



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**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 Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

**Registrar:** Fidelma Donlon

**Date:** 24 May 2023

**Language:** English

**Classification:** Public

---

**Corrected Version of  
Decision on SPO Requests F01435 and F01508**

---

**Acting Specialist Prosecutor**  
Alex Whiting

**Counsel for Victims**  
Simon Laws

**Counsel for Hashim Thaçi**  
Gregory Kehoe

**Counsel for Kadri Veseli**  
Ben Emmerson

**Counsel for Rexhep Selimi**  
Geoffrey Roberts

**Counsel for Jakup Krasniqi**  
Venkateswari Alagendra

**TRIAL PANEL II** (“Panel”), pursuant to Article 40(5) and (6)(h) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 137(1), 154 and 155 of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 7 February 2023, the Specialist Prosecutor’s Office (“SPO”) filed a Rule 154 motion in respect of seven witnesses (“First Rule 154 Motion”).<sup>1</sup>
2. On 1 March 2023, the SPO filed a Rule 155 motion in respect of sixteen witnesses (“Rule 155 Motion”).<sup>2</sup>
3. On 24 March 2023, the SPO filed a second Rule 154 motion in respect of nine witnesses (“Second Rule 154 Motion”).<sup>3</sup>
4. On 6 April 2023, the SPO filed a request concerning certain items related to: (i) the Second Rule 154 Motion and, more specifically, W04577; and (ii) the First Rule 154 Motion and, more specifically, W04474 (“First Request”).<sup>4</sup>
5. None of the Defence teams responded to the First Request.
6. On 8 May 2023, the SPO filed a request concerning certain items related to the Rule 155 Motion and, more specifically, W02618 (“Second Request”).<sup>5</sup>
7. None of the Defence teams responded to the Second Request.

---

<sup>1</sup> F01262, Specialist Prosecutor, *Prosecution Motion for Admission of Evidence of Witnesses W04474, W04421, W04355, W02161, W01236, W04337, and W03165 Pursuant to Rule 154*, 7 February 2023, confidential, with Annexes 1-7, confidential (a public redacted version was filed on 31 March 2023, F01262/RED).

<sup>2</sup> F01329, Specialist Prosecutor, *Prosecution First Motion for Admission of Evidence Pursuant to Rule 155*, 1 March 2023, confidential, with Annexes 1-17, confidential (a public redacted version was filed on 16 March 2023, F01329/RED).

<sup>3</sup> F01396, Specialist Prosecutor, *Prosecution Updated Motion for Admission of Evidence of Witnesses W03827, W04408, W04577, W04644, W04781, W04018, W04255, W01493, and W04448 Pursuant to Rule 154*, 24 March 2023, confidential, with Annexes 1-9, confidential.

<sup>4</sup> F01435, Specialist Prosecutor, *Prosecution Request Concerning Items Related to W04577 and W04474*, 6 April 2023, confidential.

<sup>5</sup> F01508, Specialist Prosecutor, *Prosecution Request Concerning Items Related to W02618*, 8 May 2023.

## II. SUBMISSIONS AND DISCUSSION

### A. FIRST REQUEST (F01435)

8. With respect to W04577, the SPO requests that the Panel: (i) admit the revised transcripts and partial translations disclosed by the SPO in Disclosure Package 745 of 5 April 2023, instead of the relevant transcripts identified in the Second Rule 154 Motion;<sup>6</sup> and (ii) authorise the Registry to update the relevant presentation queue in Legal Workflow accordingly.<sup>7</sup> With respect to W04474, the SPO submits that, for the English translation of an associated exhibit,<sup>8</sup> the current linked file in the presentation queue released by the SPO on 22 February 2023 (in relation to the First Rule 154 Motion)<sup>9</sup> corresponds to a different item and does not match the ERN of the actual document.<sup>10</sup> Therefore, the SPO requests that the Panel authorise the Registry to replace the current linked file with the correct one.<sup>11</sup>

9. As regards W04577, given that the SPO's requested update seeks to provide revised versions and partial translations of W04577's transcripts created after *inter partes* discussions, the Panel authorises the Registry to update the presentation queue for the Second Rule 154 Motion (20230301\_KSC-BC-2020-06-F01396\_SPO) by replacing, where relevant, the transcripts related to ERN 106438 with the documents disclosed by the SPO in Disclosure Package 745 of 5 April 2023. Accordingly, the First Request is granted as it relates to W04577.<sup>12</sup>

---

<sup>6</sup> See First Request, fn. 3, referring to Annex 3 to the Second Rule 154 Motion. According to the SPO: (i) the relevant transcripts are those related to ERN 106438; and (ii) the documents were released as part of presentation queue 20230301\_KSC-BC-2020-06-F01396\_SPO.

<sup>7</sup> First Request, paras 1-3, 8.

<sup>8</sup> 067231-067231-ET (Disclosure Package 656).

<sup>9</sup> 20230207\_KSC-BC-2020-06-F01262\_SPO.

<sup>10</sup> First Request, para. 5 and fn. 10 ("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> First Request, paras 1, 6, 8.

<sup>12</sup> In so deciding, the Panel understands that the First Request relates only to the replacement of documents in the presentation queue of the Second Rule 154 Motion (*see* paragraphs 1 and 8 of the First Request). The SPO's submissions in support of the admission of those documents into evidence are made in the Second Rule 154 Motion, and not the present First Request. The Panel makes no findings

10. With respect to W04474, the Panel recalls that ERN 067231-067231 RED and its correct English translation 067231-067231-ET Revised have in the meantime been admitted into evidence.<sup>13</sup> Accordingly, to the extent the First Request relates to W04474, the Panel considers it to be moot.

#### B. SECOND REQUEST (F01508)

11. The SPO requests that the Panel: (i) admit the revised interview transcripts and translations thereof, as well as a revised translation of one associated exhibit related to W02618, which have been disclosed by the SPO in Disclosure Package 777 of 4 May 2023, instead of the relevant items identified in the Rule 155 Motion;<sup>14</sup> and (ii) authorise the Registry to update the relevant presentation queue in Legal Workflow accordingly.<sup>15</sup>

12. Considering that the revised versions of the above-mentioned documents have been disclosed to the Defence and that the Defence did not raise any objection to the replacement sought by the SPO, the Panel authorises the Registry to update the presentation queue for the Rule 155 Motion (20230301\_KSC-BC-2020-06-F01329\_SPO) by replacing, where relevant, the transcripts (including translations) related to ERN 086914 as well as the English translation of associated exhibit SITF00189153-SITF00189178 with the respective documents disclosed by the SPO in Disclosure Package 777 of 4 May 2023. Accordingly, the Second Request is granted.<sup>16</sup>

---

on the admissibility of the relevant documents in the present decision. The issue of admissibility will be addressed in the Panel's forthcoming decision on the Second Rule 154 Motion.

<sup>13</sup> Exhibits P00035 and P00035\_ET.

<sup>14</sup> See Second Request, fn. 2, *referring to* Annex 11 to the Rule 155 Motion. According to the SPO: (i) the relevant transcripts are those related to ERN 086914; (ii) the relevant associated exhibit is SITF00189153-SITF00189178; and (iii) the documents were released as part of presentation queue 20230301\_KSC-BC-2020-06-F01329\_SPO.

<sup>15</sup> Second Request, paras 1-2.

<sup>16</sup> In so deciding, the Panel understands that the Second Request relates only to the replacement of documents in the presentation queue of the Rule 155 Motion (*see* paragraphs 1-2 of the Second Request). The SPO's submissions in support of the admission of those documents into evidence are made in the

### III. CLASSIFICATION

13. Noting that the SPO does not object to the First Request being reclassified as public, the Panel directs the Registry to reclassify the First Request (F01435) as public.

### IV. DISPOSITION

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

- a) **GRANTS** the First Request as it relates to W04577;
- b) **FINDS** the First Request to be moot as it relates to W04474;
- c) **GRANTS** the Second Request;
- d) **AUTHORISES** the Registry to proceed as set out in paragraphs 9 and 12 above with respect to the relevant presentation queues; and
- e) **DIRECTS** the Registry to reclassify the First Request (F01435) as public.



---

**Judge Charles L. Smith, III**

**Presiding Judge**

Dated this Wednesday, 24 May 2023

At The Hague, the Netherlands.

---

Rule 155 Motion, and not the present Second Request. The Panel makes no findings on the admissibility of the relevant documents in the present decision. The issue of admissibility will be addressed in the Panel's forthcoming decision on the Rule 155 Motion.

Explanatory Note:

In the title of the decision, the filing number F01453 was changed to F01435.