



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: Specialist Prosecutor's Office

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Prosecution further submissions concerning cross-examination presentation queues

Specialist Prosecutor's Office

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1. There should be no change to the procedure concerning presentation queues by cross-examining parties¹ for the reasons set out during the Specialist Prosecutor's Office ('SPO') oral submissions on 17 August 2023,² and those set out below, which the SPO respectfully requests the Trial Panel to consider in its determination.
2. Presentation queues by cross-examining parties are only released upon completion of direct examination. This means that, naturally, the calling party prioritises the review of items on the presentation queue of the first cross-examining party. Often, the SPO must do so while the witness is being cross-examined, necessitating a split in focus between in-court testimony and review of presentation queue items.
3. Altering the procedure in the manner proposed by the Defence would, for example, allow for situations where the first cross-examining party does not release a presentation queue but, within minutes of the start of its cross-examination, proceeds to call up documents from other teams' queues. This would deprive the SPO of any realistic opportunity of having reviewed such items, including, for example, to determine whether there may be adverse implications on existing protective measures, in any meaningful way.
4. None of the arguments submitted by the Defence warrant any departure from the procedure which is in place. Should such departure be authorised, there may be instances when breaks during proceedings would be required once a cross-examining party calls up an item but before it puts such item to a witness in order to enable assessment thereof. This could result in unnecessary delays and inefficiency of proceedings.
5. Finally, in order to alleviate certain concerns raised orally by the Defence on this issue,³ the SPO notes that it would not generally object to a Defence team using

¹ Annex 1 to Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023, para.83; KSC-BC-2020-06, Transcript, 13 April 2023, p.2813 (oral order).

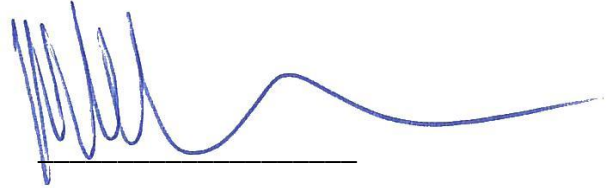
² KSC-BC-2020-06, Transcript, 17 August 2023, p.6671.

³ KSC-BC-2020-06, Transcript, 17 August 2023, pp.6671-4.

an item not included in its presentation queue during its cross-examination when such item has already been used by another Defence team with the same witness.

6. For the foregoing reasons, the Trial Panel should not authorise any change to the current procedure concerning presentation queues by cross-examining parties.

Word count: 371



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Thursday, 17 August 2023

At The Hague, the Netherlands.