



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 (W04741 and W04850)**

Specialist Prosecutor

Kimberly P. West

Counsel for Hashim Thaçi

Luka Mišetić

Counsel for Victims

Simon Laws

Counsel for Kadri Veseli

Rodney Dixon

Witness Protection and Support Office

Head of Office

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 22, 23, and 24 April 2024, W04741 testified in these proceedings ("W04741's Transcript").²
3. On 24 April 2024, W04850 testified in these proceedings ("W04850's Transcript").³
4. On 3 June 2024, the Specialist Prosecutor's Office ("SPO") filed submissions ("Submissions") in relation to the testimony transcripts of W04741 and W04850 (collectively, "Transcripts"), to which it annexed consolidated proposals of public lesser redacted versions of the Transcripts ("Annex").⁴
5. Victims' Counsel and the Witness Protection and Support Office ("WPSO"), responded *inter partes* to the SPO's proposals. Victims' Counsel agrees with the SPO's proposed redactions for W04741 and objects to some of the SPO's proposed redactions for W04850. The WPSO agrees with the SPO's proposed redactions. The Defence teams did not respond.⁵

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

² Transcript of Hearing, 22 April 2024, pp. 14629-14650; Transcript of Hearing, 23 April 2024, pp. 14656-14793; Transcript of Hearing, 24 April 2024, pp. 14796-14871.

³ Transcript of Hearing, 24 April 2024, pp. 14874-14907.

⁴ F02353, Specialist Prosecutor, *Prosecution Submission of Proposed Lesser Redacted Transcripts (W04741 and W04850)*, 3 June 2024, with Annex 1, confidential.

⁵ Submissions, para. 1.

II. DISCUSSION

A. W04741

6. The SPO submits that redactions proposed in the Annex are necessary to protect the identity of protected witnesses who W04741 discussed during his testimony.⁶ In particular, the SPO submits that the testimony elicited in private session should remain confidential, and that any redactions applied to those parts would be so substantial that they would conceal the meaning of the text as a whole.⁷ Victims' Counsel and the WPSO agree with the SPO's proposal.⁸

7. The Panel recalls that W04741 testified with no protective measures in place.⁹ A portion of his testimony was elicited in private session in order to protect the identities of protected witnesses who W04741 discussed during his testimony.¹⁰

8. The Panel is not satisfied that all redactions proposed by the SPO in the Annex are necessary. The Panel is of the view that limited individual redactions, as opposed to the proposed block redaction of the entirety of W04741's testimony elicited in private session, equally protect the identities of protective witnesses, while further promoting the publicity of proceedings.

9. The Panel, therefore, finds that only the following proposed redactions are necessary and proportionate to protect the identities of protected witnesses, and should remain confidential: (i) page 14773, line 7 "[REDACTED]", line 9 "[REDACTED]", and "[REDACTED]", line 11 "[REDACTED]", line 14 "[REDACTED]", line 15 "[REDACTED]", line 16 "[REDACTED]", line 21 "[REDACTED]" and "[REDACTED]", line 23 "[REDACTED]", line 24, "[REDACTED]"; (ii) page 14774, line 6 "[REDACTED]"; (iii) page 14777, line 3

⁶ Annex, p. 3, para. 1.

⁷ Annex, p. 3, para. 1.

⁸ See Transcript of Hearing, 23 April 2024, pp. 14773-14781.

⁹ See generally Transcript of Hearing, 22 April 2024, pp. 14629-14650; Transcript of Hearing, 23 April 2024, pp. 14656-14773, 14781-14793; Transcript of Hearing, 24 April 2024, pp. 14796-14871.

¹⁰ Transcript of Hearing, 23 April 2024, pp. 14773-14781.

“[REDACTED]”, line 4 “[REDACTED]”, line 5 “[REDACTED]”, line 7 “[REDACTED]”, line 9 “[REDACTED]”, lines 12-13 “[REDACTED]”, line 13 “[REDACTED]”; (iv) page 14778, line 14 “[REDACTED]”, line 15 “[REDACTED]”, line 17 “[REDACTED]”, line 25 “[REDACTED]” and “[REDACTED]”; (v) page 14779, line 1 “[REDACTED]”, line 3 “[REDACTED]”, line 19 “[REDACTED]”; (vi) page 14780, line 8 “[REDACTED]”, line 11 “[REDACTED]”, line 17 “[REDACTED]”; and (vii) page 14781, line 2 “[REDACTED]”, line 3 “[REDACTED]”, line 4 “[REDACTED]”.

10. With the exception of these necessary and proportionate redactions, the Panel orders that the remainder of W04741’s Transcript be reclassified as public, in the interest of guaranteeing to the greatest possible extent the publicity of the proceedings.

B. W04850

11. The SPO submits that the redactions to W04850’s transcript proposed in the Annex are necessary to protect identifying information including the locations of W04850’s [REDACTED] arrest and detention, information about persons involved in the detention, the missing status of his [REDACTED] as well as information about his [REDACTED] co-detainees.¹¹ The WPSO agrees with the SPO’s proposal.¹² Victims’ Counsel objects where he considers that the information does not allow for identification of the witness, and Victims’ Counsel makes specific submissions about limited words and phrases that should remain confidential. With respect to other parts of the transcript, Victims’ Counsel supports the SPO’s proposal.¹³ The SPO disagrees with Victims’ Counsel’s proposal and maintains

¹¹ Annex, p. 4, para. 1.

¹² Annex, p. 4, para. 3.

¹³ Annex, p. 4, para. 4, pp. 5-6.

that the proposed redactions are necessary in order to protect the identity of W04850.¹⁴

12. The Panel recalls that W04850 was granted in-court protective measures of pseudonym and face and voice distortion to avoid identification by the public.¹⁵

13. The Panel finds that the redactions proposed by the SPO, that Victims' Counsel opposes in the Annex,¹⁶ are not necessary insofar as the underlying information is not identifying.

14. The Panel finds that the remaining redactions proposed by the SPO are necessary and proportionate to protect the identity of W04850, and those portions of W04850's testimony should therefore remain confidential.

15. With the exception of these necessary and proportionate redactions, the Panel orders that the remainder of W04850's Transcript be reclassified as public, in the interest of guaranteeing to the greatest possible extent the publicity of the proceedings.

III. DISPOSITION

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

- a) **FINDS** that the portions of the Transcripts identified in the Annex as suitable for reclassification can be reclassified as public;
- b) **APPROVES** the proposed redactions as set out in the Annex, subject to the changes specified in paragraphs 9 and 13 above;
- c) **DIRECTS** the SPO to communicate to the Registry the public lesser

¹⁴ Annex, p. 4, para. 2.

¹⁵ F00438, Pre-Trial Judge, *Eighth Decision on Specialist Prosecutor's Request for Protective Measures*, 24 August 2021, strictly confidential and *ex parte*, para. 93(m) (a confidential redacted version was issued on the same day, F00438/RED).

¹⁶ Annex, pp. 5-6.

redacted versions of the Transcripts 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.



Judge Charles L. Smith, III

Presiding Judge

Dated this Monday, 3 March 2025

At The Hague, the Netherlands.