



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA 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: 3 March 2025

Language: English

Classification: Public

**Decision on Prosecution Submission of Proposed Lesser Redacted Transcripts
(W03878)**

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(2), 23 and 40(6)(f) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 80, 84(1) and 116(4)(b) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 7 November 2023, the Panel issued an oral order on the review of private session portions of hearing transcripts in view of their reclassification, wherein it set out the procedure to be followed by the Parties and participants.¹

2. On 7 May 2024, Prosecution witness W03878 ("Witness") testified.²

3. On 18 June 2024, the Specialist Prosecutor's Office ("SPO") filed submissions ("Submissions") in relation to the transcripts of the Witness's testimony ("Transcripts"), to which it annexed a proposed public lesser redacted version of the Transcripts ("Annex 1").³

4. On 6 and 10 June 2024, Victims' Counsel and the Witness Protection and Support Office ("WPSO") responded *inter partes* to the SPO indicating that: (i) Victims' Counsel agreed with the SPO's proposed redactions; and (ii) WPSO agreed with the SPO's proposed redactions and proposed additional redactions to the testimony of the Witness. The SPO does not object to WPSO's proposals. The Defence teams for the four Accused did not respond.⁴

II. DISCUSSION

5. The SPO submits that the proposed redactions to the Transcripts in Annex 1

¹ Transcript of Hearing, 7 November 2023, p. 9444, line 14 to p. 9446, line 21.

² Transcript of Hearing, 7 May 2024, pp. 15376-15495.

³ F02387, Specialist Prosecutor, *Prosecution Submission of Proposed Lesser Redacted Transcripts (W03878)*, 18 June 2024, with Annex 1, confidential.

⁴ Submissions, para. 1, footnote 2; Annex 1, p. 3, paras 3-4.

are applied to identifying information, including: (i) the Witness's name and other personal details about specific personal circumstances which would lead to his identification; (ii) information about the reasons and circumstances surrounding the Witness's arrest; (iii) references to locations, including the location where the Witness was arrested and detained; (iv) references to KLA members the Witness encountered during his detention; and (v) information which would reveal the identity of other SPO witnesses.⁵

6. The Panel recalls that, to avoid his identification by the public, the Witness was granted in-court protective measures of pseudonym, face and voice distortion, and private session for identifying in-court discussion or testimony.⁶

7. The Panel finds that the redactions proposed by WPSO to certain ERNs of evidentiary material originating from the SPO are not necessary insofar as the underlying information is not identifying or confidential.⁷

8. The Panel is satisfied that the redactions proposed by the SPO are necessary and proportionate to protect the identity of the Witness and of other SPO witnesses as well as confidential information.⁸ These portions of the Witness's testimony should therefore be classified as confidential.

9. In the interest of guaranteeing to the greatest possible extent the publicity of the proceedings, the Panel finds that any confidential portion of the Witness's testimony which is not referred to in paragraph 8 can be reclassified as public.

⁵ Annex 1, paras 1-2.

⁶ F00133, Pre-Trial Judge, *First Decision on Specialist Prosecutor's Request for Protective Measures*, 10 December 2020, strictly confidential and *ex parte*, para. 132(q) (a corrected version and a confidential redacted version were issued on 14 December 2020, F00133/COR and F00133/COR/CONF/RED).

⁷ Annex 1, Transcript of Hearing, 7 May 2024, pp. 15381, 15383, p. 15402, line 5.

⁸ Annex 1, Transcript of Hearing, 7 May 2024, pp. 15380, 15384-15401, p. 15402, lines 10, 14-19, 22, 24-25, pp. 15403-15406, 15408-15424, 15426-15450, 15452-15462, 15464-15465, 15470-15494. The Panel notes that proposed redaction to p. 15384 align with the Panel's redaction order of 7 May 2024 (F02292).

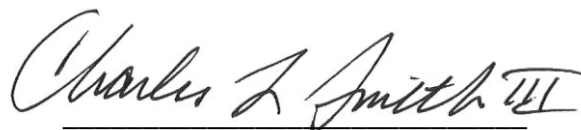
III. CLASSIFICATION

10. The Panel notes that Annex 1 is confidential in accordance with Rule 82(4) and to give effect to existing protective measures.⁹

IV. DISPOSITION

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

- a) **REJECTS** the redactions proposed by WPSO;
- b) **APPROVES** the redactions proposed by the SPO;
- c) **RECLASSIFIES** the remainder of the Transcripts as public;
- d) **DIRECTS** the SPO to communicate to the Registry the public lesser redacted versions of the Transcripts in accordance with the redactions approved in the present decision; and
- e) **DIRECTS** the Registry to ensure, upon receipt of the public lesser redacted version of the transcripts mentioned in sub-paragraph (c) above, that the same redactions are implemented in the Albanian and Serbian versions of these transcripts as well as the respective audio-video records, to the extent technically feasible.



Judge Charles L. Smith, III

Presiding Judge

Dated this Monday, 3 March 2025

At The Hague, the Netherlands.

⁹ Submissions, para. 2.