



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:** 20 December 2024

**Language:** English

**Classification:** Public

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**Public Redacted Version of "URGENT Prosecution motion  
for video-conference testimony for [REDACTED]"**

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**Specialist Prosecutor's Office**

Kimberly P. West

**Counsel for Victims**

Simon Laws

**Counsel for Hashim Thaçi**

Luka Mišetić

**Counsel for Kadri Veseli**

Rodney Dixon

**Counsel for Rexhep Selimi**

Geoffrey Roberts

**Counsel for Jakup Krasniqi**

Venkateswari Alagendra

1. Pursuant to Articles 23(1) and 40(2) of the Law,<sup>1</sup> and Rules 80, 141(1) and 144 of the Rules,<sup>2</sup> noting the Practice Direction,<sup>3</sup> and having regard to the [REDACTED],<sup>4</sup> the Specialist Prosecutor's Office ('SPO') requests the Panel to authorise the testimony of [REDACTED] to take place by video-conference [REDACTED]. [REDACTED] is a witness scheduled to be heard in the [REDACTED] 2025 hearing block and, as such, the SPO requests expedited consideration of this request.

2. Rules 141(1) and 144 expressly permit the testimony of witnesses to be given by means of video-conference, establishing three conditions that must be satisfied in such cases: (i) the technology must permit the witness to be properly examined by the Parties and the Panel, at the time they are testifying; (ii) the venue chosen must be conducive to the giving of truthful and open testimony and to the safety, physical and psychological well-being, dignity and privacy of the witnesses; and (iii) the measure must not be prejudicial to or inconsistent with the rights of the accused. No additional criteria are warranted.<sup>5</sup>

3. In light of the witness's personal circumstances [REDACTED],<sup>6</sup> [REDACTED], video-conference testimony is the [REDACTED] which will enable the witness to testify.

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<sup>1</sup> Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule' or 'Rules' are to the Rules.

<sup>3</sup> Registry Practice Direction on Video Links, KSC-BD-23/COR, 17 July 2020 as corrected on 5 August 2020 ('Practice Direction').

<sup>4</sup> [REDACTED]

<sup>5</sup> Public Redacted Version of Decision on URGENT Prosecution Motion for Admission of Evidence of W02486 Pursuant to Rule 154 and Request for Video-Conference Testimony (F02270), KSC-BC-2020-06/F02281/RED, 3 May 2024 ('Decision F02281'), para.10. *See also Specialist Prosecutor v. Shala*, Public Redacted Version of Decision on Specialist Prosecutor's request for video-conference testimony for TW4-04, TW4-10 and TW4-11, KSC-BC-2020-04/F00482/RED, 13 April 2023 ('*Shala* Decision'), para.13.

<sup>6</sup> *See previously* [REDACTED].

4. Granting the request would also not be prejudicial to or inconsistent with the rights of the Accused.<sup>7</sup> The available technology allows for [REDACTED] to be examined under the same conditions as he would be in the courtroom. He would testify before the Panel, after taking his solemn declaration, in real-time, in the presence of the Parties and Victims' Counsel, who will be able to question him as if he were physically present in the courtroom. The Panel will also be able to observe his demeanour and assess his credibility.

5. Pursuant to Article 3 of the Practice Direction, the SPO provides the following information: (i) [REDACTED] is currently anticipated to testify from [REDACTED] 2025 [REDACTED]; (ii) the expected duration of direct examination of [REDACTED] is one hour; (iii) the SPO requests [REDACTED] to appear via video-conference from [REDACTED]; (iv) the witness has no in-court protective measures; (v) the witness [REDACTED]; and (vi) [REDACTED] will testify in Albanian. The SPO remains available should the Registry require any further information.

6. This submission is confidential pursuant to Rule 82(4) and to protect the well-being and privacy of the witness.

7. For the foregoing reasons, the Trial Panel should: (i) order expedited briefing; and (ii) grant the request for video-conference testimony.

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<sup>7</sup> See Decision F01776, KSC-BC-2020-06/F01776, para.15; Oral Order authorising Witness W03878's testimony to take place via video-conference, 28 February 2024, Transcript, p.13064, lines 6-9.

**Word Count: 645**



**Kimberly P. West**

**Specialist Prosecutor**

Friday, 20 December 2024

At The Hague, the Netherlands.