SPECIALIST PROSECUTOR'S OFFICE
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| **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 Guénaël Mettraux |
| | Judge Fergal Gaynor, Reserve Judge |
| **Registrar:** | Dr Fidelma Donlon |
| **Filing Participant:** | Specialist Prosecutor's Office |
| **Date:** | 24 March 2025 |
| **Language**: | English |
| **Classification**: | Confidential |

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# Prosecution reply relating to Rule 153 motion F02989

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## I. INTRODUCTION

1. The Specialist Prosecutor's Office ('SPO') hereby replies to the Defence Response,[1] which repeats arguments previously raised by the Defence with regard to W02172's evidence in the First Response,[2] and which have already been addressed by the Panel in its Rule 153 Decision.[3] The Response fails to identify any additional reasons why the Motion, as resubmitted,[4] should not be granted in its entirety. W02172's evidence is admissible as it is relevant, *prima facie* reliable, has probative value which is not outweighed by any prejudice, and satisfies the requirements of Rule 153.

## II. SUBMISSIONS

2. The Defence objections to W02172's Proposed Evidence[5] have already been considered and addressed by the Panel in its Rule 153 Decision.[6] In the Response, the Defence expressly incorporates by reference its prior objections,[7] re-hashes arguments raised in the First Response,[8] and even repeats verbatim the previous findings made by the Panel on these very objections.[9]

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[1] Joint Defence Response to Prosecution consolidated motion for the admission of the evidence of witnesses W02172 and W04858 pursuant to Rule 153, KSC-BC-2020-06/F03039, 19 March 2025, Confidential ('Response').
[2] Joint Defence Response to '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', KSC-BC-2020-06/F02856, 23 January 2025 ('First Response'), paras 29, 31-41.
[3] 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, KSC-BC-2020-06/F02937, 14 February 2025 ('Rule 153 Decision'), paras 15-17, 24-25, 27-29.
[4] Prosecution consolidated motion for the admission of the evidence of witnesses W02172 and W04858 pursuant to Rule 153, and related protective measures request with confidential Annex 1, KSC-BC-2020-06/F02989, 7 March 2025, Confidential ('Motion').
[5] Motion, KSC-BC-2020-06/F02989, Confidential Annex 1.
[6] Rule 153 Decision, KSC-BC-2020-06/F02937, paras 15-17, 24-25, 27-29.
[7] Response, KSC-BC-2020-06/F03039, para.4.
[8] *See* First Response, KSC-BC-2020-06/F02856, paras 28-29, 31, 35, 38-41. *Compare with* Response, KSC-BC-2020-06/F03039, paras 4, 7-14.
[9] *See* Response, KSC-BC-2020-06/F03039, paras 5-6, 13; *and* Rule 153 Decision, KSC-BC-2020-06/F02937, para.27.

3. Insofar as the Response mirrors previous arguments, those have already been addressed and decided upon[10] and do not warrant reconsideration. The SPO also incorporates by reference its prior reply to those arguments.[11]

4. The Motion implements the Panel's findings[12] and thus eliminates the prejudicial effect that led the Panel to initially deny the admission of W02172's proposed evidence through Rule 153.

## III. CLASSIFICATION

5. Noting that the Defence has not filed a public redacted version of the Response, this reply is confidential pursuant to Rule 82(4). However, as it does not contain any confidential information, the SPO requests its reclassification as public.

## IV. RELIEF REQUESTED

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

**Word count: 548**

**Kimberly P. West**

**Specialist Prosecutor**

Monday, 24 March 2025

At The Hague, the Netherlands.

[10] *See* Rule 153 Decision, KSC-BC-2020-06/F02937, para.15, specifically considering the Defence's objections related to (i) acts and conduct; (ii) KLA structure; (iii) the role of certain JCE members; and (iv) the existence, or not, of a KLA policy targeting alleged collaborators. *Compare with* the same points raised in the Response, KSC-BC-2020-06/F03039, paras 4, 7-14.

[11] Prosecution reply relating to Rule 153 motion F02782, KSC-BC-2020-06/F02888, 31 January 2025, Confidential, paras 2-5.

[12] *See* Motion, KSC-BC-2020-06/F02989, paras 7-9, footnote 6, and Annex 1 to the Motion, containing redacted material. *Compare with* Rule 153 Decision, KSC-BC-2020-06/F02937, paras 17-18, 26, 28-29.