



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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

**Public Redacted Version of Decision on Prosecution Submission of Proposed
Lesser Redacted Transcripts (W01978)**

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 Alagenda

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 6 May 2024, Prosecution witness W01978 (“Witness”) testified.²

3. On 6 June 2024, the Specialist Prosecutor’s Office (“SPO”) filed submissions (“Submissions”)³ in relation to the testimony transcript of W01978, to which it annexed a consolidated proposal of a public lesser redacted version of the Transcript (“Annex”).⁴

4. The Witness Protection and Support Office (“WPSO”) and Victims’ Counsel responded *inter partes* to the SPO: (i) the WPSO agreed with the SPO’s proposed redactions to the testimony of the Witness;⁵ and (ii) Victims’ Counsel agreed to most of the SPO’s proposed redactions, and suggested additional redactions to the testimony of the Witness.⁶ The Defence teams did not respond.⁷

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

² Transcript of Hearing, 6 May 2024, pp. 15346-15374.

³ F02361, Specialist Prosecutor, *Prosecution Submission of Proposed Lesser Redacted Transcripts (W01978)*, 6 June 2024, with Annex 1, confidential.

⁴ F02361/A01, Specialist Prosecutor, *Annex 1 to Prosecution Submission of Proposed Lesser Redacted Transcripts (W01978)*, 6 June 2024, confidential.

⁵ Submissions, para. 1.

⁶ Submissions, para. 1.

⁷ Submissions, para. 1.

II. DISCUSSION

5. The SPO submits that the redactions to the Transcript proposed in the Annex are necessary to protect the Witness's identity. The redacted information includes the Witness's name, date of birth, nationality, ethnicity, and the details of his arrest and detention, including information related to locations, duration, other victims, and the names of the KLA members he encountered during this period.⁸ The SPO submits that references to the Witness's participation in other trials and any other information that could be used to identify the Witness should also be redacted.⁹ The WPSO agrees with the SPO's proposals.¹⁰ Victims' Counsel agrees with most of the SPO's proposals and proposes additional redactions with regard to the details of the Witness's injuries, which could be used to identify him.¹¹ Victims' Counsel also recommends lifting some specific redactions that were proposed by the SPO and replacing them with redactions that reduce the amount of information to be withheld, while still protecting W01978's identity.¹²

6. The Panel recalls that the Witness was granted the in-court protective measures of pseudonym, face and voice distortion and closed or private session for in-court discussions or testimony identifying the witness.¹³

7. The Panel agrees with Victims' Counsel's proposal to modify the redactions offered by the SPO in a specific portion of the transcript.¹⁴ The redactions proposed by the SPO for this specific portion of the transcript should therefore be set aside,¹⁵ and the redactions proposed by Victims' Counsel should be applied in their

⁸ Annex, p. 3, para. 1.

⁹ Annex, p. 3, para. 1.

¹⁰ Annex, p. 3, para. 2.

¹¹ Annex, p. 3, para. 3.

¹² Annex, p. 3, para. 3.

¹³ F00133/COR, Pre-Trial Judge, *Corrected Version of First Decision on Specialist Prosecutor's Request for Protective Measures*, Strictly Confidential and *ex parte*, para. 132(b), (h), (q).

¹⁴ See Annex, p. 3, para. 4, *referring to* Transcript of Hearing, 6 May 2024, p. 15363, lines 13-19.

¹⁵ See Annex, p. 22, Transcript of Hearing, 6 May 2024, p. 15363, lines 13-19.

stead.¹⁶ This approach will enable more content to be shared with the public while still protecting W01978's identity.

8. The Panel finds that the remaining redactions proposed by the SPO and Victims' Counsel are necessary and proportionate to protect the identity of the Witness, insofar as the underlying information pertains to: (i) personally identifying information; (ii) the details of his arrest; (iii) the details of his detention; (iv) identifying information regarding the victims who were detained at the same location and time as the Witness; (v) the names of KLA members the Witness encountered; and (vi) the Witness's participation in other trials.¹⁷ 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 portions of W01978's testimony which are not referred to in paragraphs 7-8 above can be reclassified as public.

III. DISPOSITION

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

- a) **APPROVES** the proposed redactions as set out in the Annex, subject to the changes specified in paragraph 7 above;
- b) **RECLASSIFIES** the remainder of the transcript as public;
- c) **DIRECTS** the SPO to communicate to the Registry the public lesser

¹⁶ Annex, pp. 3-4, para. 4, *referring to* Transcript of Hearing, 6 May 2024, p. 15363, line 13 "[REDACTED]", line 14 "[REDACTED]" and "[REDACTED]", line 15 "[REDACTED]" and "[REDACTED]", line 16 "[REDACTED]".

¹⁷ Annex, pp. 9-10, 13, 20-32 (Transcript of Hearing, 6 May 2024, p. 15350, lines 24-25, p. 15351, line 1, p. 15354, lines 9, 11, 13, 15-21, p. 15361, line 13, p. 15362, lines 21-25, p. 15363, lines 7, 21-23, p. 15364, lines 23-25, p. 15365, lines 15-16, 20, 25, p. 15366, lines 1-2, 5-20, 25, p. 15367, lines 3-25, p. 15368, lines 1, 4-14, 17, 21-25, p. 15369, lines 1-2, 16-25, p. 15370, lines 1-22, p. 15371, lines 6-8, 14-15, 21-25, p. 15372, lines 1, 3, 9-11, 20-25, p. 15373, lines 1-4).

redacted versions of the Transcript in accordance with the redactions approved in the present decision; and

- d) **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.

A handwritten signature in black ink, reading "Charles L. Smith, III". The signature is written in a cursive style and is positioned above a horizontal line.

Judge Charles L. Smith, III

Presiding Judge

Dated this Monday, 3 March 2025

At The Hague, the Netherlands.