



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

Date: 16 November 2023

Language: English

Classification: Public

Prosecution submission of list of additional witnesses for December 2023

with confidential Annex 1

Specialist Prosecutor's Office

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1. Pursuant to the Conduct of Proceedings Order,¹ the Specialist Prosecutor's Office ('SPO') submits Annex 1, listing additional witnesses for the 4-13 December 2023 evidentiary block.²
2. To fulfil the SPO's obligations under paragraph 81 of the Conduct of Proceedings Order, and considering developments in the proceedings and/or the unavailability of certain, previously notified witnesses,³ it was necessary to identify further witnesses for the December 2023 evidentiary block.⁴
3. In reaching these discretionary scheduling decisions,⁵ the SPO has taken into account and balanced a number of (often competing) factors, including: (i) publicity; (ii) witness availability, testimony modes, examination estimates, and sitting schedules; (iii) the scope, nature, and subject matter of the witness's anticipated testimony; (iv) the status of the presentation of evidence; (v) the witness's personal circumstances; (vi) security concerns; and (vii) the need to provide adequate notice.
4. As required by the Conduct of Proceedings Order, Annex 1 sets out the following as to the witnesses: (i) name and pseudonym; (ii) all prior statements; (iii) the mode of testimony; (iv) the issues, facts, and circumstances in relation to which the witness will be examined; (v) time estimate for direct examination; (vi) documents which the SPO intends to use with each witness (identified by their complete ERN,⁶ the date, description and relevance of each document, and the exhibit or MFI number

¹ Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023 ('Conduct of Proceedings Order'), paras 73-74, 80-81. *See also* Decision on Prosecution Request for Compliance with Third Oral Order Regarding Proposed Duration of Cross-Examination and Related Matters, KSC-BC-2020-06/F01336, 1 March 2023, paras 20, 25(d).

² A Rule 154 request relating to the witnesses identified in Annex 1 has been filed. Unless otherwise indicated, all references to 'Rule' or 'Rules' herein are to the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020.

³ *See* Prosecution submission of list of witnesses for 30 October to 13 December 2023, KSC-BC-2020-06/F01828, 2 October 2023.

⁴ *See also* Email from SPO to Panel, Parties, and participants on 16 November 2023 at 11.55 (notifying the scheduled and reserve witnesses for the December 2023 evidentiary block).

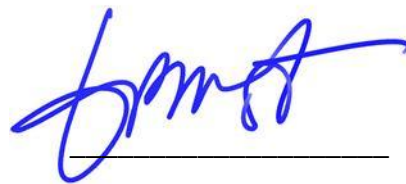
⁵ *See, inter alia*, Rules 118, 121, 127; Conduct of Proceedings Order, KSC-BC-2020-06/F01226, Sections XII, XV(C).

⁶ Transcript parts and separate records of the same hearing, testimony, or interview are grouped together, where applicable.

of any of those already admitted or marked for identification); and (vii) information regarding protective measures ordered in relation to the witness (with reference to relevant orders).

5. Annex 1 is confidential pursuant to Rule 82(4) and to give effect to existing protective measures.

Word count: 429



Kimberly P. West

Specialist Prosecutor

Thursday, 16 November 2023

At The Hague, the Netherlands.