



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06

**The 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: Fidelma Donlon

Date: 9 June 2023

Language: English

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**Public Redacted Version of Decision on Urgent Prosecution Updates and Related
Requests Concerning Witnesses in the Next Evidentiary Block**

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TRIAL PANEL II (“Panel”), pursuant to Articles 21(2) and (4)(f), 23(1), 37 and 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 137-138, 141(1), 144 and 154 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 2 June 2023, the Specialist Prosecutor’s Office (“SPO”) filed updates and related requests concerning witnesses in the next evidentiary block (“Request”).¹
2. On the same date, the Panel ordered the Parties and participants to submit responses and reply, if they so wish, by Wednesday, 7 June 2023 at 16:00 hours and Thursday, 8 June 2023 at 16:00 hours, respectively.²
3. On 7 June 2023, the Defence for Mr *Thaçi* (“*Thaçi* Defence”), the Defence for Mr *Veseli* (“*Veseli* Defence”), the Defence for Mr *Selimi* (“*Selimi* Defence”) and the Defence for Mr *Krasniqi* (“*Krasniqi* Defence”) (collectively “*Defence*”) responded to the Request (“*Response*”).³
4. On 8 June 2023, the Registry filed its submissions regarding the SPO’s request for video-conference testimony for W03811 (“*Registry Submissions*”).⁴
5. The SPO did not reply to the Response.

¹ F01575, Specialist Prosecutor, *Urgent Prosecution Updates and Related Requests Concerning Witnesses in the Next Evidentiary Block*, 2 June 2023, confidential, with Annexes 1-3, confidential.

² CRSPD 230, 2 June 2023.

³ F01585, Specialist Counsel, *Joint Defence Response to Urgent Prosecution Updates and Related Requests Concerning Witnesses in the Next Evidentiary Block*, 7 June 2023, confidential, with Annex 1, confidential.

⁴ F01588, Registry, *Registry Assessment Regarding Prosecution’s Request for Video-Conference Testimony for W03811*, 8 June 2023, confidential and *ex parte* (a confidential redacted version was filed on the same day, F01588/CONF/RED).

II. SUBMISSIONS

6. In the Request, the SPO: (i) provides the information required by the Order on the Conduct of Proceedings⁵ for W01602, W03540 and W03811 (“New Witnesses”), whose testimonies will be heard during the month of June 2023 due to the unavailability of W02161 for health reasons; (ii) submits Rule 154 requests for W03811 and W03540 (“Rule 154 Request”); and (iii) requests to hear W03811’s testimony via video-link (“Video-Conference Request”).⁶

7. In the Rule 154 Request, the SPO seeks the admission of: (i) W03811’s and W03540’s statements (“Rule 154 Statements”); and (ii) the exhibits associated to W03540’s Rule 154 Statements (“Associated Exhibits”).⁷ The SPO submits that W03811’s Rule 154 Statement as well as W03540’s Rule 154 Statement and Associated Exhibits (“Proposed Evidence”) meet the requirements of Rule 154, are relevant, authentic and reliable and have probative value, which is not outweighed by any prejudice.⁸ According to the SPO, admission of the Proposed Evidence is therefore in the interests of justice.⁹ The SPO submits that the Proposed Evidence satisfies the requirements of Rule 154 insofar as W03811 and W03540 will be: (i) present in court; (ii) available for cross-examination and any questioning by the Panel; and (iii) able to attest that their Rule 154 Statements accurately reflect their evidence and that they are an accurate reflection of what they would say, if examined.¹⁰ The SPO further submits that: (i) the probative value of the Proposed Evidence is not outweighed by any prejudice;¹¹ and (ii) Rule 154 admission for the

⁵ F01226, Panel, *Order on the Conduct of Proceedings*, 25 January 2023, with Annex 1 (“Order on the Conduct of Proceedings”).

⁶ Request, paras 1-2, 38. *See also* Annexes 1-3 to the Request.

⁷ Request, para. 10. *See also* Annexes 1-2 to the Request.

⁸ Request, paras 11, 14-32.

⁹ Request, para. 11.

¹⁰ Request, paras 20, 30.

¹¹ Request, paras 20, 30.

Proposed Evidence will reduce the number of hours required for direct examination.¹²

8. In the Video-Conference Request, the SPO submits that, in view of the exceptional circumstances arising from the sudden unavailability of W02161, W03811's personal circumstances, and the efficiency of the proceedings, the Panel should authorise W03811's testimony to take place via-video link from Kosovo.¹³ According to the SPO, the requested measure is necessary, proportionate and would not result in undue prejudice to the Accused, in particular since the Defence will remain fully able to cross-examine the witness.¹⁴

9. The Defence does not oppose the SPO's request to substitute W02161 with the New Witnesses and provides their time estimates for the cross-examination of the New Witnesses.¹⁵ In relation to the Rule 154 Request, the Defence does not, in general, object to W03811's and W03540's Proposed Evidence being admitted pursuant to Rule 154, as long as the formal requirements under this rule are met.¹⁶ In relation to the Video-Conference Request, the Defence maintains that the importance of the right to confront witnesses renders it vital that SPO witnesses attend the courtroom in person.¹⁷ The Thaçi Defence objects to the request for W03811 to testify via video-link, as it is prejudicial for the Defence. The Thaçi Defence contends that the SPO has not provided any compelling reason justifying this measure insofar as: (i) the failure by the SPO to make necessary arrangements for a witness to travel to The Hague sufficiently in advance cannot be to the detriment of the Accused; (ii) neither age nor [REDACTED] are a bar to travel; and

¹² Request, paras 21, 31.

¹³ Request, paras 33, 35.

¹⁴ Request, para. 33.

¹⁵ Response, paras 3, 13-16, 30-31; Annex 1 to the Response. Furthermore, the Defence puts the Parties and the Panel on notice that it objects to the admissibility of a polygraph examination conducted with W01602. *See* Response, para. 21, *referring to* SITF00032894-00032896.

¹⁶ Response, paras 4, 22-25, 31.

¹⁷ Response, para. 26.

(iii) the fact that the witness has expressed a preference to testify from Kosovo, does not constitute a sufficient reason to depart from the general rule prioritising in-person testimony.¹⁸ The Veseli Defence, Selimi Defence and Krasniqi Defence fully support the Thaçi Defence's submissions in principle but, noting that at this late stage video-link may be the only way to hear this witness and hence avoid under-utilising the days of court time within the June evidentiary block, they do not oppose the application on this specific occasion.¹⁹

10. The Registry submits that it is feasible to conduct the testimony of the witness via video-link.²⁰

III. APPLICABLE LAW

11. The Panel incorporates by reference the applicable law it set out in its first decision pursuant to Rule 154 ("First Rule 154 Decision") and in the Decision on Prosecution Request for Video-Conference Testimony and Special Measure for W04337 ("Video-Conference Decision").²¹

IV. DISCUSSION

A. RULE 154 REQUEST

12. The Panel notes that the SPO requests that two out of the three New Witnesses be heard pursuant to Rule 154: W03811 and W03540.

¹⁸ Response, paras 4, 27-28, 31.

¹⁹ Response, para. 29.

²⁰ Registry Submissions, para. [REDACTED].

²¹ F01380, Panel, *Decision on Admission of Evidence of First Twelve SPO Witnesses Pursuant to Rule 154*, 16 March 2023, confidential, paras 26-35; F01558, Panel, *Decision on Prosecution Request for Video-Conference Testimony and Special Measure for W04337*, 26 May 2023, strictly confidential and *ex parte*, paras 10-14 (a confidential redacted version was filed on 30 May 2023, F01558/CONF/RED).

1. W03811's Proposed Evidence

13. The SPO submits that W03811's Proposed Evidence²² is relevant to the charged crimes in the Indictment.²³ The SPO also submits that W03811's Proposed Evidence is *prima facie* authentic and reliable.²⁴

14. The Defence responds that whether the UNMIK statement fulfils the requirement of authenticity and whether the witness' attestation as to the accuracy of said statement was genuine ought to be addressed in determining the admissibility of the UNMIK statement.²⁵

15. Regarding the relevance of W03811's Proposed Evidence, the Panel observes that the SPO intends to rely upon it in relation to allegations pertaining to: (i) the arrest of W03811, an Albanian civilian, by KLA members and his detention in [REDACTED] in August 1998; (ii) [REDACTED]; and (iii) W03811 later hearing that [REDACTED].²⁶ The Panel is thus satisfied that W03811's Proposed Evidence is relevant to the charges in the Indictment.²⁷

16. Regarding authenticity, the Panel is of the view that W03811's Rule 154 Statement contains multiple indicia of authenticity insofar as: (i) W03811's SPO

²² W03811's Proposed Evidence consists of his Rule 154 Statement, which is comprised of: (i) W03811's SPO interview (088951-TR-ET Parts 1-3 RED2); and (ii) an UNMIK statement dated 10 April 2002 (SITF00032742-SITF00032746 RED2). See Request, para. 18 and Annex 1 to the Request.

²³ Request, paras 14-17, referring to F00999, Specialist Prosecutor, *Submission of Confirmed Amended Indictment*, 30 September 2022, with Annexes 1-2, confidential, and Annex 3 ("Indictment"), paras 68, 104, 155 (lesser redacted public versions were issued on 15 February 2023 and 27 February 2023, F01296/A03 and F01323/A01); F00709/A01, Specialist Prosecutor, *Annex 1 to Prosecution Submission of Corrected Pre-Trial Brief and Related Request* ("SPO Pre-Trial Brief"), 24 February 2022, strictly confidential and *ex parte*, paras 390, 392-402 (a confidential redacted version was filed on the same day, F00709/A02; a lesser redacted confidential version was filed on 15 February 2023, F01296/A01).

²⁴ Request, paras 18-19.

²⁵ Response, para. 22.

²⁶ Request, paras 14-16. See also F01078, Specialist Prosecutor, *Submission of Amended Witness and Exhibit Lists*, 2 November 2022, confidential, with Annexes 1 and 3, strictly confidential and *ex parte*, and Annexes 2 and 4, confidential, and in particular F01078/A03, *Annex 3 to Submission of Amended witness and exhibit lists* ("Amended Witness List"), 2 November 2022, strictly confidential and *ex parte*, p. 191 (a lesser redacted confidential version was filed on 15 February 2023, F01296/A02).

²⁷ See Indictment, paras 68, 104, 155.

interview was audio-video recorded and recorded in verbatim transcripts including details such as the date and time, the names of attendees, a warning regarding the rights of the witness and the witness's acknowledgement of his rights;²⁸ and (ii) during the SPO's interview, W03811 reviewed the UNMIK statement and verified that he provided it voluntarily and in a truthful manner.²⁹ The Panel notes the Defence's submission that, during his SPO's interview, W03811: (i) failed to properly authenticate his signature on the UNMIK statement; (ii) explicitly disavowed portions of his UNMIK statement and (iii) provided information in contradiction with said statement.³⁰ The Panel is of the view that W03811's failure to properly authenticate his signature and the claimed discrepancies between his SPO's interview and his UNMIK statement can be addressed in the *viva voce* examination of the witness by the Parties and do not affect the *prima facie* authenticity of the proposed records. The Panel is satisfied that W03811's Proposed Evidence is *prima facie* authentic.

17. Regarding the probative value and suitability of W03811's Proposed Evidence for admission pursuant to Rule 154, the Panel notes that the SPO intends to elicit brief oral testimony on essential matters for a maximum of one hour.³¹ The Panel is of the view that W03811's evidence would require further examination time, if it were to be elicited entirely *viva voce*. Thus, the Panel considers that admission of W03811's Proposed Evidence, pursuant to Rule 154, will therefore reduce the number of hours required for direct examination. The Panel further considers that the Proposed Evidence is *prima facie* probative of facts relevant to the charges and this probative value is not outweighed by any prejudicial effect. The Panel is

²⁸ 088951-TR-ET Part 1 RED2, pp. 1-4; 088951-TR-ET Part 3 RED2, pp. 17-19.

²⁹ 088951-TR-ET Part 1 RED2, p. 12.

³⁰ Response, para. 22.

³¹ Request, para. 21.

therefore satisfied that W03811's Proposed Evidence is suitable for admission pursuant to Rule 154.

18. For the above-mentioned reasons, the Panel finds that W03811's Proposed Evidence³² is relevant and *prima facie* authentic, has probative value which is not outweighed by its prejudicial effect, and is therefore appropriate for admission pursuant to Rules 138(1) and 154.

2. W03540's Proposed Evidence

19. The SPO submits that W03540's Proposed Evidence³³ is relevant to the charged crimes in the Indictment.³⁴ The SPO contends that W03540's Rule 154 Statements are *prima facie* authentic and reliable,³⁵ and the Associated Exhibits are an inseparable and indispensable of W03540's Rule 154 Statements.³⁶

20. The Defence does not object to W03540's Proposed Evidence being admitted pursuant to Rule 154.³⁷ Nonetheless, the Defence submits that: (i) W03540's Rule 154 Statements are largely repetitive and overlap substantially and the SPO should be required to specify which testimony or portions of each testimony is the

³² 088951-TR-ET Parts 1-3 RED2; SITF00032742-SITF00032746 RED2.

³³ W03540's Proposed Evidence consists of his Rule 154 Statements and Associated Exhibits. W03540's Rule 154 Statements are comprised of: (i) W03540's SPO interview (070629-TR Parts 1-2 Revised-ET RED); (ii) the record of W03540's testimony at the District Court of Pristina in three cases against Latif Gashi and others, dated 15 September 2009 (SPOE00087525-00087560 RED); (iii) minutes of W03540's testimony at the District Court of Pristina in the case against Latif Gashi and others, dated 9 June 2003 (SPOE00119959-00119975 RED); and (iv) the record of W03540's testimony at the District Court of Pristina in the case against Latif Gashi and others, dated 23 and 26 March 2002 (SPOE00123186-00123218 RED). W03540's Associated Exhibits are comprised of: (i) the KLA's decision to release W03540 (U001-0504-U001-0504-ET RED); and (ii) W03540's medical records after release (SPOE00209223-00209244 RED). See Request, paras 27, 32 and Annex 2 to the Request. The Panel notes that a redacted version of SPOE00087525-00087560 is not currently available on Legal Workflow.

³⁴ Request, paras 22-26, referring to Indictment, paras 16-57, 59-61, 70, 96-97, 106, 136-138, 156; SPO Pre-Trial Brief, paras 418-419, 421-424.

³⁵ Request, paras 27-29.

³⁶ Request, para. 32.

³⁷ Response, para. 25.

most relevant;³⁸ and (ii) the weight which should be given to W03540's SPO interview is substantially reduced by the presence and involvement of an official of the Serbian State.³⁹

21. *W03540's Rule 154 Statements.* Regarding the relevance of W03540's Rule 154 Statements, the Panel observes that the SPO intends to rely upon it in relation to allegations pertaining to: (i) the abduction of W03540, a Serbian forest ranger, in the forest near Bradash by KLA soldiers, on or about 2 August 1998; (ii) W03540 being held for approximately twenty days in solitary confinement in a KLA location in Barë; (iii) W03540 being interrogated, threatened and severely beaten, *inter alia*, by alleged JCE member Latif Gashi; (iv) the fact that, around the end of August 1998, W03540 encountered other Albanian detainees and later saw the bodies of four of them tied to a tree and slumped down; and (v) W03540's release on 26 September 1998, pursuant to a written decision of the Llap Operational Zone, signed by Latif GASHI, who, *inter alia*, told W03540 that if he ever spoke about what had happened to him, the KLA would come, set him on fire, and kill his entire family.⁴⁰ The Panel is satisfied that W03540's Rule 154 Statements are relevant to the charges in the Indictment.⁴¹

22. Regarding authenticity, the Panel is of the view that W03540's Rule 154 Statements contain multiple indicia of authenticity insofar as: (i) W03540's SPO interview was audio-video recorded and recorded in verbatim transcripts including details such as the date and time, the names of attendees, a warning regarding the rights of the witness and the witness's acknowledgement of his rights and of the fact that his statement was given voluntarily without any threats, force, or guarantees;⁴² and (ii) during the SPO's interview, W03540 reviewed his

³⁸ Response, paras 23-24.

³⁹ Response, para. 25.

⁴⁰ Request, paras 22-25. *See also* Amended Witness List, pp. 175-177.

⁴¹ *See* Indictment, paras 16-57, 59-61, 70, 96-97, 106, 136-138, 156.

⁴² 070629-TR Part 1 Revised-ET RED, pp. 1-3, 13.

prior statements tendered as part of his Rule 154 Statement, recognised his signature, where applicable, confirmed that he provided those statements in a truthful manner and to the best of his recollection, and was given an opportunity to clarify or make corrections.⁴³ The Panel is therefore satisfied that W03540's Rule 154 Statements are *prima facie* authentic.

23. Regarding the probative value and suitability of W03540's Rule 154 Statements for admission pursuant to Rule 154, the Panel notes that the SPO intends to elicit brief oral testimony on essential matters for a maximum of two hours.⁴⁴ The Panel is of the view that W03540's evidence would require further examination time, if it were to be elicited live in its entirety. Thus, the Panel considers that Rule 154 admission of W03540's Rule 154 Statements will reduce the number of hours required for direct examination. The Panel further considers that the probative value of W03540's Rule 154 Statements is not outweighed by any prejudicial effect, and that the Defence's submission on the weight to be given to W03540's SPO interview is premature. The Panel is therefore satisfied that W03540's Rule 154 Statements are suitable for admission pursuant to Rule 154. This being said, the Panel reminds the SPO to ensure that the *viva voce* evidence is as short as possible, does not repeat the written evidence, and focuses on issues central to this case.

24. *W03540's Associated Exhibits*. The Panel observes that both W03540's Associated Exhibits tendered for admission were shown to W03540 and discussed in some detail in his Rule 154 Statements.⁴⁵ As such, they form an indispensable and inseparable part of W03540's Rule 154 Statements. The Panel is also satisfied

⁴³ 070629-TR Part 1 Revised-ET RED, pp. 7-8, 10-19, 20-25; 070629-TR Part 2 Revised-ET RED, pp. 2-4, 10-11.

⁴⁴ Request, paras 7, 31.

⁴⁵ See 070629-TR Part 1 Revised-ET RED pp. 27-30; 070629-TR Part 2 Revised-ET RED, p. 2; SPOE00087525-00087560 RED, pp. 20, 25; SPOE00119959-00119975 RED, pp. 6, 11; SPOE00123186-00123218 RED, pp. 19-20.

that these Associated Exhibits are relevant and will provide relevant context to the written records in which they are discussed. The Panel is also satisfied that the Associated Exhibits bear sufficient indicia of authenticity insofar as: (i) the KLA's decision to release W03540 is dated and W03540 stated that he signed the document under duress and threats;⁴⁶ and (ii) the medical records are dated and signed by the physicians who performed medical examinations on W03540 after his release.⁴⁷ The Panel is thus satisfied that W03540's Associated Exhibits are *prima facie* authentic, have probative value which is not outweighed by their prejudicial effect, and are suitable for admission pursuant to Rules 138(1) and 154.

25. *Conclusion.* For the above-mentioned reasons, the Panel finds that W03540's Rule 154 Statements⁴⁸ and Associated Exhibits⁴⁹ are relevant and authentic, have probative value which is not outweighed by their prejudicial effect, and are therefore appropriate for admission pursuant to Rules 138(1) and 154.

B. VIDEO-CONFERENCE REQUEST

26. At the outset, the Panel recalls that while video-conference testimony should not be considered only on an exceptional basis, the presence in the courtroom of a witness during testimony remains the preferred option.⁵⁰ This is so that the Panel is in the best possible position to assess the demeanour of the witness and that the

⁴⁶ U001-0504-U001-0504-ET RED. *See also* SPOE00087525-00087560 RED, p. 20.

⁴⁷ SPOE00209223-00209244 RED.

⁴⁸ 070629-TR Parts 1-2 Revised-ET RED; SPOE00087525-00087560 RED; SPOE00119959-00119975 RED; SPOE00123186-00123218 RED.

⁴⁹ U001-0504-U001-0504-ET RED; SPOE00209223-00209244 RED.

⁵⁰ Video-Conference Decision, para. 16. *See also* KSC-BC-2020-07, *Transcript of Hearing*, 14 January 2022, p. 3034, lines 2-5. *See also* ICTY, *Prosecutor v. Tadić*, IT-94-1-T, Trial Chamber II, [Decision on the Defence Motions to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-Link](#), 25 June 1996, para. 19.

right of the Accused to confront a witness is not negatively affected.⁵¹ Presence of the witness in court also ensures that the Panel is able to address without delay or impediment any issues, in particular security issues, that might arise from a witness's testimony. When considering whether to allow video-link testimony, the Panel may consider a number of factors, such as the "location, personal and health situation, availability and security of the witness, as well as the complexity and duration of any logistical travel and other arrangements to be made."⁵²

27. The Panel notes that: (i) W03811's testimony is being moved forward by several weeks due to the sudden unavailability of W02161;⁵³ (ii) the SPO submits that W03811 does not currently possess a valid passport and it would not be possible to obtain a passport and visa in time for the witness to travel to The Hague to testify during the June block of hearings;⁵⁴ and (iii) the SPO alleges that the witness, [REDACTED], has expressed a preference to testify from Kosovo.⁵⁵

28. The Panel stresses that a witness's preference to testify via video-conference does not constitute a sufficient reason to depart from the general rule according to which the testimony of a witness at trial should in principle be given in person.⁵⁶ The Panel is therefore not persuaded by the W03811's expressed preference to testify from Kosovo. However, the Panel notes that W03811 does not currently possess a valid passport and the SPO submits that there would not be a possibility to obtain a passport and visa in time for him to travel to The Hague during the

⁵¹ Video-Conference Decision, para. 16. See also ICTY, *Prosecutor v. Delalić et al*, IT-96-21, Trial Chamber, [Decision on the Motion to Allow Witnesses K, L and M to Give Their Testimony by Means of Video-Link Conference](#), 28 May 1997, para. 15.

⁵² Video-Conference Decision, para. 16. See also KSC-BC-2020-07, *Transcript of Hearing*, 14 January 2022, p. 3034, lines 6-10. See similarly KSC-BC-2020-04, F00482/RED, Trial Panel I, *Public Redacted Version of Decision on the Specialist Prosecutor's Request for Video-Conference testimony for TW4-04, TW4-10 and TW4-11*, 13 April 2023, paras 13-14.

⁵³ Request, paras 1, 5-6, 33.

⁵⁴ Request, para. 35.

⁵⁵ Request, para. 35.

⁵⁶ See Video-Conference Decision, para. 20.

June block of hearings.⁵⁷ While the Thaçi Defence disputes this matter,⁵⁸ it has not been shown that a passport or other travelling documentation could be obtained on time to secure the witness's attendance on time for his appearance. Attempting to obtain such documents in such a short period might result in his inability to testify on time and, therefore, cause delays prejudicial to all, including the Accused. Moreover, the Panel finds that allowing W03811 to testify via video-conference would not result in undue prejudice to the Accused as the Defence will remain able to cross-examine the witness and W03811 testifying via video-conference therefore does not impede on the Defence's ability to fully confront W03811. Having carefully considered the Video-Conference Request, the Panel is satisfied that the SPO has established that the circumstances warrant allowing W03811 to testify via video-conference.

29. For the above-mentioned reasons, the Panel authorises W03811's testimony to take place via video-conference from Kosovo.

V. CLASSIFICATION

30. The Panel notes that the Request and the Response have been filed confidentially. The Panel therefore orders the SPO and the Defence to submit public redacted versions or request the reclassification of the Request and the Response by Friday, 16 June 2023.


⁵⁷ Request, para, 35

⁵⁸ Response, para. 28.

VI. DISPOSITION

31. For the above-mentioned reasons, the Panel hereby:

- a) **GRANTS** the Request;
- b) **FINDS** W03811's and W03540's Proposed Evidence⁵⁹ to be appropriate for admission once the requirements of Rule 154(a)-(c) are met in respect of each of these witnesses and each of their Proposed Evidence;
- c) **ORDERS** the Registry to facilitate video-conference for W03811; and
- d) **ORDERS** the SPO and the Defence to submit public redacted versions or request the reclassification of the Request and the Response by Friday, 16 June 2023.



Judge Charles L. Smith, III

Presiding Judge

Dated this Friday, 9 June 2023

At The Hague, the Netherlands.

⁵⁹ See above paras 18, 25, and footnotes 32, 48-49.