



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: 9 July 2025

Language: English

Classification: Public

**Public redacted version of Decision on Victims' Counsel's Request for Admission
of 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, 22(3) and (6), 23 and 40(6)(e) and (h) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 80, 114(4) and (5), 138(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 23 April 2025, the Panel ordered Victims' Counsel to submit, *inter alia*, any motions under Rule 153 by 28 May 2025.¹
2. On 28 May 2025, Victims' Counsel filed a motion for the admission of the statements and associated exhibits of six victims participating in the proceedings, namely V007, [REDACTED] ("Witnesses"), pursuant to Rule 153 ("Motion").²
3. On 10 June 2025, the Defence teams for the four accused (collectively, "Defence" and "Accused") and the Specialist Prosecutor's Office ("SPO") responded to the Motion ("Defence Response" and "SPO Response", respectively).³
4. On 16 June 2025, Victims' Counsel filed its reply ("Reply").⁴

¹ Transcript of Hearing, 23 April 2025, p. 26177.

² F03206, Victims' Counsel, *Victims' Counsel's Request for Admission of Evidence pursuant to Rule 153*, 28 May 2025, confidential, with Annex 1, confidential (a public redacted version was filed on 10 June 2025, F03206/RED).

³ F03250, Specialist Counsel, *Joint Defence Response to Victims' Counsel's Request for Admission of Evidence pursuant to Rule 153*, 10 June 2025, confidential; F03243, Specialist Prosecutor, *Prosecution Consolidated Response to Victims' Counsel's Submissions F03160, F03206, F03207, and F03208*, 10 June 2025, confidential.

⁴ F03266, Victims' Counsel, *Victims' Counsel's Reply to the Joint Defence Response to Victims' Counsel's Request for Admission of Evidence pursuant to Rule 153*, 16 June 2025, confidential.

II. SUBMISSIONS

5. Victims' Counsel submits that the statements of the Witnesses together with associated exhibits ("Proposed Evidence") meet the requirements for admission under Rules 138 and 153.⁵ Victims' Counsel accordingly requests that the Panel admit the Proposed Evidence pursuant to those Rules.⁶

6. The Defence responds that: (i) it is not within the proper scope of Victim's Counsel's role to reintroduce statements of witnesses dropped by the SPO and, thus, he should not be permitted to do so; (ii) the Proposed Evidence addresses matters extraneous to the Victims' Counsel's case; and (iii) the admission of the Proposed Evidence after the closing of the prosecution case is more prejudicial than probative.⁷ The Defence further argues that, in the present circumstances, the proper course would be for Victims' Counsel to take new statements, limited in scope, from the Witnesses relating to the harm they allegedly suffered.⁸ In addition, the Defence submits that granting the Motion would be unfair to the Accused as: (i) the Defence did not have the chance to cross-examine any of the Witnesses, and (ii) it would erase any gains in expediency that were made as a consequence of the SPO dropping some of the Witnesses.⁹ For these reasons, the Defence requests the Panel to reject the Motion or, in the alternative, to admit only discrete aspects of the Proposed Evidence addressing the alleged harm.¹⁰

⁵ Motion, paras 2, 3.

⁶ Motion, paras 1, 45.

⁷ Defence Response, paras 2, 3, 19.

⁸ Defence Response, para. 20.

⁹ Defence Response, para. 5.

¹⁰ Defence Response, para. 49.

7. The SPO responds that it does not oppose the Motion, provided that the Proposed Evidence is considered by the Panel for the limited purposes of acknowledging harm and, as appropriate, determining reparations.¹¹

8. Victims' Counsel replies that the Defence's arguments lack merit and should be disregarded.¹² In particular, Victims' Counsel submits that evidence of fact and harm is inherently intertwined and that the admission of the Proposed Evidence in its entirety would enable the Panel to make a fair determination of harm and prevents the evidence from being taken out of context.¹³ According to Victims' Counsel, tendering interviews and statements taken by the SPO is, therefore, appropriate under the circumstances.¹⁴ Victims' Counsel further takes issue with the Defence's suggestion that new, limited statements should be taken from the Witnesses and notes, in this respect, that evidence that was provided closer to the time of the events constitutes valuable evidence.¹⁵ In relation to the evidence provided by the witnesses dropped by the SPO, Victims' Counsel argues that this material: (i) was available and contained evidence of the harm allegedly suffered; and (ii) is clearly within the scope of the evidence Victims' Counsel is permitted to adduce.¹⁶ Finally, Victims' Counsel contends that its limited Motion cannot be legitimately said to impinge on any fairness or expediency in the proceedings as the requested evidence is of a cumulative nature to other evidence on the record.¹⁷

¹¹ SPO Response, paras 1, 3.

¹² Reply, para. 1.

¹³ Reply, paras 3, 4.

¹⁴ Reply, para. 3.

¹⁵ Reply, para. 5.

¹⁶ Reply, para. 6.

¹⁷ Reply, para. 6.

III. APPLICABLE LAW

9. The Panel recalls that Victims' Counsel may make a genuine contribution to the proceedings without duplicating or interfering with the responsibilities of the SPO or the Defence.¹⁸ In particular, Rule 114(5) provides that, 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. By virtue of the Panel's Order on the Conduct of Proceedings, Victims' Counsel is limited, in principle, to calling evidence in respect of the following issues: (i) the harm or injury done to the victim(s) and the circumstances in which this occurred; (ii) the consequences of those acts on the victim(s), their relatives, or the community to which they belong; and (iii) the appropriate relief to remedy the harm suffered by the victim(s).¹⁹ Where Victims' Counsel seeks to address other issues, he must seek leave from the Panel.²⁰

10. Further, the Panel incorporates by reference the law applicable to the admission of evidence under Rule 153, as well as the law applicable to the admission of evidence, generally, as set out in the Panel's previous decisions.²¹

11. The Panel will apply these standards to the present decision, in light of the Victims' Counsel's and Defence's submissions.

¹⁸ F01226/A01, Panel, *Annex 1 to Order on the Conduct of Proceedings* ("Order on the Conduct of Proceedings"), 25 January 2023, para. 32.

¹⁹ Order on the Conduct of Proceedings, paras 34, 36.

²⁰ Order on the Conduct of Proceedings, para. 35.

²¹ See F01380, Panel, *Decision on Admission of Evidence of First Twelve SPO Witnesses Pursuant to Rule 154* ("First Rule 154 Decision"), 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; F01904, Panel, *Decision on Prosecution Motion for Admission of Evidence Pursuant to Rule 153* ("First Rule 153 Decision"), 3 November 2023, confidential, paras 8-10, 12-13 (a public redacted version was filed on 27 November 2023, F01904/RED).

IV. DISCUSSION

A. GENERAL CONSIDERATIONS

12. At the outset, the Panel notes that on 12 June 2025 the Defence filed a motion pursuant to Rule 130 seeking the dismissal of charges in the indictment which relate to [REDACTED] (“Rule 130 Motion”).²² The Panel further notes that the SPO is due to file a response to the Rule 130 Motion on 7 July 2025.²³

13. With a view to ensuring that no unnecessary delay is caused in the proceedings in the event that the Rule 130 Motion is rejected, the Panel will rule on the Motion submitted by Victims’ Counsel prior to the issuance of its decision on the Rule 130 Motion. The Panel stresses that its decision on the Motion is without prejudice to its decision on the Rule 130 Motion. The Panel also notes the limited nature of the Rule 130 Motion and considers that, as a result of its limited nature, the proceedings will progress to the next stage. The Panel further notes that none of the material included in the Proposed Evidence bears upon the issues and circumstances raised by the Rule 130 Motion.

14. The Panel now turns to the arguments raised by the Defence concerning the Motion as a whole.

15. More specifically, the Panel notes the Defence’s submissions that: (i) by tendering evidence collected by the SPO and other material on which the SPO intended to rely during the presentation of its case, Victims’ Counsel exceeds the proper scope of his role; and (ii) Victims’ Counsel should have taken new statements from the Witnesses relating solely to the harm they allegedly suffered.²⁴

²² F03256, Specialist Counsel, *Joint Defence Motion Pursuant to Rule 130*, 12 June 2025, confidential, with Annexes 1-2, confidential, paras 1, 2, 164.

²³ F03314, Specialist Prosecutor, *Prosecution Response to Rule 130 Request*, 7 July 2025, confidential, with Annex 1, confidential. *See further* F03232, Panel, *Revised Scheduling Order*, 5 June 2025, paras 7, 12(a).

²⁴ Defence Response, paras 2, 3, 19, 20, 28, 30, 37, 41, 43.

In this respect, the Panel notes that the Specialist Chambers' ("SC") legal framework does not set forth any specifications or limitations regarding the type or form of evidence Victims' Counsel may seek to tender. Nor does it require Victims' Counsel to prepare new statements in this respect, as proposed by the Defence.²⁵ Accordingly, the Panel is of the view that there is no bar to the tender by Victims' Counsel of evidence that was collected by another Party in these proceedings. The Panel notes, in this respect, that both the Defence and the SPO have tendered statements prepared by third parties.

16. Secondly, the fact that the SPO initially intended to rely on the Proposed Evidence, or parts thereof, does not bar its tender by Victims' Counsel pursuant to Rules 114(5) and 153. Nor does the tender of such material, in and of itself, renders Victims' Counsel a "second prosecutor" in the proceedings as suggested by the Defence.²⁶ What matters is whether the Proposed Evidence meets the requirements of Rules 138(1) and 153, and whether it complies with the specific limitations that bear upon the nature of the evidence that Victims' Counsel is permitted to offer.²⁷ For these reasons, the Panel finds that the Defence's submissions have no merit.

17. In relation to the Defence's argument that the Proposed Evidence addresses matters extraneous to Victims' Counsel's case,²⁸ the Panel recalls that Victims' Counsel is permitted to call evidence in respect of: (i) the harm or injury done to the victim(s) and the circumstances in which this occurred; (ii) the consequences of those acts on the victim(s), their relatives, or the community to which they belong; and (iii) the appropriate relief to remedy the harm suffered by the victim(s).²⁹ It is clear from the above that, contrary to the Defence's

²⁵ See Rule 114(5).

²⁶ Defence Response, para. 3.

²⁷ See *above* para. 9.

²⁸ Defence Response, paras 3, 19, 20.

²⁹ Order on the Conduct of Proceedings, paras 34, 36. See *above* para. 9.

submissions, Victims' Counsel may call evidence that address matters beyond the harm itself. To the extent that the Defence challenges specific parts of the Proposed Evidence as addressing matters that extend beyond Victims' Counsel's case, the Panel will address these challenges below.³⁰

18. In relation to the Defence's general argument that it would be unfair to grant the Motion given that the Defence did not have the chance to cross-examine any of the Witnesses,³¹ the Panel recalls that it retains the discretionary power to admit the Proposed Evidence pursuant to Rule 153, taking into account, *inter alia*, the impact of its admission on the principle of orality and on the right of the Accused to examine, or have examined, the witnesses against them.³² The Panel also recalls its finding that the principle of orality underpinning the SC's regulatory regime is not absolute, but qualified by a variety of provisions providing for the possibility of the evidence of a witness being offered by means other than oral testimony.³³ Similarly, the right of an accused to confront evidence presented against him is not absolute and may be subject to restrictions that are not inconsistent with his fundamental rights.³⁴ The Panel will therefore assess whether each item of the Proposed Evidence meets the requirements of Rule 153 and is suitable for admission pursuant to that provision, while guaranteeing the effective protection of the Accused's fundamental rights.³⁵ The Panel, therefore, rejects the Defence's general objection to the admission of the Proposed Evidence.

19. Lastly, the Panel notes that the Defence argues in general terms that any attempt to narrow the scope of the Proposed Evidence to the permissible scope of

³⁰ See below paras 44, 45, 57-60.

³¹ Defence Response, para. 5.

³² See Article 21(4)(f); Rule 141(1).

³³ First Rule 154 Decision, para. 18.

³⁴ First Rule 153 Decision, para. 13 and references therein.

³⁵ ICTY, *Prosecutor v. Prlić et al.*, IT-04-74-AR73.6, Appeals Chamber, [Decision on Appeals Against Decision Admitting Transcript of Jadranko Prlić's Questioning into Evidence](#), 23 November 2007, para. 43.

the Victims' Counsel's case risks erasing any gains in expediency that were made as a consequence of the SPO dropping some of Witnesses. The Defence provides no argumentation in support of its assertion. The Panel notes in this respect that Victims' Counsel is not bound by any decisions taken by the SPO and can decide for himself, within the scope outlined by the Panel³⁶ and the general requirements of fairness and expeditiousness, what case he wishes to present on behalf of the victims he represents. The Panel, therefore, rejects this argument.

20. The Panel further finds that the Defence fails to substantiate its argument that admission of the Proposed Evidence after the closing of the prosecution case is more prejudicial than probative. In this regard, the Panel stresses that it is in the order of things, procedurally, that Victims' Counsel's case will necessarily follow the SPO case. The Panel, therefore, rejects this argument.

B.V007

(a) Admission of evidence

21. Victims' Counsel requests the admission of a statement³⁷ and two associated exhibits³⁸ ("V007's Statement" and "V007's Associated Exhibits" respectively, and "V007's Proposed Evidence" collectively) for the purpose of determining the truth about the role that V007 had at the time of his alleged arrest and detention by the KLA and the impact the charged crimes had on him.³⁹ Victims' Counsel submits that V007's Proposed Evidence is relevant, authentic, reliable and suitable for admission under Rule 153.⁴⁰

³⁶ See *above* para. 9.

³⁷ V0070038-V0070041 RED.

³⁸ V0070043-V0070044; V0070045-V0070046.

³⁹ Motion, paras 13, 16-18.

⁴⁰ Motion, paras 15-23.

22. The Defence objects to the admission of V007's Proposed Evidence pursuant to Rule 153.⁴¹ In particular, the Defence submits that the harm caused to V007 by [REDACTED] arises from the testimony of an SPO witness, rather than the crimes charged.⁴² As such, the Defence argues that evidence seeking to clarify this issue falls outside the permissible scope of Victims' Counsel's case.⁴³ The Defence further submits that the tendered evidence contradicts V007's claims regarding his role prior to his arrest and argues that any inconsistencies could be remedied through the cross-examination of V007.⁴⁴ In addition, the Defence argues that V007's Proposed Evidence falls short of substantiating a causal link between the alleged crimes and their impact on V007.⁴⁵ Moreover, the Defence opposes the admission of V007's Associated Exhibits, contending that they are not discussed in detail in his statement and, therefore, are not inseparable and indispensable to it.⁴⁶ Lastly, the Defence submits that, should the Panel find V007's Proposed Evidence to be admissible pursuant to Rule 153: (i) it should admit only the excerpts discussing the harm he suffered directly as a consequence of his detention; and (ii) the excerpts addressing his role and status at the time of his detention, as well as the alleged harm arising [REDACTED] must be redacted.⁴⁷

23. Victims' Counsel replies that the Defence misrepresents the Motion in relation to V007 and reiterates that V007's Proposed Evidence was submitted for the purpose of, *inter alia*, determining the truth about the role that V007 had at the time of his arrest and detention.⁴⁸

⁴¹ Defence Response, para. 21.

⁴² Defence Response, para. 22.

⁴³ Defence Response, para. 22.

⁴⁴ Defence Response, para. 24.

⁴⁵ Defence Response, para. 25.

⁴⁶ Defence Response, para. 26.

⁴⁷ Defence Response, para. 27.

⁴⁸ Reply, para. 2.

24. In relation to relevance, the Panel notes that V007's Statement concerns: (i) his alleged arrest and detention by the KLA and the position that V007 had at that time; and (ii) the impact his arrest and detention had on his life.⁴⁹ Having reviewed V007's Statement, the Panel is satisfied that it contains evidence relevant to the harm allegedly suffered by V007, the circumstances under which this harm occurred as well as the consequences of the charged crimes on V007.⁵⁰

25. In relation to authenticity, the Panel notes that V007's Statement was prepared by Victims' Counsel following consultations with the witness.⁵¹ The statement is dated, signed by Victims' Counsel and indicates the date and place these consultations took place.⁵² V007 also signed the statement and confirmed its contents are truthful.⁵³ The Panel is, therefore, satisfied that V007's Statement is *prima facie* authentic.

26. In relation to probative value and suitability for admission pursuant to Rule 153, the Panel notes that V007's Statement goes to proof of matters other than the acts and conduct of the Accused, considering that it relates to V007's arrest and detention by the KLA, his position at the time of his arrest and the impact the charged crimes.⁵⁴

27. Furthermore, the Panel notes that: (i) V007's Statement is only four (4) pages long; (ii) the parts of V007's Statement relating to his arrest and detention are cumulative with the evidence provided by other witnesses whom the Defence had

⁴⁹ Motion, paras 15-18.

⁵⁰ See F00999/A01, Specialist Prosecutor, *Annex 1 to Submission of Confirmed Amended Indictment* ("Indictment"), 30 September 2022, confidential, paras [REDACTED]; [REDACTED] (a public lesser redacted version was filed on 27 February 2023, F01323/A01).

⁵¹ V0070038-V0070041 RED, p. V0070038.

⁵² V0070038-V0070041 RED, pp. V0070038, V0070041.

⁵³ V0070038-V0070041 RED, p. V0070041.

⁵⁴ See *above* para. 24.

an opportunity to cross-examine; and (iii) the remaining parts of V007's Statement relate to the harm he suffered and continues to suffer.⁵⁵

28. With respect to the Defence's argument that the harm caused to V007 [REDACTED] arises from the testimony of an SPO witness, rather than the crimes charged, and as such V007's Statement falls outside the permitted scope of evidence to be called by Victims' Counsel,⁵⁶ the Panel notes the following. During the SPO case, the Panel received evidence regarding the arrest of V007, the grounds therefor and the position that V007 held at the time.⁵⁷ Having reviewed V007's Statement, the Panel is of the view that V007's profession at the time of the charged crimes is relevant to the circumstances surrounding his arrest and detention and, as such, relate to the circumstances in which the alleged harm occurred.⁵⁸ The Panel further notes that, according to V007, his arrest and detention had an impact on his professional and personal life [REDACTED].⁵⁹ Against this background, the Panel finds that V007's Statement is also relevant to the impact that the charged crimes had on V007.⁶⁰

29. With respect to the Defence's argument that V007's account contains discrepancies which could be remedied through cross-examination, the Panel recalls that, while inconsistencies and contradictions can be relevant factors in the exercise of the Panel's discretion to admit evidence pursuant to Rule 153, they do not bar the admission of such evidence under this provision.⁶¹ The Panel will assess the credibility and reliability of the tendered material, including any

⁵⁵ Motion, paras 20, 21.

⁵⁶ Defence Response, para. 22.

⁵⁷ [REDACTED].

⁵⁸ Order on the Conduct of Proceedings, paras 34, 36. *See above* para. 9.

⁵⁹ V0070038-V0070041 RED, pp. V0070039-V0070040.

⁶⁰ Order on the Conduct of Proceedings, paras 34, 36. *Contra* Defence Response, para. 27.

⁶¹ F03073, Panel, *Decision on Prosecution Consolidated Motion for the Admission of the Evidence of Witnesses W02172 and W04858 pursuant to Rule 153, and Related Protective Measures Request* ("Decision F03073"), 2 April 2025, confidential, para. 17 (a public redacted version was issued the same day, F03073/RED).

inconsistencies and discrepancies, at the end of the trial, having regard to the entire body of evidence admitted, in accordance with Rule 139(2).⁶² Similarly, the Panel notes that whether a causal link between the alleged crimes and their impact on V007 is established is a matter to be addressed at the end of the trial, in light of the entire body of evidence.⁶³ In this regard, the Panel notes that V007's status and role at the relevant time was subject to questioning of other witnesses, thus permitting both Parties to put and test their respective cases with relevant witnesses.

30. For these reasons, the Panel is satisfied that V007'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. The Panel, thus, finds that V007's Statement is admissible pursuant to Rules 138(1) and 153.

31. In addition, noting that the Albanian translation of V007's Statement is missing, the Panel instructs Victims' Counsel to provide said translation to the Panel and disclose it to the Parties without delay.

32. Turning to V007's Associated Exhibits, the Panel notes that they consist of documents relating to V007's position prior to his arrest and detention. The Panel notes that, although V007 makes a general reference in his statement to documentation relating to his position, he does not discuss the two documents in detail.⁶⁴ The Panel, therefore, finds that V007's Associated Exhibits do not form an inseparable and indispensable part of V007's Statement and denies their admission without prejudice.

⁶² Decision F03073, para. 17.

⁶³ *Contra* Defence Response, para. 25.

⁶⁴ V0070038-V0070041 RED, p. V0070041.

(b) Protective Measures

33. The Panel notes that V007 was granted the protective measure of anonymity under Rule 80(4)(e)(i) as a victim participating in the proceedings.⁶⁵ The Panel recalls that the identity of V007 was disclosed to the [REDACTED], upon the request of Victims' Counsel.⁶⁶ The Panel further notes the Victims' Counsel's request that the protective measure of anonymity *vis-à-vis* the public continues to apply in case the Motion is granted.⁶⁷ The Defence did not raise any objections in this respect.

34. Noting the Pre-Trial Judge's finding that anonymity is a necessary and proportionate measure for V007, and is consistent with the rights of the Accused,⁶⁸ and taking into consideration the fact that the legal test applicable for protective measures in relation to victims participating in the proceedings is also applicable as regards witnesses,⁶⁹ the Panel finds that the protective measure of anonymity towards the public *vis-à-vis* V007 shall continue to apply, in accordance with the decision of the Pre-Trial Judge.

C. [REDACTED]⁷⁰

35. Victims' Counsel requests the admission of the transcripts of two interviews provided by [REDACTED] ("[REDACTED]'s Proposed Evidence")⁷¹ for the purpose of determining the impact of the charged crimes on [REDACTED].⁷²

⁶⁵ F00257, Pre-Trial Judge, *First Decision on Victims' Participation* ("First Decision on Victims' Participation"), 21 April 2021, confidential, paras 70, 85(g).

⁶⁶ [REDACTED].

⁶⁷ Motion, para. 23.

⁶⁸ First Decision on Victims' Participation, paras 68-69.

⁶⁹ First Decision on Victims' Participation, para. 67. *See also* F00159, Pre-Trial Judge, *Framework Decision on Victims' Applications*, 4 January 2021, para. 47.

⁷⁰ The Panel notes that [REDACTED] was previously included on the SPO's witness list with the pseudonym [REDACTED]6. On [REDACTED], the SPO provided notice that it no longer intends to rely on [REDACTED]'s evidence. [REDACTED].

⁷¹ [REDACTED]. *See* Motion, footnote 18; Defence Response, para. 36.

⁷² Motion, para. 24.

Victims' Counsel submits that [REDACTED]'s Proposed Evidence is relevant, authentic, reliable and suitable for admission under Rule 153.⁷³

36. The Defence objects to the admission of [REDACTED]'s Proposed Evidence pursuant to Rule 153.⁷⁴ In particular, the Defence submits that, while there is some overlap with the evidence of certain SPO witnesses, [REDACTED]'s Proposed Evidence contains unique and otherwise uncorroborated evidence, which relates to important issues in these proceedings.⁷⁵ According to the Defence, by tendering [REDACTED]'s evidence, Victims' Counsel is overriding the SPO's decision not to rely on this witness's evidence and related allegations.⁷⁶ Moreover, the Defence argues that concerns about [REDACTED]'s credibility and reliability renders his evidence unsuitable for admission pursuant to Rule 153.⁷⁷ In addition, the Defence submits that [REDACTED]'s Proposed Evidence contains information: (i) that extends beyond the harm or injury done to victims and circumstances in which this occurred; and (ii) about incidents not charged in the Indictment, and harm that was not certified when [REDACTED] was admitted as a participating victim.⁷⁸ Given the scope and volume of the evidence that falls outside the parameters for evidence that may be led by Victims' Counsel, and the fact that the Defence will have no opportunity to cross-examine the witness, the Defence submits that [REDACTED]'s Proposed Evidence is inappropriate for admission pursuant to Rule 153.⁷⁹ Lastly, the Defence submits that, should the Panel find [REDACTED]'s Proposed Evidence to be admissible pursuant to Rule 153, the excerpts addressing matters extraneous to the Victims' Counsel's case must be redacted.⁸⁰

⁷³ Motion, paras 25-28.

⁷⁴ Defence Response, para. 28.

⁷⁵ Defence Response, para. 29.

⁷⁶ Defence Response, para. 30.

⁷⁷ Defence Response, para. 31.

⁷⁸ Defence Response, paras 32, 33.

⁷⁹ Defence Response, para. 34.

⁸⁰ Defence Response, para. 35.

37. In relation to relevance, the Panel notes that [REDACTED]'s Proposed Evidence concerns, *inter alia*, his alleged detention and mistreatment by the KLA and the impact the latter had on him.⁸¹ Having reviewed [REDACTED]'s Proposed Evidence, the Panel is satisfied that it contains evidence that is relevant to the alleged harm suffered by [REDACTED], the circumstances under which this harm occurred as well as the consequences of the charged crimes on the witness.⁸²

38. In relation to authenticity, the Panel notes that [REDACTED]'s Proposed Evidence indicates the date and place the two interviews took place, and is signed by both the witness himself as well as the individuals conducting the questioning.⁸³ [REDACTED] also confirmed that he gave his evidence voluntarily and that its contents are truthful.⁸⁴ The Panel is, therefore, satisfied that [REDACTED]'s Proposed Evidence is *prima facie* authentic.

39. In relation to probative value and suitability for admission pursuant to Rule 153, the Panel notes that [REDACTED]'s Proposed Evidence goes to proof of matters other than the acts and conduct of the Accused.⁸⁵

40. Furthermore, the Panel notes that: (i) [REDACTED]'s Proposed Evidence, amounting to 24 pages, is limited; (ii) the parts of [REDACTED]'s Proposed Evidence relating to his detention and mistreatment by the KLA are, to a large extent, cumulative with the evidence provided by other witnesses that the Defence had an opportunity to confront, including through cross-examination;⁸⁶ and (iii) parts of [REDACTED]'s Proposed Evidence relate to the harm he suffered and continues to suffer.

⁸¹ Motion, paras 15-18.

⁸² See Indictment, paras [REDACTED].

⁸³ [REDACTED].

⁸⁴ [REDACTED].

⁸⁵ See *above* para. 37.

⁸⁶ Motion, para. 27; Defence Response, para. 29.

41. The Panel finds that, contrary to the Defence's submissions, the fact that certain parts of [REDACTED]'s Proposed Evidence are not corroborated by other evidence on the record does not constitute a bar to their admission. Rule 153 does not require the tendered material to be corroborated. The presence of corroboration between the evidence of witnesses will be a matter of relevance to the Panel's determination of weight and probative value to attach to the evidence of respective witnesses.⁸⁷

42. In the same vein, the Panel recalls that, while inconsistencies and contradictions can be relevant factors in the exercise of the Panel's discretion to admit evidence pursuant to Rule 153, they do not bar admission under that rule.⁸⁸ In this particular case, the Panel does not consider that the inconsistencies, real or alleged, are such that would warrant exclusion of the tendered material. The Panel will assess the credibility of [REDACTED] and the reliability of his Proposed Evidence at the end of the trial having regard to the entire body of evidence admitted and accounting for any inconsistencies in that context.⁸⁹

43. Furthermore, the Panel disagrees with the Defence's submissions that, by tendering the evidence of [REDACTED], Victims' Counsel is interfering with the SPO's decision not to rely on this witness's evidence and related allegations. The Panel notes that [REDACTED]'s Proposed Evidence is tendered, and will be considered by the Panel, in order to assess and determine the harm allegedly suffered by him as a result of the crimes charged. In that sense, Victims' Counsel is not duplicating nor is he interfering with the responsibilities of the SPO.

44. Furthermore, the Panel notes that, as suggested by the Defence,⁹⁰ [REDACTED]'s Proposed Evidence contains excerpts relating to matters beyond

⁸⁷ First Rule 153 Decision, para. 56.

⁸⁸ Decision F03073, para. 17. *Contra* Defence Response, para. 31.

⁸⁹ Decision F03073, para. 17

⁹⁰ See Defence Response, para. 32 (i) and (ii).

the permissible scope of Victims' Counsel's case. In particular, it includes excerpts on: (i) [REDACTED]'s meeting with a KLA commander prior to his arrest;⁹¹ (ii) events that took place after his release;⁹² (iii) incidents involving other individuals;⁹³ and (iv) procedural matters discussed during his interviews.⁹⁴ Considering that [REDACTED]'s Proposed Evidence is being admitted for one or more of the three purposes for which victims evidence may be received,⁹⁵ the Panel does not consider it is necessary to apply redactions to the aforementioned excerpts.

45. This being said, the Panel disagrees with the Defence's submission that [REDACTED]'s evidence regarding certain KLA members involved in his arrest and detention, and their roles, necessarily falls outside the scope of evidence that Victims' Counsel is permitted to tender.⁹⁶ The Panel finds that such evidence could be relevant to establishing the circumstances in which the harm allegedly suffered occurred and whether this harm results from a charged crime.

46. Lastly, taking into account: (i) its findings regarding the relevance of [REDACTED]'s Proposed Evidence;⁹⁷ and (ii) that the right of an accused to confront evidence presented against him is not absolute and may be subject to restrictions not inconsistent with his fundamental rights,⁹⁸ the Panel rejects the Defence's arguments that the volume of the evidence that falls outside the parameters for evidence that may be led by Victims' Counsel, and the fact that the Defence will have no opportunity to cross-examine the witness, render

⁹¹ [REDACTED].

⁹² [REDACTED].

⁹³ [REDACTED].

⁹⁴ [REDACTED].

⁹⁵ See *above* para. 9.

⁹⁶ See Defence Response, para. 32 (iii) and (iv).

⁹⁷ See *above* paras 37, 44, 45.

⁹⁸ See *above* para. 18.

[REDACTED]'s Proposed Evidence inappropriate for admission pursuant to Rule 153.⁹⁹

47. For these reasons, the Panel is satisfied that [REDACTED]'s Proposed Evidence 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. The Panel, thus, finds that [REDACTED]'s Proposed Evidence is admissible pursuant to Rules 138(1) and 153.

D. [REDACTED], [REDACTED] AND [REDACTED]¹⁰⁰

48. Victims' Counsel seeks the admission of: (i) [REDACTED]'s evidence, which consists of a transcript of his interview with the SPO, and a transcript [REDACTED] ("[REDACTED]'s Proposed Evidence");¹⁰¹ (ii) [REDACTED]'s evidence, which consists of [REDACTED]¹⁰² statement, a transcript of an interview with the SPO, and a transcript [REDACTED] ("[REDACTED]'s Proposed Evidence");¹⁰³ and (iii) [REDACTED]'s evidence, which consists of a transcript [REDACTED], a transcript from a portion of his interview with the SPO, and [REDACTED] ("[REDACTED]'s Proposed Evidence").¹⁰⁴ Victims' Counsel submits that the Proposed Evidence of [REDACTED] is relevant, authentic, and suitable for admission pursuant to Rule 153.¹⁰⁵

49. The Defence objects to the admission of the Proposed Evidence of [REDACTED], reiterating the submission that Victims' Counsel cannot repurpose

⁹⁹ *Contra* Defence Response, para. 34.

¹⁰⁰ The Panel notes that: (i) [REDACTED] was previously included on the SPO's witness list with the pseudonym [REDACTED]; (ii) [REDACTED] was previously included on the SPO's witness list with the pseudonym [REDACTED]; and (iii) [REDACTED] was previously included on the SPO's witness list with the pseudonym [REDACTED]. On [REDACTED], the SPO provided notice that it no longer intends to rely on the evidence of [REDACTED]. [REDACTED].

¹⁰¹ [REDACTED].

¹⁰² [REDACTED].

¹⁰³ [REDACTED].

¹⁰⁴ [REDACTED].

¹⁰⁵ Motion, paras 33-37.

evidence of witnesses that the SPO has dropped.¹⁰⁶ However, the Defence consents to the admission of selected portions of the Proposed Evidence of each witness, that they argue goes to the harm allegedly suffered.¹⁰⁷

50. The Panel notes that, while Victims' Counsel seeks admission of [REDACTED] as an associated exhibit,¹⁰⁸ witness statements should not be tendered as associated exhibits.¹⁰⁹ As such, the Panel will assess the admissibility of [REDACTED] under Rule 153 as a written statement.

51. Regarding relevance, the Panel recalls that the three witnesses were admitted to participate in the proceedings as victims.¹¹⁰ The Panel notes that [REDACTED], and are indirect victims of crimes allegedly committed against their relative.¹¹¹ [REDACTED] provide details about their relative's detention, his death, [REDACTED], and the harm that they have suffered, and continue to suffer, as a result.¹¹² The Panel notes Victims' Counsel's submission that the Panel [REDACTED] related to the detention compound where the relative was detained.¹¹³ Having reviewed the Proposed Evidence of [REDACTED], the Panel is satisfied that it is relevant to the harm they allegedly suffered, the circumstances under which this harm occurred, and the consequences of the charged crimes on them.¹¹⁴

¹⁰⁶ Defence Response, para. 37.

¹⁰⁷ Defence Response, para. 42.

¹⁰⁸ Motion, para. 1, footnote 4. [REDACTED].

¹⁰⁹ See F02779, Panel, *Decision on Prosecution Motion for the Admission of the Evidence of Witnesses W01679, W03593, W04391, W04394, W04432, W04433, W04591, and W04858 Pursuant to Rule 153 (F02599) and Related Defence Motion to Exclude Evidence (F02663)*, 13 December 2024, confidential, para. 20 (a public version was issued on the same day, F02779/RED).

¹¹⁰ [REDACTED].

¹¹¹ [REDACTED].

¹¹² [REDACTED].

¹¹³ [REDACTED].

¹¹⁴ See Indictment, paras [REDACTED].

52. Regarding *prima facie* authenticity and reliability, the Panel will deal with each witness in turn. With respect to [REDACTED]'s Proposed Evidence, the Panel notes that the SPO interview includes: (i) the audio and video recording; (ii) the verbatim transcript;¹¹⁵ and (iii) details of the date, time,¹¹⁶ and participants.¹¹⁷ [REDACTED] was also advised of his rights and obligations as a witness and confirmed that he understood that he was obliged to tell the truth.¹¹⁸ Further, the [REDACTED] comes in the form of an official transcript.¹¹⁹ The transcript includes the date, time, and [REDACTED].¹²⁰

53. With respect to [REDACTED]'s Proposed Evidence, the Panel notes that the [REDACTED] is transcribed from handwriting, signed, translated, and dated.¹²¹ The SPO interview was audio-video recorded and transcribed, with the participants and witness identified.¹²² The transcript from [REDACTED] identifies the witness and [REDACTED].¹²³ In all of [REDACTED]'s Proposed Evidence, the witness' rights and obligations were explained, and the witness either confirmed an understanding of the obligation to tell the truth, or provided a solemn declaration.¹²⁴

54. With respect to [REDACTED]'s Proposed Evidence, [REDACTED] and witness are identified in the official transcripts [REDACTED].¹²⁵ The portion of the SPO interview includes the date, time, and participants.¹²⁶ In both the [REDACTED] and interview transcript, [REDACTED] provided a solemn

¹¹⁵ [REDACTED].

¹¹⁶ [REDACTED].

¹¹⁷ [REDACTED].

¹¹⁸ [REDACTED].

¹¹⁹ [REDACTED].

¹²⁰ [REDACTED].

¹²¹ [REDACTED].

¹²² [REDACTED].

¹²³ [REDACTED].

¹²⁴ [REDACTED].

¹²⁵ [REDACTED].

¹²⁶ [REDACTED].

declaration to tell the truth.¹²⁷ Regarding the [REDACTED], it is transcribed from handwriting, signed, translated, and dated.¹²⁸ The contents of this statement were referred to [REDACTED].¹²⁹

55. In light of the above, the Panel is satisfied that the Proposed Evidence of [REDACTED] is *prima facie* authentic and reliable.

56. In relation to probative value and suitability for admission pursuant to Rule 153, the Panel considers that: (i) the Proposed Evidence of [REDACTED] goes to proof of matters other than the acts and conduct of the Accused as charged in the Indictment; (ii) their statements are not unduly repetitive and largely corroborate each other; and (iii) the Proposed Evidence of each victim is not unduly lengthy. The Panel further recalls its findings regarding relevance¹³⁰ and *prima facie* authenticity.¹³¹

57. In terms of prejudice, the Panel notes the Defence's argument that: (i) the evidence pertaining to harm is "minimal", consequently the tendered material "overwhelmingly" addresses matters extraneous to Victims' Counsel's case;¹³² and (ii) the "bulk" of the evidence constitutes uncorroborated hearsay.¹³³ Contrary to the Defence submissions, the scope of evidence that Victims' Counsel is entitled to tender is more than just evidence of harm itself. As noted earlier, Victims' Counsel is entitled to introduce evidence that seeks to establish that the harm suffered is linked to, or the consequence of, the commission of a crime relevant to these proceedings.¹³⁴ As such, evidence about the general context and

¹²⁷ [REDACTED].

¹²⁸ [REDACTED].

¹²⁹ [REDACTED].

¹³⁰ See above, para 51.

¹³¹ See above, paras 52-54.

¹³² Defence Response, paras 38-40.

¹³³ Defence Response, para. 41.

¹³⁴ See above para. 9.

circumstances in which the harm allegedly took place is within the scope of what Victims' Counsel is permitted to tender.

58. Applying these principles to the present case, the Panel disagrees with the Defence position that the tendered material "overwhelmingly" addresses extraneous matters. The Panel notes that a great deal of the evidence relates to [REDACTED] knowledge and understanding about their relative's detention, the circumstances connecting his taking with the allegations in this case, [REDACTED].¹³⁵ In this context, [REDACTED] heard about allegations regarding the treatment of detainees where their relative was apparently held.¹³⁶ The Panel finds that this evidence is capable of contributing to, and understanding, the harm allegedly suffered by [REDACTED].

59. Similarly, the Panel finds that the assertions in the tendered material about the KLA taking the relative because he was perceived to be a "spy", is admissible because it relates to the circumstances in which the harm occurred.¹³⁷ Regarding the Defence's argument that this evidence indirectly relates to the alleged policy of the KLA to target collaborators,¹³⁸ the Panel reiterates that this evidence is not being admitted to establish allegations that form part of the SPO's case. However, this evidence may be relevant to the Panel's determination about whether, as suggested by Victims' Counsel, harm is the consequence of a charged crime. This is a matter that falls properly within the scope of Victims' Counsel's role.

60. The Panel notes that there are areas within the Proposed Evidence of [REDACTED] that are either irrelevant to, or only tenuously related to, Victims' Counsel's role.¹³⁹ The Panel will simply disregard those aspects of the Proposed

¹³⁵ [REDACTED].

¹³⁶ [REDACTED].

¹³⁷ *Contra* Defence Response, para. 39. [REDACTED].

¹³⁸ Defence Response, para. 39.

¹³⁹ [REDACTED].

Evidence that Victims' Counsel is not permitted to lead, or is only loosely within the permissible scope.

61. Turning to the Defence's argument regarding "uncorroborated hearsay",¹⁴⁰ the Panel notes that the hearsay nature of the proposed evidence does not render it inadmissible.¹⁴¹ The hearsay nature of the evidence would be relevant, however, to assessing its weight, reliability and probative value. The Panel will account for this when ultimate weight and probative value is assessed.¹⁴² The Panel is satisfied that no unfair prejudice arises from the admission of hearsay evidence.

62. Finally, the Panel emphasises that the SPO, in response to repeated suggestions from the Panel to reduce the scope and duration of its case, decided not to call these victims as witnesses, nor to submit their evidence in writing. Therefore, the SPO chose not to rely on their evidence to advance its case. As such, the witness' evidence cannot be relied upon by the SPO for purposes other than those for which it is now being admitted.¹⁴³

63. For these reasons, the Panel is satisfied that the Proposed Evidence of [REDACTED] has *prima facie* probative value, is not unduly prejudicial, and that the requirements of a fair and expeditious trial exceptionally warrant its admission without cross-examination. The Panel finds that the Proposed Evidence of [REDACTED] is admissible pursuant to Rules 138(1) and 153.

E.[REDACTED]¹⁴⁴

¹⁴⁰ Defence Response, para. 41.

¹⁴¹ F02283, Panel, *Decision on Prosecution Fourth Motion for Admission of Evidence pursuant to Rule 155* ("Decision on Prosecution Fourth Rule 155 Motion"), 3 May 2024, confidential, paras 52, 67 (a public redacted version was filed on the same day, F02283/RED).

¹⁴² Decision on Prosecution Fourth Rule 155 Motion, para. 52.

¹⁴³ See *above* para. 44.

¹⁴⁴ The Panel notes that [REDACTED] was previously included on the SPO's witness list with the pseudonym [REDACTED]. On [REDACTED], the SPO provided notice that it no longer intends to rely on [REDACTED]'s evidence. [REDACTED].

64. Victims' Counsel requests the admission of the transcript of an interview provided by [REDACTED] to the SPO ("[REDACTED]'s Proposed Evidence")¹⁴⁵ for the purpose of determining the impact of the charged crimes on [REDACTED] family.¹⁴⁶ Victims' Counsel submits that [REDACTED]'s Proposed Evidence is relevant, authentic, reliable and suitable for admission under Rule 153.¹⁴⁷

65. The Defence objects to the admission of [REDACTED]'s Proposed Evidence pursuant to Rule 153.¹⁴⁸ In particular, the Defence submits that [REDACTED]'s Proposed Evidence is inadmissible under Rules 114(5) and 153, considering that there is already evidence that relates to and addresses comprehensively the same matters.¹⁴⁹ The Defence further submits that [REDACTED]'s Proposed Evidence only marginally discusses the harm on [REDACTED] and requests the Panel, should [REDACTED]'s Proposed Evidence be found to be admissible, that redactions are made to all excerpts that do not directly address the issue of harm.¹⁵⁰

66. In relation to relevance, the Panel notes that [REDACTED]'s Proposed Evidence concerns, *inter alia*, the circumstances of [REDACTED] arrest and the impact that the charged crimes have had on the witness [REDACTED] family.¹⁵¹ Having reviewed [REDACTED]'s Proposed Evidence, the Panel is satisfied that it contains evidence that is relevant to the harm suffered by [REDACTED], the circumstances under which this harm occurred as well as the consequences of the charged crimes on the witness.¹⁵²

67. In relation to authenticity, the Panel notes that [REDACTED]'s Proposed Evidence indicates the date and place the interview took place and the individuals

¹⁴⁵ [REDACTED].

¹⁴⁶ Motion, para. 38.

¹⁴⁷ Motion, paras 39-44.

¹⁴⁸ Defence Response, para. 43.

¹⁴⁹ Defence Response, paras 44-46.

¹⁵⁰ Defence Response, paras 47-48.

¹⁵¹ Motion, paras 39-41.

¹⁵² See Indictment, paras [REDACTED].

conducting the questioning are identified.¹⁵³ Additionally, [REDACTED] confirmed that the interview was provided voluntarily and that its contents are accurate.¹⁵⁴ The Panel is, therefore, satisfied that [REDACTED]'s Proposed Evidence is *prima facie* authentic.

68. In relation to probative value and suitability for admission pursuant to Rule 153, the Panel notes that [REDACTED]'s Proposed Evidence goes to proof of matters other than the acts and conduct of the Accused, considering that it concerns, *inter alia*, the circumstances of [REDACTED] arrest and the impact that the charged crimes have had on the witness [REDACTED] family.¹⁵⁵

69. Furthermore, the Panel notes that: (i) [REDACTED]'s Proposed Evidence, amounting to 26 pages, is limited; and (ii) parts of [REDACTED]'s Proposed Evidence relate to the harm the witness [REDACTED] family have suffered. Furthermore, the Panel notes that the parts of [REDACTED]'s Proposed Evidence relating to the circumstances of [REDACTED] arrest are, to a large extent, cumulative with the evidence provided by other witnesses that the Defence had an opportunity to confront, including through cross-examination.¹⁵⁶ Nonetheless, having reviewed [REDACTED]'s Proposed Evidence, the Panel finds that it supplements and could corroborate the evidence provided by other witnesses, particularly with respect to the harm [REDACTED] allegedly suffered.¹⁵⁷ In this light, the Panel rejects the Defence's submissions that the matters discussed in [REDACTED]'s Proposed Evidence are already comprehensively addressed in other admitted evidence and, as such, [REDACTED]'s Proposed Evidence would be inadmissible.¹⁵⁸

¹⁵³ [REDACTED].

¹⁵⁴ [REDACTED].

¹⁵⁵ See *above* para. 66.

¹⁵⁶ Motion, para. 43; Defence Response, paras 45, 46.

¹⁵⁷ [REDACTED].

¹⁵⁸ Defence Response, paras 44-46.

70. In addition, the Panel notes that [REDACTED]'s Proposed Evidence contains limited excerpts relating to matters beyond the permissible scope of Victims' Counsel's case.¹⁵⁹ As already noted, evidence offered by Victims' Counsel is admitted for limited purposes¹⁶⁰ and the question of the perpetrator's membership or standing in the KLA may be relevant to the question of whether the alleged harm is the consequence of a charged crime. In this light, the Panel does not consider it is necessary to apply redactions to the aforementioned excerpts.

71. For these reasons, the Panel is satisfied that [REDACTED]'s Proposed Evidence 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. The Panel, thus, finds that [REDACTED]'s Proposed Evidence is admissible pursuant to Rules 138(1) and 153.

V. CLASSIFICATION

72. Noting that the Defence Response has been submitted confidentially, pursuant to Rule 82(4), and that the Defence submits that it will file a public redacted version thereof in due course,¹⁶¹ the Panel orders the Defence to submit a public redacted version of the Defence Response by **Wednesday, 16 July 2025**. Noting that the Reply was also filed confidentially pursuant to Rule 82(4),¹⁶² the Panel orders Victims' Counsel to request the reclassification or submit a public redacted version of the Reply by the same deadline. Finally, noting that the SPO submits that its response can be reclassified as public,¹⁶³ the Panel instructs the Registry to reclassify the SPO Response as public within 3 days of the filing of the present decision.

¹⁵⁹ [REDACTED].

¹⁶⁰ See *above* para. 44.

¹⁶¹ Defence Response, para. 1.

¹⁶² Defence Response, para. 1; Reply, para. 7.

¹⁶³ SPO Response, para. 6.

VI. DISPOSITION

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

- a) **GRANTS** the Motion, in part, subject to paragraph 13 above;
- b) **ADMITS** into evidence, without cross-examination, the following items, including any translations thereof: (i) V007's Statement; (ii) [REDACTED]'s Proposed Evidence; (iii) [REDACTED]'s Proposed Evidence; (iv) [REDACTED]'s Proposed Evidence; (v) [REDACTED]'s Proposed Evidence; and (vi) [REDACTED]'s Proposed Evidence;¹⁶⁴
- c) **INSTRUCTS** Victims' Counsel to provide to the Panel the Albanian translation of V007's Statement and disclose it to the Parties without delay;
- d) **REJECTS** the admission of V007's Associated Exhibits;
- e) **DECIDES** that the protective measure of anonymity towards the public *vis-à-vis* V007 shall continue to apply;
- f) **DIRECTS** the Registrar to: (i) assign exhibit numbers to the items referred to in paragraph 73(b) and (c); and (ii) assign the classification indicated in Annex 1 to the Motion to the admitted items;
- g) **ORDERS** the Defence to submit a public redacted version of the Defence Response by no later than **Wednesday, 16 July 2025**;
- h) **ORDERS** Victims' Counsel to request the reclassification of the Reply or submit a public redacted version thereof by no later than **Wednesday, 16 July 2025**; and

¹⁶⁴ See above footnotes 37, 71, 101, 103, 104 and 145.

- i) **INSTRUCTS** the Registry to reclassify the SPO Response as public within 3 days of the filing of the present decision.

A handwritten signature in black ink, reading "Charles L. Smith, III". The signature is written in a cursive style with a horizontal line underneath.

Judge Charles L. Smith, III

Presiding Judge

Dated this **Wednesday, 9 July 2025**

At The Hague, the Netherlands.