



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: 13 March 2025

Language: English

Classification: Public

**Decision on Prosecution Consolidated Motion for the Admission of W02677's
Evidence Pursuant to Rule 153 and Submissions related to W04436 and W04395**

Specialist Prosecutor

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Simon Laws

Counsel for Kadri Veseli

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Counsel for Rexhep Selimi

Geoffrey Roberts

Counsel for Jakup Krasniqi

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TRIAL PANEL II ("Panel"), pursuant to Articles 21, 37 and 40(2) and (6)(h) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 137-138, 141(1) and 153 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 27 February 2025, the Specialist Prosecutor's Office ("SPO") filed a motion for the admission of the evidence of witness W02677 pursuant to Rule 153 and submissions related to W04436 and W04395 ("Motion").¹

2. The Defence teams for the four Accused (collectively, "Defence") did not respond to the Motion.

II. SUBMISSIONS

3. The SPO submits that: (i) the Panel has already found that W02677's SPO interview² ("W02677's Statement") is relevant, *prima facie* authentic, probative, and appropriate for admission pursuant to Rule 154;³ (ii) the SPO has agreed to an *inter partes* proposal by the Defence to admit W02677's Statement pursuant to Rule 153;⁴ and (iii) W02677's Statement meets all relevant admissibility requirements.⁵ The SPO also requests that W04436's 2010 interview⁶

¹ F02969, Specialist Prosecutor, *Prosecution Consolidated Motion for the Admission of W02677's Evidence Pursuant to Rule 153 and Submissions Related to W04436 and W04395*, 27 February 2025, confidential, with Annex 1, confidential (a public redacted version was filed on the same day, F02969/RED).

² 076247-TR-ST Part 1-ET RED and 076247-TR-ST Part 2-ET RED (including any translations). *See also* Annex 1 to the Motion.

³ Motion, para. 4, referring to F02245, Panel, *Decision on Prosecution Motion for Admission of Evidence of W01978, W02540, W02677, W02714, W02951, W03865, W03881, W04371, W04710, and W04850 Pursuant to Rule 154 and Amendment of Exhibit List* ("Rule 154 Decision"), 16 April 2024, confidential, paras 40-42, 44 (a public redacted version was issued on the same day, F02245/RED).

⁴ Motion, para. 3.

⁵ Motion, para. 3.

⁶ SITF00013316-00013335 RED.

(“W04436’s Statement”) be admitted in evidence pursuant to Rule 153, since the SPO complied with the Panel’s ruling and disclosed the signed Albanian version of W04436’s Statement.⁷ Furthermore, the SPO clarifies that it does not intend to make a Rule 153 application in relation to W04395.⁸

III. APPLICABLE LAW

4. The Panel incorporates by reference the applicable law as set out in its First Rule 153 Decision as well as the law applicable to the admission of evidence, generally, as set out in its First Bar Table Decision.⁹

IV. DISCUSSION

A. W02677

5. The Panel notes that: (i) on 16 April 2024, it granted the SPO’s motion for admission of evidence of W02677 pursuant Rule 154;¹⁰ and (ii) the SPO presently seeks the admission of W02677’s Statement pursuant to Rule 153 following an *inter partes* proposal by the Defence to that effect. In particular, the SPO submits that W02677’s Statement is relevant, *prima facie* authentic, probative, and suitable for Rule 153 admission, and that its probative value is not outweighed by any

⁷ Motion, paras 6-7, referring to F02937, Panel, *Decision on Prosecution Motion for the Admission of the Evidence of Witnesses W00964, W02172, W02538, W02549, W04238, W04380, W04386, W04436, W04661, and W04734 pursuant to Rule 153* (“Rule 153 Decision”), 14 February 2025, confidential, para. 77 (a public redacted version was filed on the same day, F02937/RED).

⁸ Motion, para. 2.

⁹ F01904, Panel, *Decision on Prosecution Motion for Admission of Evidence Pursuant to Rule 153*, 3 November 2023, confidential, paras 8-10, 12-13 (a public redacted version was filed on 27 November 2023, F01904/RED); F01380, Panel, *Decision on Admission of Evidence of First Twelve SPO Witnesses Pursuant to Rule 154*, 16 March 2023, confidential, paras 11-25 (a public redacted version was filed on 7 November 2023, F01380/RED); F01409, Panel, *Decision on Specialist Prosecutor’s Bar Table Motion*, 31 March 2023, confidential, paras 8-13.

¹⁰ Rule 154 Decision, paras 44, 96(a).

prejudice.¹¹ The SPO also submits that Rule 153 admission would avoid unnecessary stress, expenses, and other disruptions to the witness's life, including potential retraumatization.¹²

6. As mentioned above, the Panel has already found, in relation to the SPO's request for admission pursuant Rule 154, that W02677's Statement is *prima facie* relevant, authentic and has probative value.¹³

7. Regarding W02677's Statement's suitability for admission pursuant to Rule 153, the Panel considers that: (i) the Defence does not object to its admission;¹⁴ and (ii) the SPO submits that W02677's Statement is largely cumulative with and corroborated by other witness and documentary evidence, including witnesses whom the Accused were able to confront.¹⁵

8. The Panel is satisfied that W02677's Statement, amounting to 33 pages in English: (i) is limited in length; and (ii) is not unduly repetitive; and (iii) provides mostly crime-base evidence which goes to proof of matters other than the acts and conduct of the Accused as charged in the Indictment. The Panel further recalls its findings regarding the *prima facie* authenticity of W02677's Statement.¹⁶ The Panel is therefore satisfied that W02677's Statement is *prima facie* probative and not unduly prejudicial, and that the requirements of a fair and expeditious trial exceptionally warrant its admission without cross-examination.

9. For these reasons, the Panel finds that W02677's Statement is admissible pursuant to Rules 138(1) and 153 without cross-examination.

¹¹ Motion, para. 4.

¹² Motion, para. 5.

¹³ Rule 154 Decision, paras 40-42.

¹⁴ See Motion, para. 3, referring to the SPO agreeing to the Defence's *inter partes* proposal to admit W02677's Statement pursuant Rule 153.

¹⁵ Motion, para. 4, and references cited therein.

¹⁶ Rule 154 Decision, para. 41.

B. W04436

10. The SPO requests that W04436's Statement be admitted in evidence pursuant to Rule 153, since the SPO complied with the Panel's ruling and disclosed the Albanian version signed by W04436.¹⁷

11. The Panel observes that, on 14 February 2025, it partially granted the SPO's motion for admission of W04436's evidence pursuant to Rule 153.¹⁸ In particular, the Panel found that W04436's evidence, including W04436's Statement, is *prima facie* relevant, authentic and has probative value.¹⁹ The Panel also found that W04436's Statement is not unduly prejudicial, and that the requirements of a fair and expeditious trial exceptionally warrant its admission without cross-examination.²⁰ The Panel however found that W04436's Statement did not meet the requirements under Rule 153(2), and deferred its decision on the admissibility of W04436's Statement until the SPO satisfies the Rule 153(2) requirements.²¹

12. The Panel notes that, on 26 February 2025, the SPO disclosed the Albanian version of W04436's Statement signed by W04436.²² The Panel is therefore satisfied that W04436's Statement meets the requirements of Rule 153(2).

13. For these reasons, the Panel finds that W04436's Statement is admissible pursuant to Rules 138(1) and 153 without cross-examination.

V. DISPOSITION

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

¹⁷ Motion, paras 6-7.

¹⁸ Rule 153 Decision, para. 78.

¹⁹ Rule 153 Decision, paras 73-74, 76, 78.

²⁰ Rule 153 Decision, para. 78.

²¹ Rule 153 Decision, para. 77.

²² SITF00372788-SITF00372797 RED, Disclosure Package 1605. *See also* Motion, para. 7.

- a) **GRANTS** the Motion;
- b) **ADMITS** into evidence, without cross-examination, the following items, including any translations thereof: (i) W02677's Statement;²³ and (ii) W04436's Statement;²⁴ and
- c) **DIRECTS** the Registrar to: (i) assign exhibit numbers to the items referred to in paragraph 14(b); and (ii) assign the classification indicated in Annex 1 to the Motion and Annex 8 to F02782 to the admitted items.



Judge Charles L. Smith, III

Presiding Judge

Dated this Thursday, 13 March 2025

At The Hague, the Netherlands.

²³ See above, footnote 2.

²⁴ See above, footnotes 6, 22.