additional information, if required, to complete the assessment.

7. Pursuant to Article 3(4) of the Practice Direction on Video Links, the Registrar’s assessment shall address:

- a. any necessary measures to be taken as a result of a potential risk to ensure:
  - (1) the safety, well-being, dignity and privacy of individuals expected to participate in the planned Video Link; and
  - (2) in the event that the Video Link is intended for the taking of witness testimony, that the Video Link is conducted in a venue conducive to the giving of truthful and open testimony;
- b. information on consultations with a State, where applicable;
- c. the time required by the Registry to implement the order for the use of the Video Link; and
- d. the general feasibility of conducting the Video Link.

### III. SUBMISSIONS

#### **A. Feasibility assessment of video-link testimony**

8. The Registry has conducted an assessment in accordance with Article 3(4) of the Practice Direction on Video Links, in light of the envisaged scheduling of the testimony of W01163, the expected duration of testimony, the country and location details, and the language of the witness.<sup>11</sup> The Registry has also assessed the location and technical specifications that would be required to facilitate the testimony of the witness via video-link at a venue conducive to giving truthful and open testimony,

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<sup>11</sup> Practice Direction on Video Links, art. 3(1)(a).

and with necessary measures in place to ensure the safety, well-being, dignity and privacy of the witness.

9. Based on the available information, the Registry assesses that it is technically feasible to conduct the testimony of witness W01163 via video-link, as further elaborated below.

10. The Registry notes that the witness does not have in-court protective measures,<sup>12</sup> and it is expected that W01163's testimony will take place in open session. Nevertheless, as the witness's statements remain classified as confidential,<sup>13</sup> the proceedings may thus take place, at least in part, in private session. Therefore, based on the information currently available, the Registry has assessed that secure video-conference ('VTC') facilities, or their equivalent, are required.

11. The Registry has assessed that the most suitable location to facilitate the testimony of this witness is [REDACTED]. This venue for the video-link testimony would comply with the following requirements:

- a. the video-link location is on secure premises free from interference, to the extent possible, within the control of the competent authorities, where the confidentiality of the proceedings can be assured;
- b. the video-link testimony would take place in a room that is sound proof, with appropriate lighting, and where the risk of disruption from outside noise is minimised;
- c. the competent authorities will provide suitable in-situ cabled or open internet connection that is stable and supports video streaming; and
- d. the witness would not be permitted to take any electronic devices into the video-link room.

12. [REDACTED]. [REDACTED].

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<sup>12</sup> See fn. 7 above.

<sup>13</sup> [REDACTED].

13. In addition, Registry staff would ensure that the video-link has the minimum technical functionality set out in Article 4 of the Practice Direction on Video Links.

14. The [REDACTED] have confirmed that they are willing and able to facilitate the video-link testimony of the witness on 1 October 2024, in line with the conditions outlined above, should the Panel grant the request.

15. The minimum amount of time required by the Registry to arrange for video-link testimony would be [REDACTED] working days, subject to further assessments by the Witness Protection and Support Office ('WPSO'), as outlined in the following paragraph. This timeframe is required to allow pre-mission coordination with the competent authorities and internal Registry preparations, including travel to the location, the set-up and testing of the technical equipment in [REDACTED], as applicable, and to allow for WPSO to complete the necessary witness information and familiarisation processes, adapted to the location of testimony, as required.

### **B. Health and Special Needs**

16. Following completion of the WPSO assessments and familiarization process before the commencement of testimony, WPSO will inform the Panel immediately should any special measures be recommended, in accordance with the Registry's relevant internal regulations.<sup>14</sup>

### **C. Conclusion**

17. In conclusion, at this time, the Registry assesses that it is feasible to conduct the testimony of witness W01163 via video-link, should the Panel so order, in line with the above specifications and the Practice Direction on Video Links. Should the Panel grant the Request, the Registry will liaise with the competent authorities on the practical details for implementation.

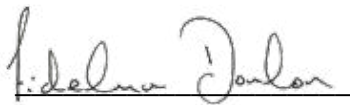
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<sup>14</sup> See Registry Practice Direction on Psychological Assessments and Support to Facilitate Testimony, KSC-BD-19-Rev1, 9 February 2022, LIMITE; see also Registry Instruction, WPSO Guidelines on Services to Witnesses Appearing Before the Specialist Chambers, KSC-BD-42-Rev2, 7 October 2022, LIMITE.

IV. CONFIDENTIALITY

18. Pursuant to Rule 82(4) of the Rules, this submission is filed as confidential and *ex parte*. The Registry will promptly file a confidential redacted version, as well as a public redacted version of this submission.

**Word count: 1481**

A handwritten signature in black ink, reading "Fidelma Donlon", written over a horizontal line.

**Dr Fidelma Donlon**  
**Registrar**

Wednesday, 18 September 2024  
The Hague, the Netherlands