



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA 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:** Dr Fidelma Donlon

**Filed by:** Registrar

**Date:** 14 March 2024

**Language:** English

**Classification:** Public

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**Public Redacted Version of 'Registry Assessment Regarding Prosecution's  
Request for Video-Conference Testimony for W04571' (F02177)**

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1. Pursuant to Rules 23(2) and 144 of the Rules,<sup>1</sup> and Article 3 of the Practice Direction on Video Links,<sup>2</sup> the Registrar hereby submits her assessment of the feasibility of facilitating the testimony of witness W04571 via video-link from Kosovo.

## I. PROCEDURAL HISTORY

2. On 12 March 2024, the Specialist Prosecutor's Office ('SPO') filed a request for the testimony of witness W04571 to be heard via video-link from [REDACTED], Kosovo ('Request').<sup>3</sup> The SPO has provided information on: (a) the expected duration of direct examination (no more than 1 hour);<sup>4</sup> (b) the country details (Kosovo);<sup>5</sup> and (d) the language the witness will testify in (Albanian).<sup>6</sup>

3. [REDACTED].<sup>7</sup>

4. As to the time frame when W04571 is expected to testify, it is envisaged in the Request that the witness may appear during the March evidentiary block as early as 20 March 2024,<sup>8</sup> which also coincides with the last day of the hearing for that week as per the courtroom schedule.

5. [REDACTED].<sup>9</sup>

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<sup>1</sup> Rules of Procedure and Evidence Before the Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

<sup>2</sup> Registry Practice Direction on Video Links, KSC-BD-23/COR, 17 July 2020 ('Practice Direction on Video Links'); *see also* Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2013, art. 34(3).

<sup>3</sup> KSC-BC-2020-06, F02175, Prosecution request for the video-conference testimony for W04571 with confidential annexes 1-3, 12 March 2024, confidential.

<sup>4</sup> Request, para.10(ii): "the expected duration of direct examination of W04571 is no more than 1 hour." The Registry notes that [REDACTED].

<sup>5</sup> Request, para.10(iii): "the SPO requests W04571 to appear via video-conference from [REDACTED], Kosovo."

<sup>6</sup> Request, para.10(v): "W04571 will testify in Albanian".

<sup>7</sup> [REDACTED].

<sup>8</sup> Request, paras.2 and 10(i).

<sup>9</sup> [REDACTED].

## II. APPLICABLE LAW

6. Pursuant to Rule 144 of the Rules, the Panel may order that testimony be received via video-conference, provided that such technology permits the witness to be properly examined. The Registrar shall ensure the efficient and expeditious implementation of any such order.

7. Pursuant to Article 3(1) of the Practice Direction on Video Links, “[t]o ensure the efficient preparation and organization of the Video Link, the Party requesting a Video Link shall, prior to or at the time of the request, inform the Registrar, in writing” of certain specified information.

8. Pursuant to Article 3(3) of the Practice Direction on Video Links, the Registrar may seek additional information, if required, to complete the assessment.

9. Pursuant to Article 3(4) of the Practice Direction on Video Links, the Registrar’s assessment shall address:

- a. any necessary measures to be taken as a result of a potential risk to ensure:
  - (1) the safety, well-being, dignity and privacy of individuals expected to participate in the planned Video Link; and
  - (2) in the event that the Video Link is intended for the taking of witness testimony, that the Video Link is conducted in a venue conducive to the giving of truthful and open testimony;
- b. information on consultations with a State, where applicable;
- c. the time required by the Registry to implement the order for the use of the Video Link; and
- d. the general feasibility of conducting the Video Link.

## III. SUBMISSIONS

### **A. Feasibility assessment of video-link testimony**

10. The Registry has conducted an assessment in accordance with Article 3(4) of the Practice Direction on Video Links, in light of the envisaged scheduling and location details, the applicable protective measures, and the language of the witness.<sup>10</sup> The

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<sup>10</sup> Practice Direction on Video Links, art. 3(1)(a).

Registry has also assessed the location and the technical specifications that would be required to facilitate the testimony of the witness via video-link at a venue conducive to giving truthful and open testimony, and with the necessary measures in place to ensure the safety, well-being, dignity and privacy of the witness.

11. At this stage, no further information is needed to complete the Registry's technical assessment, and the Registry assesses that it is technically feasible to conduct the testimony of witness W04571 via video-link, as further elaborated below.

12. [REDACTED].<sup>11</sup> [REDACTED], the Registry assesses that secure video-conference ('VTC') facilities are required.

13. The Registry has assessed that the most suitable location to facilitate the testimony of the witness is [REDACTED]. This venue for the video-link testimony would also comply with the following requirements:

- a. the video-link location is on secure premises free from interference, to the extent possible, within the control of the competent authorities of [REDACTED], where the confidentiality of the proceedings can be assured;
- b. the video-link testimony would take place in a room that is sound proof, with appropriate lighting, and where the risk of disruption from outside noise is minimised;
- c. the witness would not be permitted to take any electronic devices into the video-link room.

14. [REDACTED]. [REDACTED].

15. In addition, Registry staff would ensure that the video-link has the minimum technical functionality set out in Article 4 of the Practice Direction on Video Links, and that the applicable protective measures are fully observed.

16. [REDACTED]. [REDACTED].

17. The minimum amount of time normally required by the Registry to implement any order for the use of video-link testimony is [REDACTED] working days, to allow

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<sup>11</sup> [REDACTED].

for travel to the location, set-up and testing of the technical equipment in Kosovo, and to allow for WPSO to complete the necessary witness information and familiarisation process. In light of the short notice of the request and the fast approaching date for testimony as envisaged by the SPO (as early as 20 March 2024), the Registry will be prepared to facilitate the use of video-link testimony on short notice. Should the witness not finish their testimony on the 20 March 2024 the Registry shall make appropriate arrangements for the continuation of the testimony via video link on Monday, 25 March 2024, or the next date that the witness will be scheduled to give testimony.

18. Should the Panel order the use of video-link testimony, the Registry would liaise with [REDACTED] on the practical details for implementation.

### **B. Health and Special Needs**

19. [REDACTED]. [REDACTED]<sup>12</sup> and [REDACTED].<sup>13</sup>

20. Following completion of the full familiarization process, [REDACTED], WPSO will inform the Panel immediately should any special measures or other recommendations become necessary, in accordance with the Registry's relevant internal regulations.<sup>14</sup>

### **C. Conclusion**

21. In conclusion, at this time, the Registry assesses that it is feasible to conduct the testimony of the witness via video-link, should the Panel so order, in line with the above specifications and the Practice Direction on Video Links.

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<sup>12</sup> [REDACTED].

<sup>13</sup> [REDACTED].

<sup>14</sup> See Registry Practice Direction on Psychological Assessments and Support to Facilitate Testimony, KSC-BD-19-Rev1, 9 February 2022; see also Registry Instruction, WPSO Guidelines on Services to Witnesses Appearing Before the Specialist Chambers, KSC-BD-42-Rev2, 7 October 2022.

#### IV. CONFIDENTIALITY

22. This submission is filed as confidential and *ex parte* pursuant to Rule 82(3) of the Rules as it contains sensitive operational information. The Registry will file a confidential redacted version of this submission.

**Word count: 1554**

A handwritten signature in dark ink, appearing to read 'Fidelma Donlon', is written over a horizontal line.

**Dr Fidelma Donlon**  
**Registrar**

Thursday, 14 March 2024  
The Hague, the Netherlands