



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: 14 January 2025

Language: English

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Public Redacted Version of 'Prosecution submissions concerning post-January 2025 witnesses with confidential Annex 1'

Specialist Prosecutor's Office

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1. Pursuant to the Conduct of Proceedings Order,¹ the Specialist Prosecutor's Office ('SPO') submits Annex 1 listing witnesses² anticipated to be called during evidentiary blocks between 10 February 2025 and 4 April 2025, subject to the further explanations below.
2. As required by the Conduct of Proceedings Order, Annex 1 sets out the following as to the proposed witnesses: (i) name and pseudonym; (ii) all prior statements; (iii) the mode of testimony, including whether fully live, Rule 149, and/ or Rule 154; (iv) the issues, facts, and circumstances in relation to which the witness will be examined; (v) time estimate for direct examination; (vi) documents and exhibits which the SPO intends to use with each witness (identified by their complete ERN,³ the date, description and relevance of each document, and the exhibit or MFI number of any of those already admitted or marked for identification); and (vii) information regarding protective measures ordered in relation to the witness (with reference to relevant orders).
3. In the interest of expeditious proceedings, the SPO has changed one witness from live to Rule 154 and reduced its direct examination estimate.⁴
4. The SPO previously provided a list of twenty-one witnesses⁵ anticipated to be remaining after January 2025.⁶ That notice effectively constitutes the complete list of

¹ Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023 ('Conduct of Proceedings Order'), paras 73-74, 80-81. *See also* Decision on Prosecution Request for Compliance with Third Oral Order Regarding Proposed Duration of Cross-Examination and Related Matters, KSC-BC-2020-06/F01336, 1 March 2023, paras 20, 25(d).

² This list is tentative and any change – including as required following receipt of Defence cross-examination estimates – will be notified at the earliest opportunity, including in relation to reserve witnesses.

³ Transcript parts and separate records of the same hearing, testimony, or interview are grouped together, where applicable.

⁴ *See* Annex 1 [REDACTED].

⁵ KSC-BC-2020-06/F02808/A02.

⁶ The list contained in the notice may change slightly depending upon which witnesses ultimately are heard during the January 2025 block. In particular, based on the current schedule and taking into

witnesses remaining to be heard between 10 February and 4 April 2025. However, as previously highlighted, it includes a number of witnesses: (i) who remained subject to assessment; and (ii) outside the jurisdiction of the court and/or with complex security needs.⁷ The SPO continues to actively work on securing cooperation and addressing relevant issues. As previously indicated, these factors may impact the ability of the SPO to maintain continuity in the courtroom, and ultimately may require the evidence of certain witnesses to not be relied upon or to be presented in writing.

5. In filing this notice, the SPO has sought to take account of these contingencies in a manner which will not result in the unnecessary or duplicative expenditure of Party and judicial resources, should the status of a witness ultimately change as a result of these factors. In particular:

- a. Annex 1 contains eleven (11) witnesses, comprising both the five (5) witnesses currently anticipated to be heard during the February 2025 evidentiary block,⁸ and a further six (6) witnesses anticipated to be heard thereafter and/or as reserve witnesses as necessary;⁹
- b. the SPO anticipates, before the conclusion of the current evidentiary block, being in a position to notify certain further streamlining changes to its witness list; and
- c. in respect of the remaining witnesses - who are anticipated to be very limited in number (approximately in the range of 5-7 witnesses in total) – the SPO will promptly file witness notifications and, as relevant, Rule 154 and any other necessary applications, as soon as it becomes possible

account witness availability and circumstances, [REDACTED] and [REDACTED] are not anticipated to be heard in the January 2025 block and are accordingly listed in Annex 1.

⁷ Prosecution notice of further changes to witness list and related scheduling matters, KSC-BC-2020-06/F02808, 19 December 2024, Confidential, para.4.

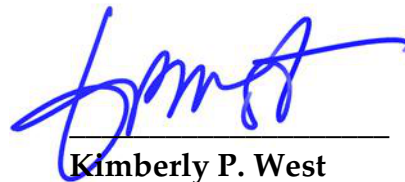
⁸ See Annex 1 [REDACTED].

⁹ See Annex 1 [REDACTED].

to schedule their testimony.¹⁰ Alternatively, should it be necessary for whatever reason to change their status to writing or to remove them from the witness list, that change would also be promptly notified.

6. This filing and Annex 1 are confidential pursuant to Rule 82(4) and to give effect to existing protective measures.

Word count: 759



Kimberly P. West

Specialist Prosecutor

Tuesday, 14 January 2025

At The Hague, the Netherlands.

¹⁰ Given the limited number of individuals at issue, the Defence will be fully aware of who may potentially remain to be called and, as such, has relevant notice while not being required to engage in premature, or even duplicative, litigation concerning the mode of admission of their evidence.