



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-06  
**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:** Acting Specialist Prosecutor

**Date:** 6 April 2023

**Language:** English

**Classification:** Confidential

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**Prosecution request concerning items related to W04577 and W04474**

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**Counsel for Rexhep Selimi**

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Venkateswari Alagendra

## I. INTRODUCTION

1. The Specialist Prosecutor's Office ('SPO') requests authorisation to replace two documents – with correct and revised versions – admitted in the First Rule 154 Motion and tendered in the Second Rule 154 Motion, respectively.<sup>1</sup>

## II. SUBMISSIONS

### A. W04577

2. In the Second Rule 154 Motion,<sup>2</sup> the SPO sought admission of certain prior statements of W04577, including his May 2022 SPO statement.<sup>3</sup> On 5 April 2023, the SPO disclosed revised versions and partial translations of a number of transcripts forming part of W04577's May 2022 statement<sup>4</sup> following an *inter partes* request and subsequent review of these transcripts. The revisions and partial translations do not have an impact on any of the SPO's submissions in relation to this witness.

3. The SPO requests that the Trial Panel admit these revised transcripts and partial translations rather than the transcripts of this statement identified in the Second Rule 154 Motion, and that the Trial Panel authorise the Registry to update the relevant Legal Workflow presentation queue accordingly.

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<sup>1</sup> The First Rule 154 Motion and Second Rule 154 Motion are defined below.

<sup>2</sup> Prosecution updated motion for admission of evidence of Witnesses W03827, W04408, W04577, W04644, W04781, W04018, W04255, W01493, and W04448 pursuant to Rule 154 with confidential Annexes 1-9, KSC-BC-2020-06/F01396, 24 March 2023 ('Second Rule 154 Motion').

<sup>3</sup> See Annex 3 to Second Rule 154 Motion, KSC-BC-2020-06/F01396/A03. The relevant transcripts are those related to ERN 106438. The documents were released as part of presentation queue 20230301\_KSC-BC-2020-06-F01396\_SPO.

<sup>4</sup> Disclosure Package 745.

## B. W04474

4. In the First Rule 154 Motion,<sup>5</sup> the Specialist Prosecutor's Office ('SPO') sought admission of the statements, together with the associated exhibits, of W04474.<sup>6</sup>

5. On 22 February 2023, the SPO released a presentation queue<sup>7</sup> related to this request. This presentation queue includes the translation<sup>8</sup> of an associated exhibit<sup>9</sup> of W04474 for which the current linked file corresponds to a different item and does not match the ERN of the actual document.<sup>10</sup> Due to recent modifications to the Legal Workflow system, the SPO is unable to redisclose the translation with the correct linked file, as the item is in a presentation queue.

6. The SPO requests that the Trial Panel authorise the Registry to replace the current linked file with the correct one.

## III. CLASSIFICATION

7. This submission is filed as confidential pursuant to Rule 82(4) of the Rules<sup>11</sup> as it relates to a prior confidential filing. The SPO does not object to its reclassification as public.

## IV. CONCLUSION

8. The SPO requests that the Trial Panel authorise the replacements, in the terms set out above.

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<sup>5</sup> Prosecution motion for admission of evidence of Witnesses W04474, W04421, W04355, W02161, W01236, W04337, and W03165 pursuant to Rule 154 with confidential Annexes 1-7, KSC-BC-2020-06/ F01262, 7 February 2023 ('First Rule 154 Motion').

<sup>6</sup> Annex 1 to Rule 154 Motion, KSC-BC-2020-06/F01262/A01.

<sup>7</sup> 20230207 KSC-BC-2020-06-F01262\_SPO.

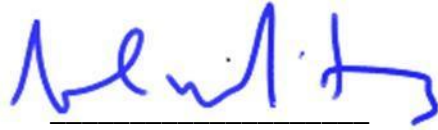
<sup>8</sup> 067231-067231-ET. This translation has been disclosed under Rule 102(1)(a) in Disclosure Package 656.

<sup>9</sup> 067231-067231. See Annex 1 to Rule 154 Motion, KSC-BC-2020-06/F01262/A01, item number 11.

<sup>10</sup> While the ERN range of the translation is correctly 067231-067231-ET, the item linked is p.066680 from 066676-066696-ET, as indicated in the header of the item.

<sup>11</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

**Word count: 528**



**Alex Whiting**

**Acting Specialist Prosecutor**

Thursday, 6 April 2023

At The Hague, the Netherlands