

**In:** KSC-BC-2020-06  
**The 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 Guénaël Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Victims' Counsel

**Date:** 6 February 2023

**Language:** English

**Classification:** Public

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**Public Redacted Version of**  
**Victims' Counsel's Notification of Wish to Cross-Examine Witnesses and Request**  
**for Additional Time to Submit Further Notification**

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Alex Whiting

**Counsel for Victims**  
Simon Laws

**Counsel for Hashim Thaçi**  
Gregory Kehoe

**Counsel for Kadri Veseli**  
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**Counsel for Rexhep Selimi**  
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## I. INTRODUCTION

1. Pursuant to Article 22(6) of the Law on Specialist Chambers and Specialist Prosecutor's Office (Law No. 05/L-053) ("Law"), Rule 114(4)(a) and (b) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), the Trial Panel's Oral Order of 16 December 2022<sup>1</sup> and the Order on the Conduct of Proceedings,<sup>2</sup> Victims' Counsel files this notification of his wish to cross-examine two out of the first twelve witnesses called by the Specialist Prosecutor's Office ("SPO").<sup>3</sup>
2. At the same time, for reasons specified below, Victims' Counsel requests an extension of time to 13 February 2023 to submit a further notification, if necessary, with regard to one further witness.

## II. CLASSIFICATION OF FILING

3. This filing is classified as confidential as it contains confidential information.<sup>4</sup> A public redacted version will be filed shortly.

## III. PROCEDURAL HISTORY

4. On 16 December 2022, Trial Panel II ordered the SPO to provide the list of the first twelve witnesses it intends to call to testify or those witnesses which will be heard during the first three weeks of the case, whichever is the greater.<sup>5</sup> The Trial Panel also ordered the Defence teams and Victims' Counsel "to notify the Panel and other parties and participants in respect of each of the first 12 SPO witnesses:

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<sup>1</sup> *Prosecutor v. Thaçi et al.*, KSC-BC-2020-06, public, Transcript, 16 December 2022, p. 1774:2-12.

<sup>2</sup> KSC-BC-2020-06/F01226/public, Order on the Conduct of Proceedings, Annex 1, 25 January 2023, paras 33-35 and 76(ii)(a).

<sup>3</sup> KSC-BC-2020-06/F01243/A01/confidential, Prosecution submission of list of first 12 witnesses and associated information, Annex 1, 1 February 2023.

<sup>4</sup> This filing refers to a pseudonym/code of a witness who is protected by delayed disclosure, therefore, it is understood that it should not be disclosed to the public.

<sup>5</sup> KSC-BC-2020-06, public, Transcript, 16 December 2022, p. 1773:9-13.

One, whether it intends to cross-examine the witness, and if so, the proposed duration of the cross-examination; two, whether it objects to the admission of the witness's statement pursuant to Rule 154, if offered by the SPO under the rule, and the general grounds on which objection is taken to its admission; three, whether it objects to the admission of any or all of the documents which the SPO proposes to use with that witness and the general grounds on which objection is taken.”<sup>6</sup>

5. On 13 January 2023, the Defence jointly requested a variation of the time limit to provide information about the examination of SPO witnesses.<sup>7</sup>
6. On 18 January 2023, Trial Panel II granted the Defence’s request.<sup>8</sup>
7. On 25 January 2023, Trial Panel II issued the Order on the Conduct of Proceedings.<sup>9</sup>

#### IV. SUBMISSIONS

*a. Notification of wish to cross-examine witnesses*

8. Pursuant to paragraph 33 of the Order on the Conduct of the Proceedings<sup>10</sup> and the Trial Panel’s Oral Order,<sup>11</sup> Victims’ Counsel hereby notifies the Trial Panel and the Parties of his wish to cross-examine two witnesses, the general description of the issues or areas of evidence, a brief explanation as to how the anticipated testimony affects the personal interests of the VPPs, and a time estimate for this questioning. For ease of reference this information is included in tabular form below.

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<sup>6</sup> KSC-BC-2020-06, public, Transcript, 16 December 2022, p. 1774:2-12.

<sup>7</sup> KSC-BC-2020-06/F01204/confidential, Joint Defence Request for a Variation of the Time Limit to Provide Information about the examination of SPO Witnesses, 13 January 2023.

<sup>8</sup> KSC-BC-2020-06, public, Transcript, 18 January 2023, p. 1904:11-16.

<sup>9</sup> KSC-BC-2020-06/F01226/public, Order on the Conduct of Proceedings, Annex 1, 25 January 2023.

<sup>10</sup> KSC-BC-2020-06/F01226/public, Order on the Conduct of Proceedings, Annex 1, 25 January 2023, para. 33.

<sup>11</sup> KSC-BC-2020-06, public, Transcript, 16 December 2022, p. 1774:2-6.

No.	Witness Pseudonym	General Description of Issues/Areas of Questioning <sup>12</sup>	Link to VPPs' Personal Interests <sup>13</sup>	Justification for the Request to Question Witness in Accordance with para. 35 of the Order on Conduct of Proceedings <sup>14</sup>	Time Estimate (minutes) <sup>15</sup>
1.	W04421	The harm caused by the murder of W04421's spouse and the circumstances in which it occurred.	The harm was caused to her personally and to her family.	N/A	Up to 15 mins
2.	[REDACTED]	The circumstances of the arrest of a family member of VPPs, which was itself a source of harm and led to the murder of the family member.	The harm was caused to VPPs personally.	N/A	Up to 20 mins

9. This notification is subject to two qualifications:

- i) The admission of further VPPs may alter the list of witnesses that Victims' Counsel wishes to cross-examine;
- ii) One VPP, whose interests are directly affected by a further witness, has, on 3 February 2023, asked for additional time to allow him to decide if he wishes Victims' Counsel to cross-examine that witness or not, given that, in his particular circumstances it would be necessary to waive his anonymity *vis à vis* the parties.

<sup>12</sup> *Prosecutor v. Taçi et al.*, KSC-BC-2020-06/F01226/public, Order on the Conduct of Proceedings, Annex 1, 25 January 2023, paras 33, 35.

<sup>13</sup> KSC-BC-2020-06/F01226/public, Order on the Conduct of Proceedings, Annex 1, 25 January 2023, para. 33.

<sup>14</sup> KSC-BC-2020-06/F01226/public, Order on the Conduct of Proceedings, Annex 1, 25 January 2023.

<sup>15</sup> KSC-BC-2020-06/F01226/public, Order on the Conduct of Proceedings, Annex 1, 25 January 2023, paras 35, 76; KSC-BC-2020-06, public, Transcript, 16 December 2022, p. 1774:2-6.

*b. Request for extension of time*

10. In the light of paragraph 6 (ii) above, Victims' Counsel requests an extension to submit a further Notice regarding one witness by 13 February 2023 (the same deadline as the Defence). Noting that the SPO's list was served on 1 February 2023 and Victims' Counsel learned about the reasons justifying the requested extension of time on 3 February 2023, it is submitted that this request is made in a timely manner and no prejudice will be caused to any party by this short extension.

*c. Admission of witness statements/transcripts of interview and/or exhibits*

11. In compliance with the Trial Panel's Oral Order,<sup>16</sup> Victims' Counsel hereby notifies the Trial Panel that he does not object to the admission of any witness statements pursuant to rule 154 nor to the admission of witness statements/transcripts of interviews and/or exhibits as listed in filing F01243.<sup>17</sup>

## V. RELIEF REQUESTED

12. For the reasons above, Victims' Counsel respectfully:
- i) notifies the Trial Panel of his wish to cross-examine two of the first twelve witnesses (as above) to be called by the SPO;
  - ii) requests an extension of time to 13 February 2023 to submit a further notification, if necessary, with regard to one further witness.

**Word count: 1089**

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<sup>16</sup> KSC-BC-2020-06, public, Transcript, 16 December 2022, p. 1774:6-12.

<sup>17</sup> KSC-BC-2020-06/F01226/A01/confidential, Prosecution submission of list of first 12 witnesses and associated information, Annex 1, 1 February 2023.



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**Counsel for Victims**

6 February 2023

The Hague, the Netherlands



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6 February 2023

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