



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: 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 [REDACTED]

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 Alagenda

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 [REDACTED] via video-link from [REDACTED].

I. PROCEDURAL HISTORY

2. [REDACTED].³ [REDACTED].⁴

3. On 20 December 2024, the Specialist Prosecutor's Office ("SPO") filed an urgent request for the testimony of witness [REDACTED] to be heard via video-link from [REDACTED] ("Request").⁵ The SPO has provided information on: (a) when the witness is expected to testify (from [REDACTED] 2025);⁶ (b) the expected duration of direct examination (one hour; [REDACTED]);⁷ (c) the country details ([REDACTED]);⁸ (d) whether protective measures have been ordered,⁹ including an indication of whether the witness has any special needs;¹⁰ and (e) the language the witness will testify in (Albanian).¹¹

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 [REDACTED].

⁴ [REDACTED].

⁵ KSC-BC-2020-06, F02811, URGENT Prosecution motion for video-conference testimony for [REDACTED], 20 December 2024, confidential. *See also* KSC-BC-2020-06, F02811/RED, Public Redacted Version of "URGENT Prosecution motion for video-conference testimony for [REDACTED], 20 December 2024, public.

⁶ Request, para. 5(i): "[REDACTED] is currently anticipated to testify from [REDACTED] 2025 [REDACTED]".

⁷ Request, para. 5(ii): "the expected duration of direct examination of [REDACTED] is one hour." *See also* [REDACTED].

⁸ Request, para. 5(iii): "the SPO requests [REDACTED] to appear via video-conference from [REDACTED]".

⁹ Request, para. 5(iv): "the witness has no in-court protective measures".

¹⁰ Request, para. 5(v): "the witness [REDACTED]".

¹¹ Request, para. 5(vi): "[REDACTED] will testify in Albanian".

4. [REDACTED].¹² [REDACTED].¹³

II. APPLICABLE LAW

5. 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.

6. 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.

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

8. 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.

¹² [REDACTED].

¹³ [REDACTED].

III. SUBMISSIONS

A. Feasibility assessment of video-link testimony

9. 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 [REDACTED], the expected duration of testimony, the country and location details, any indicated special needs of the witness, 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.

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

11. The Registry notes that the witness does not have in-court protective measures,¹⁴ and it is expected that [REDACTED]'s testimony will take place in open session. However, [REDACTED],¹⁵ and the proceedings could thus require some testimony in private session. Therefore, based on currently available information, the Registry assesses that secure video-teleconference ('VTC') facilities are required.

12. The Registry has also assessed the location proposed by the SPO in the Request, namely [REDACTED]. [REDACTED], the Registry assesses the most suitable venue for the testimony to be [REDACTED].

13. The Registry has assessed that [REDACTED] may be used, subject to the following measures being implemented:

- a. the location does not raise any security concerns with regard to carrying out the video-link testimony from it;

¹⁴ See fn.9 above.

¹⁵ [REDACTED].

- b. the video-link testimony takes place in a room that is, to the extent possible in the circumstances, sound proof, with appropriate lighting and where the risk of disruption from outside noise is minimised; [REDACTED];
 - c. the witness will not be permitted to take any electronic devices into the video-link room.
14. [REDACTED].
15. 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.
16. [REDACTED].
17. 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 WPSO to complete the necessary witness information and familiarisation process, adapted to the needs of the witness and the location of testimony.

B. Health and Special Needs

18. [REDACTED] following the completion of the familiarization process before the commencement of testimony, WPSO will inform the Panel immediately should any [REDACTED] special measures be recommended, in accordance with the Registry's relevant internal regulations.¹⁶

C. Conclusion

19. In conclusion, at this time, the Registry assesses that it is feasible to conduct the testimony of witness [REDACTED] via video-link, should the Panel so order, in line

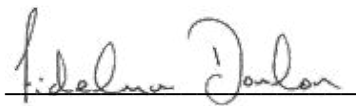
¹⁶ See Registry Practice Direction on Psychological Assessments and Support to Facilitate Testimony, KSC-BD-19-Rev1, 9 February 2022, *limite*; see also Registry Instruction, WPSO Guidelines on Services to Witnesses Appearing Before the Specialist Chambers, KSC-BD-42-Rev2, 7 October 2022, *limite*.

with the above specifications and the Practice Direction on Video Links. Should the Panel grant the Request, the Registry will proceed with the practical details for implementation.

IV. CONFIDENTIALITY

20. 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.

Word count: 1,788

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