



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06

**The 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: Fidelma Donlon

Date: 21 October 2024

Language: English

Classification: Public

**Public Redacted Version of
Decision on Prosecution Motion for the Admission of the Evidence of Witnesses
W03808, W03812, W03815, W03870, W04785, and W04786 Pursuant to Rule 153**

Specialist Prosecutor

Kimberly P. West

Counsel for Hashim Thaçi

Luka Mišetić

Counsel for Victims

Simon Laws

Counsel for Kadri Veseli

Rodney Dixon

Counsel for Rexhep Selimi

Geoffrey Roberts

Counsel for Jakup Krasniqi

Venkateswari Alagendra

TRIAL PANEL II (“Panel”), pursuant to Articles 21, 37 and 40(2) and (6)(h) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 137-138, 141(1) and 153 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 21 May 2024, the Specialist Prosecutor’s Office (“SPO”) filed a motion for the admission of evidence of witnesses W03808, W03812, W03815, W03870, W04785, and W04786 (“Witnesses”) pursuant to Rule 153 (“Motion”).¹
2. On 31 May 2024, Victims’ Counsel filed a response to the Motion (“Victims’ Counsel’s Response”).²
3. On 31 May 2024, the Defence teams for the four Accused (“Defence”) jointly filed a response to the Motion (“Joint Defence Response”).³
4. On 10 June 2024, the SPO filed a reply to the Joint Defence Response (“Reply”).⁴

II. SUBMISSIONS

5. The SPO submits that the statements, together with the associated exhibits, of the Witnesses (“Rule 153 Statements” and “Associated Exhibits”, respectively)

¹ F02322, Specialist Prosecutor, *Prosecution Motion for the Admission of the Evidence of Witnesses W03808, W03812, W03815, W03870, W04785, and W04786 Pursuant to Rule 153*, 21 May 2024, confidential, with Annexes 1-6, confidential (a public redacted version was filed on the same day, F02322/RED).

² F02351, Victims’ Counsel, *Victims’ Counsel’s response to Prosecution motion for the admission of the evidence of witnesses W03808, W03812, W03815, W03870, W04785, and W04786 pursuant to Rule 153 (F02322)*, 31 May 2024, confidential (a public redacted version was filed on the same day, F02351/RED).

³ F02352, Specialist Counsel, *Joint Defence Response to Prosecution motion for the admission of the evidence of witnesses W03808, W03812, W03815, W03870, W04785, and W04786 pursuant to Rule 153*, 31 May 2024, confidential (a public redacted version was filed on 7 June 2024, F02352/RED).

⁴ F02369, Specialist Prosecutor, *Prosecution Consolidated Reply Relating to Rule 153 Motion F02322*, 10 June 2024, confidential (a public redacted version was filed on the same day, F02369/RED).

meet the requirements of Rules 138 and 153, as they are relevant, authentic and reliable, and have probative value which is not outweighed by any prejudice.⁵ The SPO therefore requests that the Panel admit the Rule 153 Statements and Associated Exhibits (“Proposed Evidence”) of the Witnesses into evidence pursuant to Rule 153.⁶

6. Victims’ Counsel opposes the SPO’s motion for the admission of W04785’s Proposed Evidence pursuant to Rule 153 because it does not provide information regarding the impact the crimes have had upon W04785.⁷ Victims’ Counsel submits that it would be more efficient for the Panel to hear W04785’s evidence via Rule 154.⁸

7. The Defence does not object to the admission of the Proposed Evidence of W03808, W04785, and W04786 pursuant to Rule 153.⁹ The Defence objects to the admission of the evidence of W03812, W03815, and W03870 via Rule 153,¹⁰ as: (i) the evidence addresses issues of substantial importance;¹¹ (ii) the evidence is inconsistent with evidence offered by other witnesses;¹² (iii) the evidence is neither authentic nor reliable;¹³ and (iv) the probative value of the evidence is outweighed by its prejudicial effect.¹⁴ The Defence requests that the Panel deny the Motion with regard to W03812, W03815, and W03870.¹⁵ The Defence also requests the Panel to (i) invite the SPO to call either W03812 or W03815 pursuant to Rule 154 and, upon the completion of the evidence of the witness selected by the SPO,

⁵ Motion, para. 1. *See also* Motion, paras 3-5.

⁶ Motion, paras 1, 7, 35.

⁷ Victims’ Counsel’s Response, paras 1, 11-12, 18.

⁸ Victims’ Counsel’s Response, paras 16-17.

⁹ *See* Motion, para. 33 (based upon *inter partes* discussions between parties); Joint Defence Response, para. 2.

¹⁰ Joint Defence Response, paras 3, 34.

¹¹ Joint Defence Response, paras 3, 7-8, 14, 17, 28-29.

¹² Joint Defence Response, paras 3, 5-6, 16, 18, 21, 25-27.

¹³ Joint Defence Response, paras 3, 10, 12-13, 19, 30-31, 32.

¹⁴ *See generally* Joint Defence Response.

¹⁵ Joint Defence Response, para. 34.

(ii) permit further submissions by the Defence regarding the admissibility of the evidence of the non-called witness pursuant to Rule 153.¹⁶

8. The SPO replies that the Joint Defence Response fails to show any convincing reasons why the Motion should not be granted in relation to W03812, W03815, or W03870.¹⁷ The SPO replies that Victims' Counsel can seek leave to call W04785 pursuant to Rule 114(5), and that Victims' Counsel would not be prejudiced should the Panel grant the Motion.¹⁸

III. APPLICABLE LAW

9. The Panel incorporates by reference the applicable law as set out in its first Rule 153 decision as well as, where applicable, the law set out in its previous decisions on the admission of prior statements and documentary evidence, generally.¹⁹

IV. DISCUSSION

A. W03808

10. The SPO submits that W03808's Proposed Evidence²⁰ is relevant, authentic, reliable, suitable for Rule 153 admission, and that its probative value is not

¹⁶ Joint Defence Response, para. 34.

¹⁷ Reply, paras 1-2.

¹⁸ Reply, paras 3, 15-16.

¹⁹ F01904, Panel, *Decision on Prosecution Motion for Admission of Evidence Pursuant to Rule 153* ("First Rule 153 Decision"), 3 November 2023, confidential, paras 8-10, 12-13 (a public redacted version was filed on 27 November 2023, F01904/RED). *See also, in relation to the admissibility of prior statements and documentary evidence, generally:* F01380, Panel, *Decision on Admission of Evidence of First Twelve SPO Witnesses Pursuant to Rule 154* ("First Rule 154 Decision"), 16 March 2023, confidential, paras 11-25 (a public redacted version was filed on 7 November 2023, F01380/RED); F01409, Panel, *Decision on Specialist Prosecutor's Bar Table Motion*, 31 March 2023, confidential, paras 8-13.

²⁰ W03808's Proposed Evidence consists of the following items, including any translations thereof: (i) SITF00032765-SITF00032773 RED2; and (ii) 078559-TR-ET Parts 1-3 RED2 and 078559b Parts 1-3 (collectively, "W03808's Rule 153 Statements"). *See* Annex 1 to the Motion.

outweighed by any prejudice within the meaning of Rule 138(1).²¹

11. The Defence does not object to the admission of W03808's Proposed Evidence pursuant to Rule 153.²²

12. With regard to relevance, the Panel notes that W03808 states that he was arrested, detained for three days, and verbally and physically abused by the Kosovo Liberation Army ("KLA").²³ The SPO intends to rely upon W03808's Rule 153 Statements in relation to, *inter alia*, W03808: (i) being questioned regarding [REDACTED] and whether they were connected to the Serbian police; (ii) hearing [REDACTED] being questioned in an adjoining room; (iii) being informed that [REDACTED] was also detained at the same location; and (iv) having heard that [REDACTED] were found shot dead on the roadside approximately ten days after W03808's release.²⁴ Having reviewed the content of W03808's Rule 153 Statements, the Panel is satisfied that they are relevant to the charges in the Indictment.²⁵

13. Regarding authenticity, the Panel notes that W03808's Statements consist of one written statement provided to the [REDACTED]²⁶ and one audio and video recorded statement provided to the SPO with the corresponding verbatim transcript.²⁷ The Panel notes that each statement contains multiple indicia of authenticity and reliability, including: (i) the date of the interviews;²⁸ (ii) the

²¹ Motion, paras 10-12.

²² Motion, para. 33; Joint Defence Response, para. 2.

²³ See generally W03808's Rule 153 Statements.

²⁴ Motion, para. 10.

²⁵ See F00999/A01, Specialist Prosecutor, *Annex 1 to Submission of Confirmed Amended Indictment* ("Indictment"), 30 September 2022, confidential, paras [REDACTED]; see also F01594/A03, Specialist Prosecutor, *Annex 3 to Prosecution Submission of Updated Witness List and Confidential Lesser Redacted Version of Pre-Trial Brief* ("SPO Pre-Trial Brief"), 9 June 2023, confidential, paras [REDACTED].

²⁶ SITF00032765-SITF00032773 RED2.

²⁷ 078559-TR-ET Parts 1-3 RED2 and 078559b Parts 1-3.

²⁸ SITF00032765-SITF00032773 RED2, p. SITF00032765; 078559-TR-ET Part 1, p. 1.

attendees of the interviews;²⁹ (iii) the witness's personal details;³⁰ (iv) witness warnings, rights and/or acknowledgments;³¹ and (v) confirmation by W03808 that the statements are true and accurate.³² The Panel is satisfied of the *prima facie* authenticity of W03808's Rule 153 Statements.

14. Consistent with the SPO's submissions regarding the probative value of W03808's Rule 153 Statements and their suitability for admission pursuant to Rule 153, the Panel finds that W03808's Proposed Evidence: (i) is cumulative of other witness and documentary evidence;³³ (ii) is corroborated by witnesses whom the Defence has confronted through cross-examination;³⁴ and (iii) goes to facts pertaining to the alleged crimes, but does not address alleged acts and conduct of the Accused.³⁵ The Panel also notes that W03808's Rule 153 Statements are limited in length and are not unduly repetitive. The Panel further recalls its findings regarding relevance and the *prima facie* authenticity of W03808's Rule 153 Statements,³⁶ and is satisfied that W03808's Rule 153 Statements meet the requirements under Rule 153(2). In addition, the Panel observes that the Defence does not object to the admission of W03808's Rule 153 Statements.³⁷ For these reasons, the Panel finds that W03808's Proposed Evidence is admissible pursuant to Rules 138(1) and 153 without cross-examination.

²⁹ SITF00032765-SITF00032773 RED2, pp. SITF00032765, SITF00032768, SITF00032770-SITF00032773; 078559-TR-ET Part 1, p. 1

³⁰ SITF00032765-SITF00032773 RED2, p. SITF00032765; 078559-TR-ET Part 1, pp. 2, 5-6.

³¹ SITF00032765-SITF00032773 RED2, pp SITF00032765, SITF00032768; 078559-TR-ET Part 1, p. 3; *see also* Motion, para. 11.

³² SITF00032765-SITF00032773 RED2, p. SITF00032768; 078559-TR-ET Part 3, p. 16; *see also* Motion, para. 11.

³³ *See* Motion, para. 12 (*referencing* [REDACTED]).

³⁴ *See* Motion, para. 12 (*referencing* [REDACTED]).

³⁵ Motion, para. 12.

³⁶ *See supra* paras 12-13; *See also* Annex 1 to the Motion.

³⁷ Motion, para. 33; Joint Defence Response, para. 2.

B. W03812

15. The SPO submits that W03812's Proposed Evidence³⁸ is relevant, authentic, reliable, suitable for Rule 153 admission, and that its probative value is not outweighed by any prejudice within the meaning of Rule 138(1).³⁹

16. The Defence objects to the admission of W03812's Proposed Evidence pursuant to Rule 153.⁴⁰ The Defence submits that W03812's evidence is not suitable for admission pursuant to Rule 153 because it: (i) is fundamentally inconsistent with the testimony of other witnesses;⁴¹ (ii) has a bearing on critical issues in the case, including KLA structure in [REDACTED]⁴² and victims [REDACTED];⁴³ and (iii) covers matters associated with W03812's role in KLA intelligence, which the Defence finds significant.⁴⁴ The Defence submits that it must therefore have an opportunity to cross-examine W03812.⁴⁵ The Defence submits that absent this opportunity, the probative value of the evidence will be outweighed by its prejudicial effect.⁴⁶ Should the Panel find W03812's evidence admissible pursuant to Rule 153, the Defence objects to the admission of W03812's second associated exhibit,⁴⁷ as it is unreliable.⁴⁸

17. The SPO replies that the Defence has had opportunities to cross-examine

³⁸ W03812's Proposed Evidence consists of the following statements, including any translation thereof (collectively, "W03812's Rule 153 Statements") and associated exhibits, including any translation thereof (collectively, "W03812's Associated Exhibits"). W03812's Rule 153 Statements consist of: (i) SITF00032792-00032807 RED, pp. SITF00032792-SITF00032796, SITF00032799-SITF00032807; and (ii) 088941-TR-ET Parts 1-4 RED and 088941b Parts 1-4. W03812's Associated Exhibits consist of: (i) SITF00032792-00032807 RED, pp. SITF00032797-SITF00032798; (ii) 083227-083248-ET RED2, pp. 083227-083239; (iii) P01139ET (U000-6628-U000-6639-ET); and (iv) U000-3134-U000-3137-ET. *See* Annex 2 to the Motion.

³⁹ Motion, paras 13-16.

⁴⁰ Joint Defence Response, paras 3-4.

⁴¹ Joint Defence Response, para. 5.

⁴² Joint Defence Response, paras 5, 7.

⁴³ Joint Defence Response, paras 6, 8.

⁴⁴ Joint Defence Response, para. 6.

⁴⁵ Joint Defence Response, para. 8.

⁴⁶ Joint Defence Response, para. 3.

⁴⁷ 083227-083248-ET RED2, pp. 083227-083239.

⁴⁸ Joint Defence Response, paras 9-10.

witnesses about the KLA structure in [REDACTED].⁴⁹ The SPO replies that inconsistencies within the evidence of proposed witnesses and the extent to which the SPO relied upon a particular witness's evidence are not determinative as to whether evidence is admissible pursuant to Rule 153.⁵⁰ The SPO also replies that the Defence does not have a blanket right to cross-examine witnesses.⁵¹

18. With regard to relevance, the Panel notes that W03812 was a KLA soldier who served in various capacities within KLA [REDACTED].⁵² The SPO intends to rely upon W03812's Rule 153 Statements in relation to, *inter alia*: (i) his participation in the transfer of three detainees, including [REDACTED], from [REDACTED] to [REDACTED], a member of the KLA's Military Police in [REDACTED]; and (ii) the roles of W03812 and other KLA personnel within [REDACTED], [REDACTED].⁵³ Having reviewed the content of W03812's Rule 153 Statements, the Panel is satisfied that they are relevant to the charges in the Indictment.⁵⁴

19. Regarding authenticity, the Panel notes that W03812's Rule 153 Statements are comprised of one statement made to [REDACTED]⁵⁵ and one audio and video recorded statement provided to the SPO, with the corresponding verbatim transcript.⁵⁶ The Panel notes that each statement contains multiple indicia of authenticity and reliability, including: (i) the date of the interviews;⁵⁷ (ii) the attendees of the interviews;⁵⁸ (iii) the witness's personal details;⁵⁹ (iv) witness

⁴⁹ Reply, para. 4.

⁵⁰ Reply, para. 5.

⁵¹ Reply, para. 6.

⁵² See generally W03812's Rule 153 Statements.

⁵³ Motion, para. 13.

⁵⁴ See Indictment, paras [REDACTED]; see also SPO Pre-Trial Brief, paras [REDACTED].

⁵⁵ SITF00032792-00032807 RED, pp. SITF00032792-SITF00032796, SITF00032799-SITF00032807.

⁵⁶ 088941-TR-ET Parts 1-4 RED and 088941b Parts 1-4.

⁵⁷ SITF00032792-00032807 RED, pp. SITF00032792; 088941-TR-ET Part 1 RED, p. 1.

⁵⁸ SITF00032792-00032807 RED, pp. SITF00032796, SITF00032799, SITF00032807; 088941-TR-ET Part 1 RED, p. 1.

⁵⁹ SITF00032792-00032807 RED, pp. SITF00032792; 088941-TR-ET Part 1 RED, pp. 3-5.

warnings, rights and/or acknowledgments;⁶⁰ and (v) confirmation by W03812 that the statements are true and accurate.⁶¹ The Panel further notes that the Defence does not specifically challenge the authenticity of W03812's Rule 153 Statements.⁶² The Panel is satisfied of the *prima facie* authenticity of W03812's Rule 153 Statements.

20. Turning to W03812's Associated Exhibits, the Panel notes that they consist of: (i) a photo line-up;⁶³ and (ii) a handwritten [REDACTED],⁶⁴ which were shown and discussed with W03812 during his interviews. The Defence opposes the admission of the [REDACTED].⁶⁵ However, the Panel finds that the objection is moot as the [REDACTED] has already been admitted into evidence ("Exhibit P01333").⁶⁶

21. The Panel is satisfied that the photo line-up forms an indispensable and inseparable part of W03812's [REDACTED] statement. The Panel also finds that it: (i) is relevant and will provide relevant context to the written record in which it is discussed; and (ii) bears sufficient indicia of *prima facie* authenticity.

22. Regarding the probative value of W03812's Proposed Evidence and its suitability pursuant to Rule 153, the Panel recalls the SPO's submissions that W03812's evidence: (i) is cumulative of other witness and documentary evidence;⁶⁷ (ii) is corroborated by witnesses whom the Defence has confronted or will be able to confront through cross-examination;⁶⁸ and (iii) goes to facts pertaining to the alleged crimes, but does not address alleged acts and conduct of the Accused.⁶⁹

⁶⁰ SITF00032792-00032807 RED, pp. SITF00032799; 088941-TR-ET Part 1 RED, pp. 2-3; *see also* Motion, para. 14.

⁶¹ SITF00032792-00032807 RED, pp. SITF00032799; 088941-TR-ET Part 4 RED, p. 15; *see also* Motion, para. 14.

⁶² Joint Defence Response, para. 2.

⁶³ SITF00032792-00032807 RED, pp. SITF00032797-SITF00032798.

⁶⁴ 083227-083248-ET RED2, pp. 083227-083239.

⁶⁵ Joint Defence Response, paras 9-10.

⁶⁶ Transcript of Hearing, 24 June 2024, p. 16963.

⁶⁷ *See* Motion, para. 15 (*referencing* [REDACTED]).

⁶⁸ *See* Motion, para. 15 (*referencing* [REDACTED]).

⁶⁹ Motion, para. 15.

23. The Panel recalls the Defence's submissions that W03812's Proposed Evidence is not suitable for admission pursuant to Rule 153 because it: (i) is fundamentally inconsistent with the testimony of other witnesses;⁷⁰ (ii) has a bearing on critical issues in the case, including the KLA structure in [REDACTED]⁷¹ and matters regarding victims [REDACTED];⁷² and (iii) covers matters associated with W03812's role in KLA intelligence, which the Defence finds significant.⁷³

24. The Panel has assessed the scope of W03812's Proposed Evidence in light of that of other witnesses, including [REDACTED] and [REDACTED]⁷⁴ in respect of matters identified by the Defence in order to determine whether the Defence would be subject to undue prejudice within the meaning of Rule 138(1) should it not be provided an opportunity to cross-examine W03812. Based on a detailed review of the evidence of these and other witnesses, and without prejudice to the Panel's ultimate determination of credibility of these witnesses and the reliability of their evidence, the Panel has determined that no undue prejudice would result from the admission of W03812's evidence pursuant to Rule 153.

25. The Panel finds that the Defence's wish to question W03812 regarding KLA intelligence because it is of interest to the Defence is insufficient to support a finding that W03812's Proposed Evidence is inappropriate for admission pursuant to Rule 153. Evidence of W03812's involvement in intelligence services does not appear to pertain to any factual allegations reflected in the Indictment, with the exception of the SPO's assertion that unidentified members of the intelligence service are members or tools of the joint criminal enterprise.⁷⁵ The extent to which it is referenced in the SPO's Pre-Trial Brief is with regard to specific individuals in

⁷⁰ Joint Defence Response, para. 5.

⁷¹ Joint Defence Response, paras 5, 7.

⁷² Joint Defence Response, paras 6, 8.

⁷³ Joint Defence Response, para. 6.

⁷⁴ See Motion, para. 15, footnote 18; Joint Defence Response, paras 5-6. [REDACTED].

⁷⁵ See Indictment, paras 35, 37.

the chain of command,⁷⁶ which the Defence has had the ability to explore via the testimony of other witnesses, including [REDACTED] and [REDACTED].

26. The Panel recalls its findings regarding relevance and the *prima facie* authenticity of W03812's Rule 153 Statements,⁷⁷ and is satisfied that W03812's Rule 153 Statements meet the requirements under Rule 153(2). Based upon the foregoing, the Panel finds that W03812's Proposed Evidence, with the exception of W03812's second associated exhibit (Exhibit P01333),⁷⁸ is admissible pursuant to Rules 138(1) and 153 without cross-examination.

C. W03815

27. The SPO submits that W03815's Proposed Evidence⁷⁹ is relevant, authentic, reliable, suitable for Rule 153 admission, and that its probative value is not outweighed by any prejudice within the meaning of Rule 138(1).⁸⁰

28. The Defence objects to the admission of W03815's Proposed Evidence pursuant to Rule 153 because: (i) W03815's [REDACTED] statement is neither authentic nor reliable;⁸¹ (ii) W03815's evidence is unique with regard to some of the facts associated with [REDACTED] and W03808;⁸² (iii) W03815's evidence conflicts with the in-court testimony of [REDACTED];⁸³ (iv) W03815's evidence goes to the central issue of command structure of the [REDACTED] of

⁷⁶ See SPO Pretrial Brief, para. [REDACTED].

⁷⁷ See *supra* paras 18-19; see also Annex 2 to the Motion.

⁷⁸ See *supra* para. 20.

⁷⁹ W03815's Proposed Evidence consists of the following statements, including any translation thereof (collectively, "W03815's Rule 153 Statements") and an associated exhibit, including any translation thereof ("W03815's Associated Exhibit"). W03815's Rule 153 Statements consist of: (i) SITF00032782-SITF00032791 RED, pp. SITF00032782-SITF00032784, SITF00032787-SITF00032791; and (ii) 089115-TR-ET Parts 1-3 RED and 089115b Parts 1-3. W03812's Associated Exhibit consists of: (i) SITF00032782-SITF00032791 RED, pp. SITF00032785-SITF00032786. See Annex 3 to the Motion.

⁸⁰ Motion, paras 17-20.

⁸¹ Joint Defence Response, paras 12-13.

⁸² Joint Defence Response, paras 14, 21-22.

⁸³ Joint Defence Response, paras 15-16, 18.

[REDACTED] in [REDACTED];⁸⁴ and (v) W03815 was subjected to psychological pressure by SPO representatives and asked questions in a manner which would be objectionable in open court.⁸⁵ The Defence also submits that the Proposed Evidence of W03812 and W03815 are similar, and that it therefore may not be necessary for the Defence to cross-examine both witnesses. For that reason, the Defence requests that the Panel defer ruling on the admission of W03812's and W03815's testimony pursuant to Rule 153 until one or the other has testified pursuant to Rule 154.⁸⁶

29. The SPO replies that W03815's [REDACTED] statement is *prima facie* authentic despite its deficiencies, due to other indicia of authenticity that are present.⁸⁷ The SPO replies that W03815's [REDACTED] statement is generally consistent with his SPO interview, that his SPO interview would be unintelligible without it, and that the inconsistencies are explained by W03815's inability to recollect events by the time the SPO interview was conducted.⁸⁸ The SPO replies that the Defence had opportunities to cross-examine witnesses regarding detainees in [REDACTED],⁸⁹ and that witnesses already provided meaningful evidence in this regard.⁹⁰

30. With regard to relevance, the Panel notes that W03815 was a KLA soldier.⁹¹ The SPO intends to rely upon W03815's Rule 153 Statements in relation to, *inter alia*: (i) W03815's participation in the transfer of three detainees, including [REDACTED], from [REDACTED] to [REDACTED], a member of the KLA's Military Police, in [REDACTED]; and (ii) the roles of W03815 and other KLA personnel based in [REDACTED].⁹² Having reviewed the content of W03815's

⁸⁴ Joint Defence Response, para. 17.

⁸⁵ Joint Defence Response, paras 19-20.

⁸⁶ Joint Defence Response, para 23.

⁸⁷ Reply, para. 7.

⁸⁸ Reply, paras 7-8.

⁸⁹ Reply, para. 9.

⁹⁰ Reply, para. 10.

⁹¹ See generally W03815's Rule 153 Statements.

⁹² Motion, para. 17.

Rule 153 Statements, the Panel is satisfied that they are relevant to the charges in the Indictment.⁹³

31. Regarding authenticity, the Panel notes that W03815's Rule 153 Statements are comprised of one statement made to [REDACTED]⁹⁴ and one audio and video recorded statement provided to the SPO, with the corresponding verbatim transcript.⁹⁵ The SPO interview contains multiple indicia of authenticity and reliability, including: (i) the date of the interviews;⁹⁶ (ii) the attendees of the interviews;⁹⁷ (iii) the witness's personal details;⁹⁸ (iv) witness warnings, rights and acknowledgments;⁹⁹ and (v) confirmation by W03815 that the statements are true and accurate.¹⁰⁰ The Panel finds W03815's SPO interview to be *prima facie* authentic and reliable.

32. The Panel notes the Defence's challenges to the authenticity and reliability of W03815's [REDACTED] Statement.¹⁰¹ Rule 153(2) provides that in order to be admissible, a Rule 153 statement shall be signed by the person who records and conducts the questioning, and if in exceptional circumstances the person has not signed the record, the reasons thereof shall be noted. As indicated by the Defence, the [REDACTED] officer who questioned W03815 during his interview failed to sign the [REDACTED] statement.¹⁰² The Panel notes that the SPO has not provided the reasons why the record was not signed.¹⁰³ The Defence also notes that during his subsequent SPO interview, W03815 stated that this statement was not read

⁹³ See Indictment, paras [REDACTED]; see also SPO Pre-Trial Brief, paras [REDACTED].

⁹⁴ SITF00032782-SITF00032791 RED, pp. SITF00032782-SITF00032784, SITF00032787-SITF00032791.

⁹⁵ 089115-TR-ET Parts 1-3 RED and 089115b Parts 1-3.

⁹⁶ 089115-TR-ET Part 1 RED, p. 1.

⁹⁷ 089115-TR-ET Part 1 RED, pp. 1-2.

⁹⁸ 089115-TR-ET Part 2 RED, pp. 1-2.

⁹⁹ 089115-TR-ET Part 1 RED, pp. 3-6; see also Motion, para. 18.

¹⁰⁰ 089115-TR-ET Part 3 RED, p. 25; see also Motion, para. 18.

¹⁰¹ See Joint Defence Response, paras 12-13.

¹⁰² Joint Defence Response, para. 13.

¹⁰³ See Rule 153(2).

back to him, and that he now believes tampering occurred with regard to some aspects of his statement.¹⁰⁴

33. For reasons outlined below, the Panel need not decide whether the absence of signature can be cured by other indications of the authenticity and reliability attaching to the record.

34. In light of the substantive overlap of the evidence of this witness with that of W03812, and in light of the fact that the Defence will not get to cross-examine W03812, the Panel will exercise its discretion to refuse admission of W03815's Proposed Evidence pursuant to Rule 153. This should prevent undue prejudice and ensure that the Defence is able, in particular, to test the reliability of the witness's UNMIK statement. This will further enable the Panel to better evaluate W03815's credibility if called by the Prosecution.

D. W03870

35. The SPO submits that W03870's Proposed Evidence¹⁰⁵ is relevant, authentic, reliable, suitable for Rule 153 admission, and that its probative value is not outweighed by any prejudice within the meaning of Rule 138(1).¹⁰⁶

36. The Defence objects to the admission of W03870's Proposed Evidence pursuant to Rule 153.¹⁰⁷ The Defence submits that W03870's evidence: (i) is fundamentally inconsistent with the testimony of other witnesses, specifically

¹⁰⁴ See Joint Defence Response, para. 12; 089115-TR-ET Part 3, pp. 21-23.

¹⁰⁵ W03870's Proposed Evidence consists of the following statements, including any translation thereof (collectively, "W03870's Statements") and associated exhibits, including any translation thereof (collectively, "W03870's Associated Exhibits"). W03870's Statements consist of: (i) SITF00032827-SITF00032835 RED, pp. SITF00032827-SITF00032829; and (ii) 088944-TR-ET Parts 1-4 RED and 088944b Parts 1-4. W03870's Associated Exhibits consist of: (i) SITF00032830-SITF00032834-ET; (ii) 083227-083248-ET RED2, pp.083227-083239; and (iii) U001-2310-U001-2319-ET, p. U001-2318. See Annex 4 to the Motion.

¹⁰⁶ Motion, paras 21-25.

¹⁰⁷ Joint Defence Response, paras 3, 24.

[REDACTED] and [REDACTED];¹⁰⁸ (ii) has a bearing on critical issues in the case with regard to the detention of [REDACTED] and to the KLA Structure in [REDACTED] and other areas;¹⁰⁹ and (iii) contains matters which need to be clarified through *viva voce* testimony.¹¹⁰

37. The SPO replies that the Defence has had opportunities to cross-examine witnesses regarding the KLA structure in [REDACTED],¹¹¹ and that inconsistencies within a witness's evidence is not a bar to admission pursuant to Rule 153.¹¹² The SPO replies that W03870's statements do not contain matters that need further clarification through *viva voce* testimony.¹¹³

38. With regard to relevance, the Panel notes that W03870 was a KLA soldier who served in various capacities within KLA [REDACTED].¹¹⁴ The SPO intends to rely upon W03870's Rule 153 Statements in relation to, *inter alia*: (i) W03870 personal experiences, as well as information provided to him, regarding the detention and transfer of [REDACTED], and others; and (ii) the roles and responsibilities of W03870 and other KLA personnel within [REDACTED].¹¹⁵ Having reviewed the content of W03870's Rule 153 Statements, the Panel is satisfied that they are relevant to the charges in the Indictment.¹¹⁶

39. Regarding authenticity, the Panel notes that W03870's Statements are comprised of one statement made to [REDACTED]¹¹⁷ and one audio and video recorded statement provided to the SPO with the corresponding verbatim transcript.¹¹⁸ The Panel notes that each statement contains multiple indicia of

¹⁰⁸ Joint Defence Response, paras 25-26.

¹⁰⁹ Joint Defence Response, paras 27-29.

¹¹⁰ Joint Defence Response, para. 32.

¹¹¹ Reply, para. 12.

¹¹² Reply, para. 12.

¹¹³ Reply, para. 14.

¹¹⁴ See generally W03870's Rule 153 Statements.

¹¹⁵ Motion, para. 21.

¹¹⁶ See Indictment, paras [REDACTED]; see also SPO Pre-Trial Brief, paras [REDACTED].

¹¹⁷ SITF00032827-SITF00032835 RED, pp. SITF00032827-SITF00032829.

¹¹⁸ 088944-TR-ET Parts 1-4 RED and 088944b Parts 1-4.

authenticity and reliability, including: (i) the date of the interviews;¹¹⁹ (ii) the attendees of the interviews;¹²⁰ (iii) the witness's personal details;¹²¹ (iv) witness warnings, rights and/or acknowledgments;¹²² and (v) confirmation by W03870 that the statements are true and accurate.¹²³ The Panel notes that the Defence does not specifically challenge the authenticity of W03870's Rule 153 Statements.¹²⁴ The Panel is satisfied of the *prima facie* authenticity of W03870's Rule 153 Statements.

40. Turning to W03870's Associated Exhibits, the Panel notes that they consist of: (i) a photo line-up;¹²⁵ (ii) Exhibit P01333;¹²⁶ and (iii) handwritten notes,¹²⁷ which has already been admitted (Exhibit P01348").¹²⁸ The Defence specifically challenges Exhibit P01333¹²⁹ and Exhibit P01348.¹³⁰ Considering that both items have already been admitted, the Defence objections to their admissions are moot.

41. The Panel has carefully reviewed the record to determine whether Associated Exhibit 3 is relevant, whether it was used and discussed during W03870's Rule 153 Statements and as such whether it constitutes an indispensable and inseparable part of those statements. The Panel finds that the SPO interviewer appears to have used content from Associated Exhibit 3 to formulate his questions.¹³¹ In doing so, the interviewer memorialised verbatim the content of the exhibit that was put to W03870 in the transcript of the interview.¹³² As its relevant content is already part

¹¹⁹ SITF00032827-SITF00032835 RED, p. SITF00032827; 088944-TR-ET Part 1 RED, p. 1.

¹²⁰ SITF00032827-SITF00032835 RED, pp. SITF00032827-SITF00032829; 088944-TR-ET Part 1 RED, p. 1.

¹²¹ SITF00032827-SITF00032835 RED, p. SITF00032827; 088944-TR-ET Part 1 RED, pp. 3-5.

¹²² SITF00032827-SITF00032835 RED, p. SITF00032827; 088944-TR-ET Part 1 RED, pp. 2-3; *see also* Motion, para. 22.

¹²³ SITF00032782-SITF00032791 RED, p. SITF00032787; 088944-TR-ET Part 4 RED, p. 13; *see also* Motion, para. 22.

¹²⁴ Joint Defence Response, paras 24-32.

¹²⁵ SITF00032830-SITF00032834-ET.

¹²⁶ 083227-083248-ET RED2, pp. 083227-083239.

¹²⁷ U001-2310-U001-2319-ET, p. U001-2318.

¹²⁸ Transcript of Hearing, 24 June 2024, pp. 17002-17003.

¹²⁹ Joint Defence Response, para. 30.

¹³⁰ Joint Defence Response, para. 31.

¹³¹ *See* 088944-TR-ET Part 2, pp. 26-30.

¹³² *See* 088944-TR-ET Part 2, pp. 26-30.

of W03870's statement, the exhibit does not appear to add evidentially to the witness's own statement. As such, and without further explanation, Associated Exhibit 3 itself appears duplicative and its admission unnecessary at this point.

42. Regarding the probative value of W03870's Proposed Evidence and its suitability pursuant to Rule 153, the Panel recalls the SPO's submissions that W03870's evidence: (i) is cumulative of other witness and documentary evidence;¹³³ (ii) is corroborated by witnesses whom the Defence has confronted or will be able to confront through cross-examination;¹³⁴ and (iii) goes to facts pertaining to the alleged crimes, but does not address alleged acts and conduct of the Accused.¹³⁵

43. The Panel recalls the Defence's submissions that W03870's evidence: (i) is fundamentally inconsistent with the testimony of other witnesses, specifically [REDACTED] and [REDACTED];¹³⁶ (ii) has a bearing on critical issues in the case with regard to the detention of [REDACTED] and to the KLA Structure in [REDACTED] and other areas;¹³⁷ and (iii) contains matters which need to be clarified through *viva voce* testimony.¹³⁸

44. The Panel has carefully assessed the scope of W03870's Proposed Evidence in light of the evidence of other relevant witnesses, including [REDACTED] and [REDACTED], regarding the matters identified by the Defence in order to determine whether the Defence would be subject to undue prejudice within the meaning of Rule 138(1) should it not be provided an opportunity to cross-examine W03870. Based on a detailed review of the evidence of these and other witnesses, and without prejudice to the Panel's ultimate determination of credibility of these

¹³³ See Motion, para. 24 (*referencing* [REDACTED]); Joint Defence Response, paras 26-27 (*referencing* [REDACTED]).

¹³⁴ See Motion, para. 24 (*referencing* [REDACTED]).

¹³⁵ Motion, para. 23.

¹³⁶ Joint Defence Response, paras 25-26.

¹³⁷ Joint Defence Response, paras 27-29.

¹³⁸ Joint Defence Response, para. 32.

witnesses and the reliability of their evidence, the Panel has determined that no undue prejudice would result from the admission of W03870's evidence pursuant to Rule 153.

45. The Panel recalls its findings regarding relevance and the *prima facie* authenticity of W03870's Rule 153 Statements,¹³⁹ and the Panel is satisfied that W03870's Rule 153 Statements meet the requirements under Rule 153(2). Based upon the foregoing, the Panel finds that W03870's Proposed Evidence that has yet to be admitted is admissible pursuant to Rules 138(1) and 153 without cross-examination.

E. W04785

46. The SPO submits that W04785's Proposed Evidence¹⁴⁰ is relevant, authentic, reliable, suitable for Rule 153 admission, and that its probative value is not outweighed by any prejudice within the meaning of Rule 138(1).¹⁴¹

47. The Defence does not object to the admission of W04785's Proposed Evidence pursuant to Rule 153.¹⁴²

48. Victims' Counsel objects to the admission of W04785's Proposed Evidence pursuant to Rule 153.¹⁴³ Victims' Counsel responds that most recently, W04785 expressed her wish to testify in person about her father's abduction and its impact on her personally.¹⁴⁴ Victims' Counsel responds that factors exist within the scope

¹³⁹ See *supra* paras 38-39.

¹⁴⁰ W04785's Proposed Evidence is comprised of one Rule 153 statement, SPOE00027837-SPOE00027842 RED, and any translations thereof ("W04785's Rule 153 Statement"). See Annex 5 to the Motion.

¹⁴¹ Motion, paras 26-28.

¹⁴² Motion, para. 33; Joint Defence Response, para. 2.

¹⁴³ Victims' Counsel's Response, paras 1, 18.

¹⁴⁴ Victims' Counsel's Response, para. 8.

of Rule 153 which militate against admitting W04785's evidence via Rule 153, and that doing so would not be an efficient use of the Panel's resources.¹⁴⁵

49. The SPO replies that in deciding to offer W04785's evidence pursuant to Rule 153, the SPO took into consideration the limited scope of the witness's evidence, that the witness was not opposed to the Rule 153 procedure when consulted, and that the witness expressed security concerns for herself and her family on two separate occasions.¹⁴⁶ The SPO replies that should W04785's evidence be admitted pursuant to Rule 153, Victims' Counsel could still seek leave, pursuant to Rule 114(5), to call W04785 to elicit evidence concerning the impact these crimes have had upon her.¹⁴⁷

50. With regard to relevance, the Panel notes that W04785 describes herself as a civilian.¹⁴⁸ The SPO intends to rely upon W04785's Rule 153 Statement in relation to, *inter alia*: (i) her father having been forced into a vehicle by four armed individuals in black uniforms that bore insignias; and (ii) W04785's father's body having been found, covered in bruises, about ten days after he was abducted.¹⁴⁹ Having reviewed the content of W04785's Rule 153 Statement, the Panel is satisfied that it is *prima facie* relevant to the events in the Indictment.¹⁵⁰

51. Regarding authenticity, the Panel notes that W04785's Rule 153 Statement was provided to [REDACTED].¹⁵¹ The Panel notes that it contains multiple indicia of authenticity and reliability, including: (i) the presence of a [REDACTED];¹⁵² (ii) the date of the interview;¹⁵³ (iii) the attendees of the interview;¹⁵⁴ (iv) the

¹⁴⁵ Victims' Counsel's Response, paras 10-17.

¹⁴⁶ Reply, para. 15.

¹⁴⁷ Reply, para. 16.

¹⁴⁸ See generally W04785's Rule 153 Statement.

¹⁴⁹ Motion, para. 26.

¹⁵⁰ See Indictment, paras [REDACTED]; see also SPO Pre-Trial Brief, paras [REDACTED].

¹⁵¹ SPOE00027837-SPOE00027842 RED.

¹⁵² SPOE00027837-SPOE00027842 RED, p. SPOE00027837.

¹⁵³ SPOE00027837-SPOE00027842 RED, pp. SPOE00027837, SPOE00027840.

¹⁵⁴ SPOE00027837-SPOE00027842 RED, pp. SPOE00027837, SPOE00027839, SPOE00027842.

witness's personal details;¹⁵⁵ and (v) confirmation by W04785 that the statements are true and accurate.¹⁵⁶ The Panel is satisfied of the *prima facie* authenticity of W04785's Statement.

52. Regarding the probative value of W04785's Proposed Evidence and its suitability pursuant to Rule 153, the Panel recalls the SPO's submissions that W04785's Proposed Evidence: (i) is largely cumulative of other witness and documentary evidence;¹⁵⁷ (ii) is corroborated in part by witnesses whom the Defence has confronted or will be able to confront through cross-examination;¹⁵⁸ and (iii) it goes to the alleged facts in the Indictment, but does not address alleged acts and conduct of the Accused.¹⁵⁹ The Panel also notes that W04785's Rule 153 Statement is limited in length and is not unduly repetitive. The Panel observes that the Defence does not object to the admission of W04785's Rule 153 Statement pursuant to Rule 153.¹⁶⁰

53. Victims' Counsel submits that W04785's previous statement does not provide any evidence concerning the immediate and long-lasting impact that the crimes in question have had on this witness, which pursuant to a reverse inference arising out of Rule 153(1)(a)(v), militates against its admission under Rule 153.¹⁶¹ The Panel notes that the factor cited by Victims' Counsel – that is, whether the evidence in question concerns the impact of the crimes on victims (Rule 153(1)(a)(v)) – is one of a multitude of factors militating for (or against) admission which the Panel may consider in making its determination under Rule 153, generally.

¹⁵⁵ SPOE00027837-SPOE00027842 RED, pp. SPOE00027837, SPOE00027840.

¹⁵⁶ SPOE00027837-SPOE00027842 RED, p. SPOE00027839.

¹⁵⁷ See Motion, para. 28 (*referencing* [REDACTED]).

¹⁵⁸ See Motion, para. 28 (*referencing* [REDACTED]).

¹⁵⁹ Motion, para. 28.

¹⁶⁰ Motion, para. 33; Joint Defence Response, para. 2.

¹⁶¹ Victims' Counsel's Response, paras 11-12.

54. The Panel finds that Victims' Counsel's claim that it would be more efficient for the Panel to have W04785 called during the SPO's case as a Rule 154 witness¹⁶² is speculative and not determinative of the evidence's admission pursuant to Rule 153. By its very nature, Rule 153 enables the Panel to save the time that would otherwise be spent placing W04785's evidence on the record as a Rule 154 witness as well as any time needed for questioning by the Parties, Participants, and the Panel.

55. Victims' Counsel requests that the Panel admit W04785's evidence pursuant to Rule 154.¹⁶³ No such offer has been made by the Prosecution, and no submissions has been received by the Parties in respect of the admissibility of the proposed evidence pursuant to that Rule. The Panel will not, therefore, entertain the suggestion.

56. The Panel recalls its findings regarding relevance and the *prima facie* authenticity of W04785's Rule 153 Statement,¹⁶⁴ and is satisfied that W04785's Rule 153 Statement meets the requirements under Rule 153(2). For these reasons, the Panel finds that W04785's Proposed Evidence is admissible pursuant to Rules 138(1) and 153 without cross-examination.

F. W04786

57. The SPO submits that W04786's Proposed Evidence¹⁶⁵ is relevant, authentic, reliable, suitable for Rule 153 admission, and that its probative value is not outweighed by any prejudice within the meaning of Rule 138(1).¹⁶⁶

¹⁶² Victims' Counsel's Response, para. 16.

¹⁶³ Victims' Counsel's Response, para. 18.

¹⁶⁴ See *supra* paras 50-51; see also Annex 5 to the Motion.

¹⁶⁵ W04786's Proposed Evidence is comprised of one Rule 153 statement, SPOE00027799-SPOE00027808 RED, and any translations thereof ("W04786's Rule 153 Statement"). See Annex 6 to the Motion.

¹⁶⁶ Motion, paras 29-31.

58. The Defence does not object to the admission of W04786's Proposed Evidence pursuant to Rule 153.¹⁶⁷

59. The SPO intends to rely upon W04786's Rule 153 Statement in relation to, *inter alia*: (i) W04786's familiarity with W04785's father; (ii) finding W04785's father's body; and (iii) having been present when a family member identified the body.¹⁶⁸ Having reviewed the content of W04786's Rule 153 Statement, the Panel is satisfied that it is relevant to charges in the Indictment.¹⁶⁹

60. Regarding authenticity, the Panel notes that W04786's Rule 153 Statement was provided to [REDACTED].¹⁷⁰ The Panel notes that it contains multiple indicia of authenticity and reliability, including: (i) the presence of a [REDACTED];¹⁷¹ (ii) the date of the interview;¹⁷² (iii) the attendees of the interviews;¹⁷³ (iv) the witness's personal details;¹⁷⁴ and (v) confirmation by W04786 that the statements are true and accurate.¹⁷⁵ The Panel is satisfied of the *prima facie* authenticity of W04786's Statement.

61. Regarding the probative value of W04786's Proposed Evidence and its suitability pursuant to Rule 153, the Panel recalls the SPO's submissions that W04786's Proposed Evidence: : (i) is cumulative of other witness and documentary evidence;¹⁷⁶ (ii) is corroborated by witnesses whom the Defence has confronted or will be able to confront through cross-examination;¹⁷⁷ and (iii) it goes to facts pertaining to the alleged crimes, but does not address alleged acts and conduct of

¹⁶⁷ Motion, para. 33; Joint Defence Response, para. 2.

¹⁶⁸ Motion, para. 29.

¹⁶⁹ See Indictment, paras [REDACTED]; see also SPO Pre-Trial Brief, paras [REDACTED].

¹⁷⁰ SPOE00027799-SPOE00027808 RED

¹⁷¹ SPOE00027799-SPOE00027808 RED, p. SPOE00027799.

¹⁷² SPOE00027799-SPOE00027808 RED, p. SPOE00027799

¹⁷³ SPOE00027799-SPOE00027808 RED, pp. SPOE00027799, SPOE00027802, SPOE00027808.

¹⁷⁴ SPOE00027799-SPOE00027808 RED, pp. SPOE00027799, SPOE00027803, , SPOE00027806.

¹⁷⁵ SPOE00027799-SPOE00027808 RED, pp. SPOE00027802, SPOE00027805.

¹⁷⁶ See Motion, para. 31 (*referencing* [REDACTED]).

¹⁷⁷ See Motion, para. 31 (*referencing* [REDACTED]).

the Accused.¹⁷⁸ The Panel also notes that W04786's Rule 153 Statement is limited in length and is not unduly repetitive. The Panel further recalls its findings regarding relevance and the *prima facie* authenticity of W04786's Rule 153 Statement,¹⁷⁹ and is satisfied that W04786's Rule 153 Statement meets the requirements under Rule 153(2). In addition, the Panel observes that the Defence does not object to the admission of W04785's Rule 153 Statements.¹⁸⁰

62. The Panel recalls its findings regarding relevance and the *prima facie* authenticity of W04786's Rule 153 Statement,¹⁸¹ and the Panel is satisfied that W04786's Rule 153 Statement meets the requirements under Rule 153(2). Based upon the foregoing, the Panel finds that W04786's Proposed Evidence that has yet to be admitted is admissible pursuant to Rules 138(1) and 153 without cross-examination.

V. DISPOSITION

63. For the above-mentioned reasons, the Panel hereby:

- a) **GRANTS** the Motion, in part;
- b) **ADMITS** into evidence without cross-examination the following items, including full audio and video recordings and any translations thereof:
 - (i) W03808's Proposed Evidence;¹⁸²
 - (ii) W03812's Proposed Evidence, with the exception of P01333;¹⁸³
 - (iii) W03870's Proposed Evidence, with the exceptions of P01333 and P01348;¹⁸⁴
 - (iv) W04785's Proposed

¹⁷⁸ Motion, para. 31.

¹⁷⁹ See *supra* paras 59-60; See also Annex 6 to the Motion.

¹⁸⁰ Motion, para. 33; Joint Defence Response, para. 2.

¹⁸¹ See *supra* paras 59-60.

¹⁸² See *supra* footnote 20.

¹⁸³ See *supra* footnote 38.

¹⁸⁴ See *supra* footnote 105.

- Evidence;¹⁸⁵ and (v) W04786's Proposed Evidence;¹⁸⁶
- c) **DENIES** the admission of W03815's Proposed Evidence¹⁸⁷ without prejudice to any Rule 154 application in relation to this witness or the witness being called to provide *viva voce* testimony;
- d) **FINDS** the SPO's requests for the admission of 083227-083248-ET RED2, pp. 083227-083239 and U001-2310-U001-2319-ET, p. U001-2318 to be moot, as these items have already been admitted as P01333 and P01348, respectively;
- e) **DIRECTS** the Registrar to assign exhibit numbers to the items referred to in paragraph 63(b), linking the Associated Exhibits with the relevant Rule 153 Statements as indicated in footnotes 20, 38, 105, 140, and 165; and
- f) **ORDERS** the SPO to file any application seeking to maintain the confidential nature of any of the admitted material by no later than **Thursday, 31 October 2024**. Any response thereto shall be filed no later than **Monday, 4 November 2024**. No reply will be entertained.



Judge Charles L. Smith, III
Presiding Judge

Dated this Monday, 21 October 2024

At The Hague, the Netherlands.

¹⁸⁵ See *supra* footnote 140.

¹⁸⁶ See *supra* footnote 165.

¹⁸⁷ See *supra* footnote 79.