



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 Guénaël Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Acting Specialist Prosecutor

Date: 10 July 2023

Language: English

Classification: Public

Prosecution submissions pursuant to Decision F01603

Specialist Prosecutor's Office

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

1. Pursuant to the Decision,¹ the SPO (i) has disclosed² the admitted statements of W01456 and W04733 with the ordered redactions;³ and (ii) identifies below the parts of W04597's 2006 Statement, 2006 Transcripts,⁴ and 2010 Statement⁵ that it seeks to rely upon, which are not also reflected in the ICTY Testimony.⁶
2. There is little overlap between the Statements⁷ and the ICTY Testimony. In this respect, (i) the 2010 Statement clarifies and supplements the 2006 Statement, and (ii) both the 2006 Statement and 2010 Statement were admitted pursuant to ICTY Rule 92ter⁸ (the ICTY equivalent of KSC Rule 154⁹) *in lieu* of direct examination and therefore form part of the ICTY Testimony.¹⁰
3. Pursuant to the Decision, the SPO has compared the Statements against the *viva voce* part of the ICTY Testimony, including but not limited to the 5-page direct¹¹ and 16-page re-examination.¹² The Panel admitted the Statements and ICTY Testimony in their entirety to enable a fair and thorough assessment of the witness's evidence and

¹ Decision on Prosecution Motion for Admission of Evidence pursuant to Rule 155, KSC-BC-2020-06/F01603, 14 June 2023, Confidential ('Decision').

² See Disclosure 845. The ordered redactions are marked with the Decision's filing number (F01603). The SPO also removed (non)standard redactions, which are no longer justified.

³ See Decision, KSC-BC-2020-06/F01603, paras 107, 109, 193, 197, 220 (concerning the portions of the statements of W01456 and W04733 that were not admitted).

⁴ For completeness, the SPO tendered and the Panel admitted both a signed statement and verbatim transcripts pertaining to W04597's 2006 ICTY interview ('2006 Statement' and '2006 Transcripts', respectively). See KSC-BC-2020-06/F01329/A15, p.1 items 1-4 (transcripts), p.2, item 5 (statement). As the Decision refers, interchangeably, to 'records' and 'transcript[s]' of the 2006 interview in paragraphs 208-209, the SPO has identified the portions of both, upon which it intends to rely. 'ICTY' refers to the International Criminal Tribunal for the former Yugoslavia.

⁵ The witness's 2010 ICTY statement is referred to herein as the '2010 Statement'. See KSC-BC-2020-06/F01329/A15, item 6.

⁶ See Decision, KSC-BC-2020-06/F01603, paras 208-209, 220. The witness's 1-2 September 2011 ICTY testimony is referred to herein as the 'ICTY Testimony'. See KSC-BC-2020-06/F01329/A15, items 8-9.

⁷ The 2006 Statement, 2006 Transcripts, and 2010 Statement are referred to collectively as the 'Statements'.

⁸ ICTY, Rules of Procedure and Evidence, IT/32/Rev.45, 8 December 2010 ('ICTY Rules'). This was the version of the ICTY Rules in force at the time of the witness's ICTY Testimony.

⁹ Rules of Procedure and Evidence before the Kosovo Specialist Chambers ('KSC'), KSC-BC-03/Rev3/2020, 2 June 2020.

¹⁰ IT-04-84bis T977-T1066, pp.1020-1022. See also Prosecution first motion for admission of evidence pursuant to Rule 155, KSC-BC-2020-06/F01329, 1 March 2023, Confidential, para.81, fn.302.


¹¹ IT-04-84bis T977-T1066, pp.1020-1025.

¹² IT-04-84bis T977-T1066, pp.1085-1101.

credibility.¹³ For other purposes, the SPO intends to rely upon the following parts of the Statements:

- a. 2006 Statement (U009-4688-U009-4698): paras 11-54;
- b. 2006 Transcripts: T000-5322-TR-ET Part 1, pp.3-5, 9-15;¹⁴ and
- a. 2010 Statement (U017-4085-U017-4092): paras 5-26.

Word count: 519



Alex Whiting

Acting Specialist Prosecutor

Monday, 10 July 2023

At The Hague, the Netherlands.

¹³ Decision, KSC-BC-2020-06/F01603, para.208.

¹⁴ These portions of the 2006 Transcripts provide additional detail, in the witness's own words, concerning events and matters discussed in the 2006 Statement. The remaining portions of the 2006 Transcripts are repetitive of the 2006 Statement.