



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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Public Redacted Version of 'Prosecution motion for admission of evidence of Witnesses W00208, W02082, W02475, W04147, W04325, W04491, and W04753 pursuant to Rule 154 with confidential Annexes 1-7'

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I. INTRODUCTION

1. Pursuant to Articles 37 and 40 of the Law,¹ and Rules 137-138 and 154 of the Rules,² the Specialist Prosecutor's Office ('SPO') requests the admission of the statements (collectively, 'Rule 154 Statements'), together with associated exhibits, of the following witnesses: W00208, W02082, W02475, W04147, W04325, W04491, and W04753 (collectively, 'Witnesses').³ To ensure compliance with paragraph 81 of the Conduct of Proceedings Order,⁴ the SPO identified all witnesses subject of this motion as reserve witnesses for upcoming evidentiary blocks. They are suitable for this purpose in light of, *inter alia*, the Witnesses' circumstances and/or the scope of their evidence and related materials.⁵

2. The Rule 154 Statements and associated exhibits (collectively, 'Proposed Evidence') meet the requirements of the Rule, are relevant, authentic and reliable, and have probative value, which is not outweighed by any prejudice. Admission is therefore in the interests of justice.⁶

3. Attached to this motion are seven annexes, one for each of the Witnesses. Each annex contains a table identifying the proposed statements that collectively comprise the proposed Rule 154 Statement for that witness.⁷ In addition, where applicable, the annexes contain a second table identifying the associated exhibits tendered for admission for each witness.

¹ Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule' or 'Rules' are to the Rules.

³ In the interest of expeditiousness and as also set out below, the SPO: (i) reduced the examination time for W00208 from 1.5 hours to 30 minutes; and (ii) is now seeking to admit W04753's prior statement under Rule 154 (he was previously *viva voce*) and, subject to a decision on this request, has reduced the examination estimate from six hours to two hours.

⁴ Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023 ('Conduct of Proceedings Order').

⁵ The information required by paragraphs 73-74 of the Conduct of Proceedings Order will be provided separately.

⁶ The applicable law has been set out in previous submissions and decisions in this case. *See e.g.* Decision on Admission of Evidence of First Twelve SPO Witnesses Pursuant to Rule 154, KSC-BC-2020-06/F01380, 16 March 2023, Confidential, paras 26-35.

⁷ In this motion, relevant statements are often referred to using their base or English version ERN. The full reference and specific ERNs tendered are included in the relevant Annex for each witness.

II. SUBMISSIONS

4. Consistent with Rule 154, the Witnesses are anticipated to: (i) be present in court, (ii) be available for cross-examination and any questioning by the Panel, and (iii) attest that the written statement or transcript accurately reflects that witness's declaration and what they would say if examined. As detailed below, and in the accompanying Annexes, the Proposed Evidence also fulfils the admissibility requirements under Rules 137 and 138(1). Accordingly, the Rule 154 Statements, together with associated exhibits, are admissible in lieu of direct examination.

A. W00208

5. *Relevance.* In [REDACTED] 1999, W00208 was living in Rahovec/Orahovac together with [REDACTED] and [REDACTED]. [REDACTED], KLA soldiers arrived in Rahovec/Orahovac. Some of them came to W00208's apartment looking for weapons. W00208 was mistreated and threatened for an alleged failure to give his weapons away. The next day, Rahovec/Orahovac [REDACTED] arrived at the family's apartment, accompanied by armed and uniformed KLA soldiers. [REDACTED] demanded, on behalf of the KLA, the surrender of all remaining weapons, and of [REDACTED]. W00208 and [REDACTED] were ordered to leave their home within 15 minutes, which they did, and moved to the Serb part of town.

6. On or around [REDACTED] 1999, [REDACTED] was abducted by the KLA in [REDACTED] presence. Four uniformed, armed KLA soldiers told [REDACTED] that [REDACTED] would be taken to the police station for an interview. After receiving information about the abduction, W00208 went to the KLA police station located [REDACTED], demanding the release of [REDACTED]. W00208 was himself locked in a room for around [REDACTED], and was released only after [REDACTED] intervention.

7. [REDACTED] and a [REDACTED] later came to W00208's house, and assured him and [REDACTED] and would be released the next morning. That did not happen, and the next day, W00208 and [REDACTED] again met with [REDACTED], who

stated he did not know where [REDACTED] might be. [REDACTED] was never seen again.

8. W00208's evidence is thus relevant to charged crimes in the Indictment.⁸

9. *Authenticity and reliability.* W00208's Rule 154 Statement is comprised of: (i) W00208's [REDACTED] interview, dated [REDACTED];⁹ (ii) W00208's [REDACTED] statement, dated [REDACTED];¹⁰ and (iii) W00208's statement to the [REDACTED], dated [REDACTED].¹¹ Each statement bears sufficient indicia of authenticity and reliability.¹²

10. W00208's [REDACTED] interview consists of verbatim transcripts of the audio-video recording. W00208 confirmed that the contents this statement are true and accurate, his statement was given voluntarily without any threats, force, or guarantees, and he had no objections to the manner or process by which the statement was taken.¹³

11. During his [REDACTED] interview, W00208 had an opportunity to review his prior statements. In relation to W00208's statement to the [REDACTED], W00208 confirmed the statement was his, and was given the opportunity to clarify or make corrections.¹⁴ In relation to his [REDACTED] statement, W00208 recalled having given the statement.¹⁵ In addition, each statement bears sufficient independent indicia of reliability.¹⁶

⁸ Amended Indictment, KSC-BC-2020-06/F00999/A01, 30 September 2022, Confidential ('Indictment'), [REDACTED]; Lesser Redacted Version of 'Confidential Redacted Version of Corrected Version of Prosecution Pre-Trial Brief', KSC-BC-2020-06/F01594/A03, 9 June 2023 ('Pre-Trial Brief'), paras [REDACTED].

⁹ 007631-TR-ET Parts 1-6.

¹⁰ [REDACTED].

¹¹ 007623-007630 RED2, pp.007627-007630.

¹² For an individualised assessment, *see* Annex 1.

¹³ 007631-TR-ET Part 6, pp.4-5.

¹⁴ 007631-TR-ET Part 1 RED2, pp.5-10.

¹⁵ 007631-TR-ET Part 1 RED2, p.5.

¹⁶ For an individualised assessment, *see* Annex 1.

12. *Suitable for Rule 154 admission.* W00208's Proposed Evidence satisfies the requirements of Rule 154 and, considering that the witness will be available for cross-examination, its probative value is not outweighed by any prejudice. While the different parts of the Rule 154 Statement overlap in certain respects, the [REDACTED] and [REDACTED] statements – which together are under 12 pages – were discussed and clarified in the [REDACTED] interview and form an integral part thereof.

13. Rule 154 admission for W00208's Proposed Evidence will significantly reduce the length of direct examination. The SPO intends to elicit brief oral testimony from W00208 for approximately 30 minutes on essential matters that highlight, clarify, or explain certain aspects of his evidence.¹⁷

B. W02082

14. *Relevance.* In [REDACTED] 1999, W02082, [REDACTED], was living in a predominantly [REDACTED] neighbourhood in [REDACTED]. On or about [REDACTED] 1999, KLA members stopped him on the street and told him to follow them because their commander wanted to see him. The KLA members had a list of names with them and approached him as if they already knew his identity. W02082 tried to escape the arrest by hiding in his house, but he surrendered after the KLA members threatened to kill his family members. W02082 was taken to the [REDACTED], where he saw many KLA soldiers.

15. After W02082's identity was verified, he was introduced to a KLA commander who asked how many people he had killed. When W02082 denied having done anything wrong, he was severely mistreated for three or four hours by groups of three to four KLA members at a time. They repeatedly asked him who he had killed, who he had raped, and where his weapons were. The KLA soldiers also threatened to kill him and his family if he did not admit to crimes. At the [REDACTED], W02082 recognised another detainee, [REDACTED].

¹⁷ Reduced from the 1.5 hours indicated in the Witness List. See Amended List of Witnesses, KSC-BC-2020-06/F01594/A01, 9 June 2023, Strictly Confidential and *Ex Parte* ('Witness List'), p.1.

16. Eventually, a KLA member told the soldiers beating W02082 that they had the wrong man and W02082 was released. The KLA soldiers warned W02082 not to tell anyone about his detention, or he and his family would be killed.

17. Shortly after W02082's release, [REDACTED] went to his home and took pictures of his injuries. W02082 fled [REDACTED] as soon as he recovered and has lived in fear ever since.

18. W02082's evidence is thus relevant to the charged crimes in the Indictment.¹⁸

19. *Authenticity and reliability.* W02082's Rule 154 Statement consists of verbatim transcripts of the audio-video recorded SPO interview on [REDACTED].¹⁹ It bears sufficient indicia of authenticity and reliability.²⁰ W02082 confirmed that the contents the statement are true and accurate, his statement was given voluntarily without any threats, force, or guarantees, and he had no objections to the manner or process by which the statement was taken.²¹

20. *The associated exhibits are admissible.* The associated exhibits forming part of the Proposed Evidence in Annex 2 should be admitted as an inseparable and indispensable part of the Rule 154 Statement. The associated exhibits were discussed during his SPO interview and include an extract from the [REDACTED] 1999 containing W02082's interview by [REDACTED], and photographs from a [REDACTED] report relating to W02082's account. The Rule 154 Statement would be less comprehensible or have lesser probative value without the associated exhibits. They also provide context to and corroborate the Rule 154 Statement.

21. *Suitable for Rule 154 admission.* The Proposed Evidence satisfies the requirements of Rule 154 and, considering the witness will be available for cross-examination, its probative value is not outweighed by any prejudice. Rule 154 admission for W02082's Proposed Evidence will significantly reduce the number of

¹⁸ Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

¹⁹ 069393-TR Parts 1-3.

²⁰ For an individualised assessment, see Annex 2.

²¹ 069393-TR Part 3 Revised-ET Revised RED, pp.2-3.

hours required for direct examination. The SPO intends to elicit brief oral testimony from W02082 for approximately one hour on essential matters that highlight, clarify or explain certain aspects of his evidence.

C. W02475

22. *Relevance.* W02475 worked for the [REDACTED] in Kosovo. [REDACTED], W02475 [REDACTED] in and around the Prizren area as part of [REDACTED]. During these [REDACTED], W02475 took [REDACTED], which are associated to his witness statement and reflect the [REDACTED].

23. W02475 learned from the people he [REDACTED] that the KLA had taken [REDACTED] to certain locations around Prizren where they were held in detention and abused. These locations included the SMD and the former MUP building. According to the [REDACTED], those mistreated by the KLA were accused of collaborating with Serbs and having committed crimes.

24. While in Prizren, W02475 observed KLA members in the town and visited multiple [REDACTED]. [REDACTED] damaged houses and injured persons, including other SPO witnesses.

25. W02475's evidence is thus relevant to crimes charged in the Indictment.²²

26. *Authenticity and reliability.* The Rule 154 Statement is an SITF statement dated [REDACTED]²³ and bears sufficient indicia of authenticity and reliability.²⁴ W02475 confirmed that the contents of his recorded statement are true and accurate, his statement was given voluntarily without any threats, force, or guarantees, and he had no objections to the manner or process by which the statement was taken.²⁵

27. *The associated exhibits are admissible.* The associated exhibits forming part of the Proposed Evidence in Annex 3 should be admitted as an inseparable and

²² Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

²³ 034032-034057 RED3; 034032-034057-AT RED3.

²⁴ For an individualised assessment, see Annex 3.

²⁵ 034032-034057 RED3, pp.25-26.

indispensable part of the Rule 154 Statement. In addition to the [REDACTED], the associated exhibits include extracts from [REDACTED]. These extracts consist of two reports relating to the [REDACTED] to Kosovo, one article about the continued violence against [REDACTED] in the period following the [REDACTED], and an [REDACTED] that detailed rights abuses W02475 learned about during his [REDACTED]. Additionally, the associated exhibits include [REDACTED] W02475. The associated exhibits – all of which concern crimes committed after Serbian forces withdrew from multiple areas of Kosovo – were discussed during and are therefore integral to W02475's Rule 154 Statement.

28. *Suitable for Rule 154 admission.* The Proposed Evidence satisfies the requirements of Rule 154 and, considering that the witness will be available for cross-examination, its probative value is not outweighed by any prejudice. Rule 154 admission of W02475's Proposed Evidence will significantly reduce the number of hours required for direct examination. The SPO intends to elicit brief oral testimony from W02475 for approximately 1.5 hours on essential matters that highlight, clarify or explain certain aspects of his evidence.

D. W04147

29. *Relevance.* [REDACTED]. In this role, W04147 interacted with and received information from KLA leadership figures (including General Staff members), Serbian military and political leaders, and members of the LDK and other Kosovo/Albanian political parties.

30. W04147 participated in numerous communications, meetings and negotiations [REDACTED] with the members of the General Staff and Operational Zone commands, including [REDACTED]. W04147 also observed that the General Staff intentionally attempted to hide information about the KLA's command structure and operations.

31. W04147 received contemporaneous information about detentions and abductions by KLA members. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

32. [REDACTED].

33. [REDACTED]. W04147 was not in Kosovo from [REDACTED] March 1999 to approximately [REDACTED] June 1999, but continued to interact with KLA members and Kosovo refugees. In late July 1999, W04147 learned that there was intensified armed violence in Kosovo, including killings of Serbs and collaborators.

34. W04147's evidence is thus relevant to the charged crimes in the Indictment.²⁶

35. *Authenticity and reliability.* The Rule 154 Statement is an SPO statement dated [REDACTED],²⁷ which bears sufficient indicia of authenticity and reliability.²⁸ The signed Rule 154 Statement includes a declaration by W04147, confirming that the contents of his statement are true and accurate.²⁹

36. *The associated exhibits are admissible.* The associated exhibits forming part of the Proposed Evidence in Annex 4 should be admitted as an inseparable and indispensable part of W04147's evidence, in that they are used and explained in the Rule 154 Statement. The associated exhibits—consisting of, *inter alia*, [REDACTED]—provide a contemporaneous account of, *inter alia*, various events and meetings with prominent KLA leaders, which W04147 witnessed and took part in.

37. *Suitable for Rule 154 admission.* W04147's Proposed Evidence satisfies the requirements of Rule 154 and, considering that the witness will be available for cross-examination, its probative value is not outweighed by any prejudice. Rule 154 admission for W04147's Proposed Evidence will significantly reduce the number of hours required for direct examination. Mindful of the Panel's direction to avoid mere repetition admitted Rule 154 statements, the SPO intends to elicit brief oral testimony

²⁶ Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

²⁷ 075522-075551.

²⁸ For an individualised assessment, *see* Annex 4.

²⁹ 075522-075551, pp.29-30.

for a maximum of three hours on essential matters, in order to highlight, clarify, supplement, or explain certain aspects of W04147's evidence, in particular regarding [REDACTED].

E. W04325

38. *Relevance.* W04325 was Secretary of [REDACTED] during the war, the [REDACTED], known as [REDACTED], in [REDACTED]. The [REDACTED]. W04325 will describe the [REDACTED], including providing [REDACTED].

39. In the course of his work, he visited multiple KLA headquarters including [REDACTED]. W04325 will describe what he saw and learned at each of those locations, including of prisoners, and will identify KLA commanders, including those [REDACTED].

40. W04325 received information from the [REDACTED] – staffed by at least one person who worked with [REDACTED] – that [REDACTED] were collaborators who were killed by the KLA in Drenoc/Drenovac. This same office later informed W04325 that KLA headquarters had [REDACTED].

41. W04325 left Kosovo for Albania on [REDACTED]. The following day, [REDACTED] was arrested by the KLA. [REDACTED] was detained and put in a jeep with KLA members, including [REDACTED].

42. W04325 re-entered Kosovo in June 1999 on the same day as KFOR and [REDACTED]. KLA members assumed local governance in Prizren and Gjilan/Gnjilane. W04325 will provide information on [REDACTED], in particular through his observations of [REDACTED].

43. W04325's evidence is thus relevant to the charged crimes in the Indictment.³⁰

³⁰ Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

44. *Authenticity and reliability.* The Rule 154 Statement is comprised of: (i) W04325's SPO interview, dated [REDACTED];³¹ (ii) a [REDACTED] note, dated [REDACTED];³² and (iii) a [REDACTED] note, dated [REDACTED].³³ Each bears sufficient indicia of reliability.³⁴

45. W04325's SPO statement is a signed record of the interviews which took place on [REDACTED]. W04325 confirmed the truthfulness, accuracy and voluntariness of his statement, and he had no objections to the manner or process employed.³⁵

46. During his SPO interview, W04325 had an opportunity to review his prior [REDACTED] statements. W04325 confirmed that the [REDACTED] was his statement and recognised his signature.³⁶ He confirmed the content of this document is true and accurate to the best of his knowledge, and he was provided an opportunity to make clarifications.³⁷ W04325 was also read back the [REDACTED] statement. He confirmed the date and contents. However, he also explained that there were errors in this statement, and he was provided an opportunity to clarify and make corrections.³⁸

47. *The associated exhibits are admissible.* The associated exhibits forming part of W04325's Proposed Evidence in Annex 5—consisting of: (i) a map of [REDACTED] annotated by W04325; (ii) a list of [REDACTED]; and (iii) a list of locations provided by W04325 and identified on the map with ERN [REDACTED]—should be admitted as they are an inseparable and indispensable part of W04325's Rule 154 Statement, in that they are used and explained in W04325's evidence.

48. *Suitable for Rule 154 admission.* W04325's Proposed Evidence satisfies the requirements of Rule 154 and, considering that the witness will be available for cross-

³¹ 043761-043781-ET.

³² 043783-043793-ET RED2, pp.043783-043791.

³³ 043783-043793-ET RED2, pp.043792-043793.

³⁴ For an individualised assessment, see Annex 5.

³⁵ 043761-043781-ET, p.29.

³⁶ 043761-043781-ET, p.4.

³⁷ 043761-043781-ET, pp.4-5.

³⁸ 043761-043781-ET, p.5.

examination, its probative value is not outweighed by any prejudice. Further, as the [REDACTED] statements were discussed in the SPO interview, these statements form an integral part thereof. Altogether, the Rule 154 Statement is 32 pages.

49. The SPO intends to elicit brief oral testimony from W04325 for approximately three hours on essential matters that highlight, clarify, supplement, or explain certain aspects of the evidence. Considered in context, including the geographical and temporal scope of the witness's evidence and his direct interactions with relevant KLA members and observations of charged crime sites, Rule 154 admission for W04325's Proposed Evidence will therefore significantly reduce the number of hours required for direct examination.

F. W04491

50. *Relevance.* W04491, an LDK activist, and his family were residing in [REDACTED] in 1998. On [REDACTED], two armed KLA members arrested W04491 and [REDACTED] and brought them to KLA headquarters in [REDACTED]. They were not given food or water, and were beaten and mistreated by KLA Commanders [REDACTED] and [REDACTED], as well as other KLA members.

51. The next morning, W04491 and [REDACTED] were taken in separate cars to the KLA general headquarters in [REDACTED]. They were again beaten, often in the presence of [REDACTED], whom W04491 understood was a commander at [REDACTED]. W04491 and [REDACTED] were accused of being spies, due to their relationship with a Montenegrin family. W04491 was given little food and did not see daylight throughout his detention.

52. W04491 and [REDACTED] were kept in separate rooms. W04491 was in the same room as [REDACTED], who was also accused of being a spy. W04491 observed [REDACTED] being dragged out of the cell and when guards returned him some time later, they jumped on him and kicked him. W04491 overheard that [REDACTED] were in charge of the KLA headquarter in [REDACTED]. In [REDACTED], W04491 was interrogated by [REDACTED], who observed W04491's visible injuries and informed

him that he would stay detained until he went to court, though W04491 never appeared before a judge or court. W04491 and [REDACTED] were released by KLA Commander [REDACTED] approximately 40 days after their arrest. The next day, W04491 and [REDACTED] were taken from their house to [REDACTED], who after being shown the order for their release decided to [REDACTED].

53. As a consequence of the mistreatment at the hands of the KLA, W04491 still suffers from back pain and fear.

54. On [REDACTED], a group of masked KLA members, including [REDACTED] and [REDACTED], took W04491's [REDACTED] by force and sent him to a village near [REDACTED]. W04491 searched for [REDACTED] and inquired at the KLA station in [REDACTED]. W04491's [REDACTED] returned the next day badly beaten and with his clothes ripped.

55. W04491's evidence is thus relevant to the charged crimes in the Indictment.³⁹

56. *Authenticity and reliability.* W04491's Rule 154 Statement consists of W04491's SPO interview.⁴⁰ W04491's audio-video recorded SPO interview, as recorded in verbatim transcripts, is authentic and reliable.⁴¹ W04491 confirmed that the contents of his statement are true and accurate, his statement was given voluntarily without any threats, force, or guarantees, and he had no objections to the manner or process by which the statement was taken.⁴²

57. *The associated exhibits are admissible.* The associated exhibits forming part of W04491's Proposed Evidence in Annex 6—comprising a photograph of [REDACTED], a [REDACTED] crime file, and a letter the witness wrote to [REDACTED]—should be admitted as they are an inseparable and indispensable part of W04491's Rule 154 Statement, in that they are used and explained in W04491's evidence.

³⁹ Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

⁴⁰ 071102-TR-ET Parts 1-2.

⁴¹ For an individualised assessment, see Annex 6.

⁴² 071102 TR ET Part 2, p.47.

58. *Suitable for Rule 154 admission.* W04491's Proposed Evidence satisfies the requirements of Rule 154 and, considering that the witness will be available for cross-examination, its probative value is not outweighed by any prejudice. Rule 154 admission for the Proposed Evidence will significantly reduce the number of hours required for direct examination. The SPO intends to elicit brief oral testimony on essential matters, including to highlight, clarify or explain certain aspects of W04491's evidence for a maximum of 1.5 hours.

G. W04753

59. *Relevance.* W04753 is a Kosovo Albanian from the village of [REDACTED]. [REDACTED].

60. W04753's evidence relates to the establishment, organisation and activities of the KLA in Drenoc/Drenovac in spring and summer 1998. On or about the time of the attacks by Serb forces in the area on 12 and 27 May 1998, numerous new recruits joined the KLA in Drenoc/Drenovac, and the command structure of the KLA in Drenoc/Drenovac was formalised. Xheme GASHI and Mahir HASANI were appointed as the KLA Commander and Deputy Commander, respectively. Gani PAQARIZI and Selim KRASNIQI were appointed Commander and Deputy Commander of the KLA Military Police, respectively. Bedrush GASHI, Mensur ZYBERAJ and Bedri ZYBERAJ were also part of the KLA command structure. [REDACTED]. The Military Police was based in the school building in Drenoc/Drenovac, and Xheme GASHI and other members of the command had offices in the former agricultural cooperative building.

61. Smajl LATIFI was the KLA commander in the neighbouring headquarters of Ratkoc/Ratkovac and Milaim LATIFI was a Military Police member there.

62. [REDACTED]. [REDACTED]. [REDACTED]. Soldiers at the Vlora checkpoint would control the identity of all persons passing through the area and the reasons of their travel; this information would be recorded by KLA soldiers on a notebook. The

KLA command in Drenoc/Drenovac issued travel permits to move in the so-called 'free zone'.

63. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

64. [REDACTED]. [REDACTED].

65. W04753's evidence is thus relevant to the charged crimes in the Indictment.⁴³

66. *Authenticity and reliability.* W04753's Rule 154 Statement is comprised of his SPO interview.⁴⁴ W04753's audio-video recorded SPO interview, as recorded in verbatim transcripts, is authentic and reliable.⁴⁵ W04753 confirmed that the contents of his statement are true and accurate, his statement was given voluntarily without any threats, force, or guarantees, and he had no objections to the manner or process by which the statement was taken.⁴⁶

67. *The associated exhibits are admissible.* The associated exhibits forming part of W04753's Proposed Evidence in Annex 7—consisting of a map, various KLA documents, and photographs—should be admitted as they are an inseparable and indispensable part of W04753's Rule 154 Statement, in that they are used and explained in W04753's evidence.

68. *Suitable for Rule 154 admission.* W04753's Proposed Evidence satisfies the requirements of Rule 154 and, considering that the witness will be available for cross-examination, its probative value is not outweighed by any prejudice. Rule 154 admission for W04753's Proposed Evidence will significantly reduce the number of hours required for direct examination. The SPO intends to elicit oral testimony on

⁴³ Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

⁴⁴ 083285-TR-ET Parts 1-8.

⁴⁵ For an individualised assessment, see Annex 7.

⁴⁶ 083285-TR-ET Part 8 RED2, pp.33-34.

essential matters, including to highlight, clarify or explain certain aspects of W04753's evidence for a maximum of 2 hours.⁴⁷

III. CLASSIFICATION

69. This submission and its Annexes are confidential pursuant to Rule 82(4) and because they contain information concerning protected witnesses.

IV. RELIEF REQUESTED

70. For the foregoing reasons, the Trial Panel should admit the Proposed Evidence, subject to fulfilment of the Rule 154 conditions by the relevant witnesses during their appearances in court.

Word Count: 5,045

/signed/

Ward Ferdinandusse

Acting Deputy Specialist Prosecutor

Thursday, 14 September 2023

At The Hague, the Netherlands.

⁴⁷ As discussed above, the SPO has modified the mode of testimony and examination time for W04753 for purposes of streamlining the presentation of evidence. *Cf.* Witness List, KSC-BC-2020-06/F01594/A01.