



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: Specialist Prosecutor's Office

Date: 31 October 2023

Language: English

Classification: Confidential

Prosecution reply relating to video-conference request F01859

Specialist Prosecutor's Office

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I. INTRODUCTION

1. The Response¹ does not engage with the purposes of the Request, namely, to ensure W01493's health and well-being, and to facilitate his testimony in an expeditious manner.² Instead, the Response relies on unsubstantiated assertions concerning the Request's timing and alleged prejudice, which should be dismissed.

II. SUBMISSIONS

2. Despite Defence arguments otherwise,³ the Request was made in a timely manner in light of W01493's current circumstances, following consultations with the relevant authorities, and sufficiently in advance of his testimony.⁴

3. Further, the Defence's 'strong preference' for W01493 to be brought to The Hague⁵ is wholly inadequate to undermine the well-founded medical, security, and related grounds underlying the Request. As previously held by the Panel, video-conference testimony, in and of itself, does not prejudice the Defence.⁶ The Panel and Parties will be able to observe and question the witness, and the Panel will be able to adequately instruct the witness, assess his demeanour, and control the proceedings.⁷

III. CLASSIFICATION

4. This filing is confidential pursuant to Rule 82(4) of the Rules.⁸ The SPO does not object to its reclassification as public.

¹ Joint Defence Response to Prosecution Request for the Video-Conference Testimony of W01493, KSC-BC-2020-06/F01891, 26 October 2023, Confidential ('Response').

² Prosecution request for the video-conference testimony of W01493, KSC-BC-2020-06/F01859, 16 October 2023, Strictly Confidential and *Ex Parte* ('Request'), paras 2, 6-8.

³ Response, KSC-BC-2020-06/F01891, paras 2-6.

⁴ *See also* Prosecution supplement to video-conference request F01859, KSC-BC-2020-06/F01867, Confidential, para.1.

⁵ Response, KSC-BC-2020-06/F01891, para.8.

⁶ Decision on Prosecution Request for Video-Conference Testimony for W04448 and Related Matters, KSC-BC-2020-06/F01851, 11 October 2023, Confidential ('W04448 Decision'), para.13.

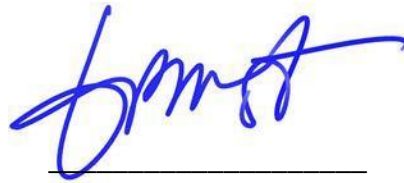
⁷ W04448 Decision, KSC-BC-2020-06/F01851, para.13. *Contra* Response, KSC-BC-2020-06/F01891, paras 9-11, 13.

⁸ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

IV. RELIEF REQUESTED

5. For the foregoing reasons and those given previously, the Request should be granted.

Word count: 302



Kimberly P. West

Specialist Prosecutor

Tuesday, 31 October 2023

At The Hague, the Netherlands.