



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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: 2 January 2025

Language: English

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

Classification: Public

Public Redacted Version of Registry Assessment

**Regarding the Specialist Prosecutor's Office's Request for Video-
Conference Testimony for Witness W04500**

Specialist Prosecutor's Office

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1. Pursuant to Rules 23(2) and 144 of the Rules,¹ and Article 3 of the Practice Direction on Video Links,² the Registrar hereby submits her assessment of the feasibility of facilitating the testimony of witness W04500 via video-link from [REDACTED].

I. PROCEDURAL HISTORY

2. On 19 December 2024, the Specialist Prosecutor's Office ('SPO') filed *inter alia* a request for the testimony of (reserve) witness W04500 to be heard via video-link from [REDACTED] ('Request').³ The SPO has provided information on: (a) when the witness is expected to testify (in January 2025);⁴ (b) the expected duration of direct examination (no more than 40 minutes; [REDACTED]);⁵ (c) the country details ([REDACTED]);⁶ (d) whether protective measures have been ordered,⁷ including an indication of whether the witness has any special needs;⁸ and (e) the language the witness will testify in (Albanian).⁹

3. [REDACTED].¹⁰

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

² 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).

³ KSC-BC-2020-06, F02806, Prosecution motion for admission of evidence of W04500 pursuant to Rule 154 and request for video-conference testimony with confidential Annexes 1-2, 19 December 2024, confidential. *See also* KSC-BC-2020-06, F02806/RED, Public Redacted Version of 'Prosecution motion for admission of evidence of W04500 pursuant to Rule 154 and request for video-conference testimony with confidential Annexes 1-2', 19 December 2024, public.

⁴ Request, para. 20(i): "W04500 is currently anticipated to testify in January 2025". *See also* [REDACTED].

⁵ Request, para. 20(ii): "the expected duration of direct examination of W04500 is no more than 40 minutes". *See also* [REDACTED]. The Registry notes that, at the time of filing the present assessment, the Defence teams had provided no estimates for cross-examination.

⁶ Request, para. 20(iii): "the SPO requests W04500 to appear via video-conference from [REDACTED].

⁷ Request, para. 20(iv): "the witness has in-court protective measures, including pseudonym and private session"; *see also* [REDACTED].

⁸ Request, para. 20(v): "the SPO is not aware of any other special needs."

⁹ Request, para. 20(vi): "W04500 will testify in Albanian".

¹⁰ [REDACTED].

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 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 witness W04500, the expected duration of testimony, the country and location details, the applicable protective measures, and the language of the witness. The Registry has also assessed the location and the 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, and with the 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 W04500 via video-link, as further elaborated below.

10. The Registry notes that witness W04500 benefits from in-court protective measures, namely use of a pseudonym, [REDACTED] private session [REDACTED].¹¹ Therefore, in light of the protective measures granted, the Registry assesses that secure video-conference ('VTC') facilities are required.

11. The Registry has assessed that the most suitable location to facilitate the testimony of the witness is [REDACTED]. This venue for the video-link testimony complies 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 testimonies 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 witness will not be permitted to take any electronic devices into the video-link room.

12. [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, and that the applicable protective measures are fully observed.

14. [REDACTED].

¹¹ See fn. 7 above.

15. The minimum amount of time normally required by the Registry to implement any order for the use of video-link testimony is [REDACTED] working days, to allow for pre-mission coordination with the competent authorities and internal Registry preparations, including travel to the location, set-up and testing of the technical equipment at the place of testimony, and to allow for the Witness Protection and Support Office ('WPSO') to complete the necessary witness information and familiarisation process, adapted to the location of testimony.

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.¹²

C. Conclusion

17. In conclusion, at this time, the Registry assesses that it is feasible to conduct the testimony of witness W04500 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.

IV. CONFIDENTIALITY

18. This submission is filed as confidential and *ex parte* pursuant to Rule 82(3) of the Rules, as it contains sensitive operational information. The Registry will file confidential and public redacted versions of this submission.

¹² 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*.

Word count: 1,525

A handwritten signature in cursive script, reading "Fidelma Donlon", written over a horizontal line.

Dr Fidelma Donlon

Registrar

Thursday, 2 January 2025

The Hague, the Netherlands