



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:** 10 March 2025

**Language:** English

**Classification:** Public

---

**Public Redacted Version of 'Prosecution reply relating to Rule 153 motion F02949'**

---

**Specialist Prosecutor's Office**

Kimberly P. West

**Counsel for Victims**

Simon Laws

**Counsel for Hashim Thaçi**

Luka Mišetić

**Counsel for Kadri Veseli**

Rodney Dixon

**Counsel for Rexhep Selimi**

Geoffrey Roberts

**Counsel for Jakup Krasniqi**

Venkateswari Alagendra

## I. INTRODUCTION

1. The Specialist Prosecutor's Office ('SPO') hereby replies to the Defence Response,<sup>1</sup> which fails to show any convincing reasons why the Motion<sup>2</sup> should not be granted in its entirety. The evidence submitted in the Motion is admissible as it satisfies the Rule 153 conditions, is relevant and *prima facie* reliable, and has probative value which is not outweighed by any prejudice.

## II. SUBMISSIONS

### A. W02018

2. As set out in the Motion, W02018 is a crime-base witness and his evidence is largely cumulative with and corroborated by the evidence of other witnesses,<sup>3</sup> including two from the same [REDACTED] whom the Accused have had an opportunity to confront through cross-examination.<sup>4</sup> Admission of W02018's evidence in writing would therefore expedite the proceedings<sup>5</sup> and would not cause unfairness.

3. Contrary to the Defence's submissions, no cross-examination is required for the Panel to adequately assess, or for the Accused to adequately challenge, W02018's evidence. The Defence seeks to cross-examine W02018 in relation to his [REDACTED].<sup>6</sup> These matters, however, are addressed in the tendered Rule 153 Statement, wherein the witness clarified them in detail.<sup>7</sup>

---

<sup>1</sup> Joint Defence Response to 'Prosecution motion for the admission of the evidence of witnesses W02018, W02085, W04067, and W04575 pursuant to Rule 153', KSC-BC-2020-06/F02975, 3 March 2025, Confidential ('Response').

<sup>2</sup> Prosecution motion for the admission of the evidence of witnesses W02018, W02085, W04067, and W04575 pursuant to Rule 153, KSC-BC-2020-06/F02949, 20 February 2025, Confidential ('Motion').

<sup>3</sup> [REDACTED].

<sup>4</sup> [REDACTED].

<sup>5</sup> See also Prosecution notice of further changes to witness list, KSC-BC-2020-06/F02693, 1 November 2024, Confidential, para.2.

<sup>6</sup> Response, KSC-BC-2020-06/F02975, paras 6, 8.

<sup>7</sup> [REDACTED].

4. The Defence wants to cross-examine W02018 in particular in relation to the [REDACTED] in the village of [REDACTED] in [REDACTED].<sup>8</sup> As W02018 clarified, however, [REDACTED].<sup>9</sup> Further, he provided other evidence concerning the reasons he was [REDACTED]; for example, [REDACTED].<sup>10</sup>

5. The article that the Defence wishes to put to the witness has already been admitted into evidence,<sup>11</sup> and has been used to cross-examine other witnesses.<sup>12</sup> As these witnesses also mentioned W02018 in their respective statements as one of their [REDACTED], the Defence had the opportunity to cross-examine them regarding the [REDACTED] indicated in the [REDACTED], but did not do so. In any event, the Panel will be able to consider the [REDACTED] – which is of, at best, questionable probative value<sup>13</sup> – when assessing W02018's evidence, and assign it the appropriate weight at the conclusion of the trial. No cross-examination of W02018 is needed for this purpose.

B. W04067

6. The SPO did not mischaracterise or 'retreat' from the *inter partes* agreement in relation to W04067,<sup>14</sup> and confirms its agreement to redact references to Jakup KRASNIQI in W04067's notebook and typed notes,<sup>15</sup> in addition to those found in his statement.<sup>16</sup>

---

<sup>8</sup> [REDACTED]. See Response, KSC-BC-2020-06/F02975, paras 9-11.

<sup>9</sup> 012437-012449-ET RED2, pp.012440-012442.

<sup>10</sup> 076246-TR-ET Part 1 RED2, pp.8-9.

<sup>11</sup> [REDACTED]. See Response, KSC-BC-2020-06/F02975, para.9.

<sup>12</sup> [REDACTED].

<sup>13</sup> This [REDACTED], apart from a vague indication that it was based on [REDACTED], does not specify the source of the information provided. Instead, it refers to, *inter alia*, unidentified [REDACTED] and unspecified [REDACTED]. While mentioning [REDACTED], fails to acknowledge this fact. See [REDACTED]. See also [REDACTED].

<sup>14</sup> *Contra* Response, KSC-BC-2020-06/F02975, paras 12-16.

<sup>15</sup> SPOE00109493-00109506, p.SPO00109505.

<sup>16</sup> 075959-075992 RED, paras 60, 63.

### III. CLASSIFICATION

7. This filing is confidential pursuant to Rule 82(4) and because it contains information concerning protected witnesses.

### IV. RELIEF REQUESTED

8. For the reasons given above and previously, the Motion should be granted in its entirety.

**Word count:** 707



---

**Kimberly P. West**

**Specialist Prosecutor**

Monday, 10 March 2025

At The Hague, the Netherlands.