

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: Dr Fidelma Donlon

Filing Participant: Victims' Counsel

Date: 28 May 2025

Language: English

Classification: Public

**Victims' Counsel's Submission of witness and exhibit lists and related requests
with confidential Annexes 1 and 2**

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I. INTRODUCTION

1. Pursuant to Article 22(6) and Article 37(1) and (3)(c) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law"), Rules 114(4)(a) and (5), 138(1) and 149(3) and (4) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), and the Trial Panel's Oral Order of 23 April 2025,¹ Victims' Counsel files his witness and exhibit lists and requests the Panel to hear the live evidence of two of the iMMO experts.
2. Annex 1 to this filing contains a list of proposed witnesses to be called, should there be a case to answer. Annex 2 contains a list of evidentiary items to be tendered and the mode of their tender, should there be a case to answer.

II. CLASSIFICATION

3. This submission is classified as public as it contains no confidential information.

III. PROCEDURAL HISTORY

4. On 23 April 2025, the Trial Panel ordered Victims' Counsel to submit "[o]ne, a list of proposed witnesses to be called should the Panel find that there is a case to answer; two, the statements and/or reports of these witnesses, if they exist, and summaries of the witnesses' proposed evidence as well as reasonable estimates for the anticipated time needed for direct examination of each proposed witness; three, a list of evidentiary items to be tendered, should there be a case to answer, together with an indication of the manner in which counsel proposes to tender them" by 28 May 2025.²
5. On 2 May 2025, Victims' Counsel submitted the expert reports on which he intends to rely.³ These were prepared by the *instituut voor Mensenrechten en*

¹ *Specialist Prosecutor v. Thaçi et al*, KSC-BC-2020-06, In Court – Oral Order, 23 April 2025, page 26177 line 1 to page 26177 line 21 ("Oral Order").

² Oral Order.

³ F03160, Victims' Counsel's submission of expert reports with a request to admit them into evidence with eight confidential annexes, 2 May 2025.

Medisch Onderzoek (“iMMO”) (psychiatric/psychological harm suffered by victims participating in the proceedings, “VPPs”) and Dr Stefan Lerz (material harm suffered by VPPs). They included reports submitted in Cases 04 and 05 as well as reports prepared for Case 06.

6. On 28 May, Victims’ Counsel filed a bar table request, a Rule 153 request, and a request to admit supplementary information on harm.

IV. APPLICABLE LAW

7. Rule 114(5) provides:

Where evidence was not produced by the Parties or the produced evidence does not adequately address the impact the alleged crimes have on the personal interests of victims participating in the proceedings, Victims’ Counsel may request the Panel to order the submission of relevant evidence or call witnesses to testify. In such cases, the Panel may order Victims’ Counsel to disclose relevant material to the Parties, if this material is in his or her custody or control.

8. Rule 143(4)(a) grants the Trial Panel the discretion to control the mode of testimony and the presentation of evidence “to make the questioning and presentation effective for the ascertainment of truth.”

V. SUBMISSIONS

A. Request to call witnesses

9. Victims’ Counsel requests the Panel to hear the live evidence of two of the experts who produced the iMMO Case 06 report, to admit the evidence of Dr Lerz pursuant to Rule 149 and/or 168, and to admit the evidence of six VPPs pursuant to Rule 153. Victims’ Counsel will not request the Panel’s permission for VPPs to testify in person.
10. Victims’ Counsel does not intend to file requests for variation of protective measures or request new or additional protective measures for witnesses appearing on the Witness List.

1. Expert evidence

11. Victims' Counsel requests that two of three iMMO experts who prepared the expert report for Case 06, that is Karin Duhne-Prinsen and Dr Catherine Nicola Black ("Experts"), are called to testify about their report jointly, at the same time, before the Panel. This will allow them to explain their report with their respective complementary expertise, in a way that reflects the joint character of the opinions expressed in it. This proposed modality will allow them to offer to the Panel as clear and as comprehensive an understanding of the report as possible. Victims' Counsel recalls that this was the manner in which the iMMO experts testified in Case 04.
12. The Experts are expected to testify about the methodology adopted in the preparation and drafting of the iMMO report. They will also discuss their findings on the typical psychological and psychiatric consequences of the crimes charged in the indictment and the typical symptoms of these consequences, in relation to both, direct and indirect victims. The Experts are also expected to explain the typical coping mechanisms, and consequences of not receiving psychological/psychiatric treatment, and possible remedies that could adequately address the psychological and psychiatric consequences suffered by the VPPs.
13. This request is made irrespective of whether the Defence gives notice to the Panel that it wishes to cross-examine the Experts under Rule 149(2)(c).
14. Victims' Counsel is ready to present the Experts' evidence in the weeks commencing 7 July and 14 July 2025.
15. In the case of Dr Stefan Lerz, Victims' Counsel adopts the submissions made in F03160 as to the admission of this expert evidence in writing under Rule 149 and/or 168. Dr Lerz provides evidence in relation to the material harm suffered by VPPs who have either lost a breadwinner or whose ability to work has been compromised as a result of crimes within the indictment.

2. Proposed Rule 153 witnesses

16. Victims' Counsel's Rule 153 request seeks the admission of the evidence of six VPPs: Victim 07-06 ("V007"), V003/W02016, V033/W04712, V034/W04390, V039/W04674 and V064/W04814.

17. Annex 1 provides a list of all nine proposed witnesses.

B. List of evidentiary items to be tendered

18. Victims' Counsel seeks to admit 74 documents, including translations and redacted versions. Annex 2 provides a list of these evidentiary materials and the method of their tender.

19. Victims' Counsel notes his submissions of 23 April 2025 regarding documents containing supplementary information on harm.⁴ Documents of this category will be submitted on a rolling basis until 1 July 2025⁵ and the list of evidentiary items to be tendered will be amended accordingly.

VI. RELIEF REQUESTED

20. For the foregoing reasons, Victims' Counsel respectfully requests the Trial Panel to:

- (i) Hear the live evidence of two of the authors of the iMMO report, Karin Duhne-Prinsen and Dr Catherine Nicola Black; and
- (ii) Order that pursuant to Rule 114(5) and 149 of the Rules, that they testify at the same time, and together.

⁴ Status Conference, T. 23 April 2025, 26183:17-26184:12.

⁵ Status Conference, T. 23 April 2025, 26184:17-19.

Word count: 1102

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**Simon Laws KC
Counsel for Victims**

A handwritten signature in blue ink, reading "Maria Radziejowska", positioned above a horizontal line.

**Maria Radziejowska
Co-Counsel for Victims**

28 May 2025
At The Hague, the Netherlands.