



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: 3 April 2025

Language: English

Classification: Public

**Decision on Prosecution Motion for the Admission of W01605's Evidence
pursuant to Rule 153**

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 Alagendra

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 13 September 2024, upon the Specialist Prosecutor's Office ("SPO") motion, and with no objection from the Defence, the Panel found that W01605's evidence was appropriate for admission pursuant to Rule 154.¹
2. On 14 March 2025, the SPO filed a motion for the admission of W01605's statement pursuant to Rule 153 ("Motion").² The Defence did not file a response.

II. SUBMISSIONS

3. The SPO explains that, since applying for the admission of W01605's evidence pursuant to Rule 154, circumstances arose in relation to W01605 that resulted in the bringing of the Motion.³ The SPO submits that W01605's statement ("W01605's Statement")⁴ meets all of the requirements for admission pursuant to Rules 138 and 153.⁵

¹ F02571, Panel, *Decision on the Remainder of Prosecution Motion for Admission of Evidence of Witnesses W02135, W04295, W04372, W04590, W04600, W04737, W01158, W01605, W04240, W04278, W04352, W04366, and W04427 Pursuant to Rule 154* ("Rule 154 Decision"), 13 September 2024, confidential, para. 82 (a public redacted version of the decision was released on the same day, F02571/RED).

² F03018, Specialist Prosecutor, *Prosecution Motion for the Admission of the Evidence of Witness W01605 pursuant to Rule 153*, 14 March 2025, confidential, with Annex 1, confidential (a public redacted version was filed on the same day, F03018/RED).

³ Motion, paras 2, 7.

⁴ The Proposed Rule 153 Statement consists of the following: (i) 010510-TR-ET RED2, Parts 1-3, with corresponding translations; and (ii) 010510a Parts 1-3, the corresponding audio version of the redacted transcript. See Annex 1 to the Motion.

⁵ Motion, paras 2-4; Annex 1 to the Motion.

4. The SPO states that, as a result of *inter partes* correspondence between the SPO, Defence, and Victims' Counsel, the Defence does not object to the admission of W01605's Statement pursuant to Rule 153.⁶

III. APPLICABLE LAW

5. The Panel incorporates by reference the applicable law as set out in its first Rule 153 Decision.⁷

IV. DISCUSSION

6. The Panel reiterates and adopts its findings on relevance, *prima facie* authenticity, and *prima facie* probative value of the proposed evidence, as set out in its Rule 154 Decision.⁸

7. In relation to suitability for admission pursuant to Rule 153, the Panel considers that: (i) W01605's Statement provides mainly crime-based evidence, which is not unduly repetitive and is largely corroborated by other witnesses whom the Accused have had an opportunity to cross-examine;⁹ (ii) W01605's Statement is relatively limited in length (approximately 72 pages of English transcripts); and (iii) W01605's Statement goes to proof of matters other than the acts and conduct of the Accused as charged in the Indictment.

8. For all these reasons, the Panel is satisfied that W01605's Statement is *prima facie* probative, not unduly prejudicial, and that the requirements of a fair and expeditious trial exceptionally warrant its admission without cross-examination.

⁶ Motion, para. 13.

⁷ 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).

⁸ Motion, paras 9-12. *See also* Rule 154 Decision, paras 78-82.

⁹ Motion, para. 10.

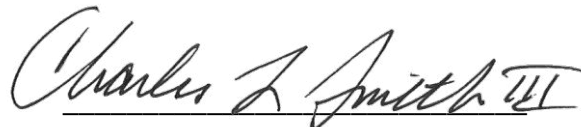
The Panel also notes the agreement of the Parties and participants regarding the tendering of W01605's Statement pursuant to Rule 153.

9. Accordingly, the Panel finds that W01605's Statement is admissible pursuant to Rules 138(1) and 153 without cross-examination.

V. DISPOSITION

10. The Panel hereby:

- a) **GRANTS** the Motion;
- b) **ADMITS** into evidence, without cross-examination, W01605's Statement as set out in Annex 1 to the Motion and the relevant footnote to paragraph 3, above; and
- c) **DIRECTS** the Registrar to assign: (i) exhibit numbers to W01605's Statement; and (ii) the classification to the admitted items, as indicated in Annex 1 to the Motion.



Judge Charles L. Smith, III

Presiding Judge

Dated this Tuesday, 3 April 2025

At The Hague, the Netherlands.