



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: 11 April 2025

Language: English

Classification: Public

**Decision on Prosecution Submission of Proposed Lesser Redacted Transcripts
(W03877 and W03865)**

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

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 29 and 30 April 2024, W03877 and W03865 testified in these proceedings.²
3. On 12 June 2024, the Specialist Prosecutor’s Office (“SPO”) filed submissions (“Submissions”) in relation to the testimony transcripts of W03877 (“W03877’s Transcript”) and W03865 (“W03865’s Transcript”) (collectively, “Transcripts”), to which it annexed consolidated proposals of public lesser redacted versions of some of the Transcripts (“Annex 1”).³
4. On 31 May 2024 and 4 June 2024, respectively, the Witness Protection and Support Office (“WPSO”) and Victims’ Counsel responded *inter partes* to the SPO, indicating that they agreed with the SPO’s proposed redactions. WPSO also proposed additional redactions to which the SPO did not object. The Defence did not respond.⁴

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

² W03877: Transcript of Hearing, 29 April 2024, pp. 14983-15072; W03865: Transcripts of Hearing, 29-30 April, 2024, pp. 15073-15243.

³ F02371, Specialist Prosecutor, *Prosecution Submission of Proposed Lesser Redacted Transcripts (W03877 and W03865)* (“Submissions”), 12 June 2024, with Annex 1, confidential.

⁴ Submissions, para. 1 and footnote 2.

II. DISCUSSION

A. W03877

5. With respect to W03877's Transcript, the SPO submits that the proposed redactions in Annex 1 are necessary to protect identifying information relating to W03877 and other SPO witnesses, including W03877's: (i) personal details; (ii) co-detainees; (iii) arrest and detention; and (iv) knowledge of certain KLA members.⁵

6. WPSO proposes additional redactions in relation to allegations of collaboration which affect the dignity of witnesses.⁶

7. The Panel recalls that W03877 was granted in-court protective measures of pseudonym, face and voice distortion and closed or private session for in-court discussion or testimony identifying the witness to avoid identification by the public.⁷

8. The Panel is of the view that it is unnecessary to redact the following portions of W03877's Transcript as they do not contain any confidential information: p. 14995, lines 15; p. 15020, line 6; p. 15022, lines 5, 19-20; p. 15024, lines 8, 11-12; p. 15030, lines 10-11, 17-19, 22; p. 15031, lines 3-4, 8-11, 13; p. 15033, lines 2, 12, 15; p. 15035, lines 10, 23-24; p. 15040, line 2; p. 15061, lines 2-4; p. 15065, lines 3, 6; p. 15067, line 9; p. 15068, lines 1, 3; p. 15069, lines 8-9.

9. In addition, the Panel recalls that it previously authorised the redaction of the last two words of page 15074 at line 19.⁸ Considering that the witness has since testified in public session, the Panel considers that such redaction is no longer necessary and proportionate. The Panel therefore authorises that line 19 of page 15074 be

⁵ Annex 1, p. 3, para. 1.

⁶ Annex 1, p. 3, para. 2.

⁷ F00407, Pre-Trial Judge, *Seventh Decision on Specialist Prosecutor's Request for Protective Measures*, 21 July 2021, strictly confidential and *ex parte*, para. 148(i) (a confidential redacted version was issued on the same day, F00407/CONF/RED).

⁸ See F02271, Panel, *In-Court Redaction Order*, 29 April 2024, p. 3 (a public redacted version was filed on 1 May 2024, F02271/RED).

unredacted. The present decision overrides the above-mentioned in-court redaction order.

10. Save for the exceptions specified above, the Panel considers that the redactions proposed in Annex 1 remain necessary and proportionate and consistent with the effective protection of the rights of the Accused.

11. With the exception of these necessary and proportionate redactions, the Panel orders that the remainder of W03877's Transcript be reclassified as public, in the interest of guaranteeing to the greatest possible extent the publicity of the proceedings.

B. W03865

12. The SPO submits that the limited redactions to private session excerpts of W03865's Transcripts are necessary so as not to reveal the identity of SPO witnesses.⁹ Victims' Counsel and WPSO agree with the SPO's proposals.¹⁰

13. The Panel recalls that W03865 testified in public, with no protective measures, but a portion of his testimony was given in private session for the protection of confidential information.

14. The Panel considers that the redactions proposed in Annex 1 to W03865's Transcripts remain necessary and proportionate and consistent with the effective protection of the rights of the Accused.

15. With the exception of these necessary and proportionate redactions, the Panel orders that the remainder of W03865's Transcripts be reclassified as public, in the interest of guaranteeing to the greatest possible extent the publicity of the proceedings.

⁹ Annex 1, p. 4, para. 1.

¹⁰ Annex 1, p. 4, para. 2.

III. DISPOSITION

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

- a) **APPROVES** the proposed redactions as set out in Annex 1, subject to the changes specified in paragraphs 8-9 above;
- b) **RECLASSIFIES** the remainder of the Transcripts as public, including the portions specified in paragraph 9 above;
- c) **DIRECTS** the SPO to communicate to the Registry the public lesser 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 Friday, 11 April 2025

At The Hague, the Netherlands.