



In: KSC-BC-2020-04

The Specialist Prosecutor v. Pjetër Shala

Before: **Trial Panel I**

Judge Mappie Veldt-Foglia, Presiding Judge

Judge Roland Dekkers

Judge Gilbert Bitti

Judge Vladimir Mikula, Reserve Judge

Registrar: Fidelma Donlon

Date: 5 October 2023

Language: English

Classification: **Strictly confidential and *ex parte***

**Second Decision on the Defence request under Rule 121(3) of the Rules
to summons witness DW4-01**

Registry

Registrar

Head of the Witness Protection and
Support Office

TRIAL PANEL I (Panel) hereby renders this second decision on the Defence request under Rule 121(3) of the Rules to summons witness DW4-01.

1. On 29 September 2023, the Panel issued the “Decision on the Defence request under Rule 121(3) of the Rules to summons witness DW4-01” (First Rule 121(3) Decision), whereby the Panel summonsed witness DW4-01 to appear to testify before the Panel, at the earliest, on 6 October 2023, and ordered the Registry to serve the summons on the witness and to make the necessary arrangements for him to testify *via* video-conference.¹

2. On 3 October 2023, the Registry informed the Panel that it would not be feasible to facilitate the video-conference testimony of DW4-01 on 6 October 2023, or to arrange for the service of the summons on him prior thereto, as the Registry is currently supporting other court-related operations and must also be mindful of the requirement that the venue chosen for the video-conference testimony must be conducive to the giving of truthful and open testimony, and with necessary measures in place to ensure the safety, well-being, dignity, and privacy of the witness.² The Registry assesses, however, that it would be feasible to make the necessary arrangements for DW4-01 to testify *via* video-conference on 25 October 2023 and all other alternative dates identified by the Panel in the summons and requests leave to proceed accordingly.³

¹ KSC-BC-2020-04, F00674, Trial Panel I, *Decision on the Defence request under Rule 121(3) of the Rules to summons witness DW4-01*, 29 September 2023, confidential, paras 20-24, and Annex 1, confidential.

² KSC-BC-2020-04, F00679, Registry, *Registrar’s Submissions on Summons to Testify via Video-Conference* (Registry Submissions), 3 October 2023, strictly confidential and *ex parte*, para. 4.

³ Registry Submissions, paras 5-6.

3. Noting the Registry's submissions that it would not be feasible to facilitate the video-conference testimony of DW4-01 on 6 October 2023, or to arrange for the service of the summons on him prior to this date, the Panel hereby issues a new summons for DW4-01, attached to the present decision, and directs the Registry to:

- (i) make the necessary arrangements for DW4-01 to testify *via* video-conference, from the same location as previously identified, on the dates as specified in the attached summons;
- (ii) serve the summons on DW4-01 as soon as practicable, so as to facilitate his testimony as early as Wednesday, 25 October 2023; and
- (iii) keep the Panel informed on an ongoing basis and report back to the Panel no later than Monday, 16 October 2023.

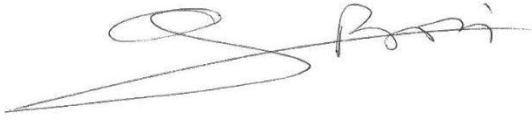
4. The Panel's previous directions contained in the First Rule 121(3) Decision remain in place, unless and to the extent modified by the present decision.

5. Lastly, the Panel directs the Registry to file a confidential redacted version of its submissions (filing F00679) as soon as practicable following the completion of the (other) court-related operations referred to therein, or request reclassification if redactions are not necessary. Should the Registry wish to maintain its submissions strictly confidential and *ex parte* it shall inform the Panel of the reasons thereto.

6. For the above-mentioned reasons, the Panel hereby **ORDERS** the Registry to comply with the Panel's directions set out in the present decision.



Judge Mappie Veldt-Foglia
Presiding Judge



Judge Gilbert Bitti



Judge Roland Dekkers

Dated this Thursday, 5 October 2023

At The Hague, the Netherlands.