



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**In:** KSC-BC-2020-06

**The 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:** Fidelma Donlon

**Date:** 16 February 2024

**Language:** English

**Classification:** Public

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**Public Redacted Version of Decision on Prosecution Submission of Proposed  
Public Lesser Redacted Transcript of W03825's Testimony**

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**Specialist Prosecutor**

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**TRIAL PANEL II** (“Panel”), pursuant to Articles 21(2), 23 and 40(6)(f) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 80, 84(1) and 116(4)(b) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

## I. PROCEDURAL BACKGROUND AND SUBMISSIONS

1. On 6 to 8 November 2023, W03825 testified in the present proceedings.<sup>1</sup>
2. On 7 November 2023, the Panel issued an oral order on the review of private session portions of hearing transcripts in view of their reclassification, wherein it set out the procedure to be followed by the Parties and participants.<sup>2</sup>
3. On 8 November 2023, the Panel issued a number of post-session redactions orders to the transcript of the same day.<sup>3</sup>
4. On 18 December 2023, the Specialist Prosecutor’s Office (“SPO”) filed submissions (“SPO Submissions”) in relation to W03825’s testimony transcript of 6 to 8 November 2023 (“W03825’s Transcript”), to which it annexed a consolidated proposal of a public lesser redacted version of said transcript (“Annex 1”).<sup>4</sup> According to the SPO, the proposed redactions are necessary: (i) to give effect to special measures ordered by the Panel; (ii) to protect information which would reveal the content of documents with Rule 107 restrictions; (iii) to protect sensitive information about the witness’s health, dignity and family members; and (iv) to protect other witnesses with protective measures.<sup>5</sup> Victims’ Counsel agrees with

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<sup>1</sup> Transcript of Hearing, 6 November 2023, pp. 9308-9443; Transcript of Hearing, 7 November 2023, pp. 9444-9576; Transcript of Hearing, 8 November 2023, pp. 9577-9704.

<sup>2</sup> Transcript of Hearing, 7 November 2023, p. 9444, line 14 to p. 9446, line 21.

<sup>3</sup> F01912, Panel, *Post Session Redaction Order* (“F01912 Post Session Redaction Order”), 8 November 2023, confidential (a public redacted version was issued on the same day, F01913); F01914, Panel, *Post Session Redaction Order*, 8 November 2023, confidential (a public redacted version was issued on the same day, F01914/RED)

<sup>4</sup> F02019, Specialist Prosecutor, *Prosecution Submission of Proposed Lesser Redacted Transcripts (W03825)*, 18 December 2023, paras 1-2, with Annex 1, confidential.

<sup>5</sup> Annex 1, paras 1-2.

the redactions proposed by the SPO.<sup>6</sup> According to the Witness Protection and Support Office (“WPSO”), a further sixty-six redactions are necessary for reasons similar to those advanced by the SPO.<sup>7</sup> The Thaçi Defence objects to seven of the proposed redactions as they do not identify witnesses with protective measures, or information subject to Rule 107 restrictions.<sup>8</sup> The other Defence teams did not respond *inter partes*.<sup>9</sup>

## II. DISCUSSION

5. The Panel recalls that, while W03825 has not been granted in-court protective measures, the Panel approved a special measure for W03825, namely that [REDACTED].<sup>10</sup>

6. The Panel also recalls that it previously authorised redactions to the transcript of 8 November 2023 as it contained confidential information.<sup>11</sup> The redaction authorised in one of these orders is not reflected in Annex 1 and accordingly the Panel incorporates this redaction in this decision and orders that it be redacted.<sup>12</sup>

7. Further to the Parties’ and participants’ submissions,<sup>13</sup> the Panel considers that, except for the redactions specified below, the redactions proposed in Annex 1 remain necessary and proportionate and consistent with the effective protection of the rights of the Accused.

8. With respect to: (i) page 9317, lines 16-22, proposed by the SPO; and (ii) page 9332, line 4, page 9369, line 4, page 9381, line 23, page 9398, line 1, page 9423,

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<sup>6</sup> SPO Submissions, para. 1.

<sup>7</sup> SPO Submissions, para. 1; Annex 1, para. 3.

<sup>8</sup> SPO Submissions, para. 1; Annex 1, para. 4 referring to p. 9317, lines 16-22, p. 9464 to p. 9466, line 18, p. 9467, line 22 to p. 9468, lines 9-14, p. 9505, line 1 to p. 9506, line 10 (except p. 9505, lines 11-12), p. 9533 (except p. 9533, lines 1-10), p. 9698, lines 8-9, 16-17, p. 9700, lines 12-13, p. 9701, lines 3-7.

<sup>9</sup> SPO Submissions, para. 1.

<sup>10</sup> Transcript of Hearing, 6 November 2023 p. 9316, line 23 to p. 9317, line 12.

<sup>11</sup> See *supra*, para. 3.

<sup>12</sup> F01912 Post Session Redaction Order.

<sup>13</sup> See Annex 1, paras 1-4.

lines 11, 20, page 9427, line 21, page 9471, lines 3, 12, 18, page 9473, lines 5, 16, 18, 24-25, page 9475, lines 1, 7, 21, page 9477, line 21, page 9479, line 17, page 9480, lines 3, 12, 21, page 9481, line 10, page 9482, line 22, page 9483, line 13, page 9484, line 4, page 9485, line 9, page 9489, lines 2-3, 19, page 9490, line 5, page 9510, line 4, page 9555, line 10, page 9562, lines 2-3, page 9603, line 14, page 9604, lines 1, 9, 13, 20, page 9608, lines 23-24, page 9609, lines 2, 10-11, 15, 17, page 9610, lines 14-16, 19, page 9621, line 5, page 9641, lines 5, 7, 12, 15, page 9659, line 10, page 9661, lines 7, 21, 24, page 9663, line 8 (not including the redaction authorised in F01914, which should remain), page 9669, line 19, page 9670, lines 3, 9, 18, 23, page 9674, line 15, page 9681, lines 6, 8, page 9682, lines 8-9, page 9683, lines 1, 7, page 9684, lines 2, 10, 13, 16, 23, page 9685, lines 5, 18, 22, page 9686, lines 6, 23, page 9687, lines 12, 14, 20, page 9688, line 21, page 9689, lines 6, 9, page 9690, lines 11, 16, 20, page 9695, line 14, page 9696, line 20, page 9698, line 10, page 9700, line 24, proposed by WPSO,<sup>14</sup> the Panel considers that it is not necessary to redact these references as they do not contain any identifying information.

9. The Panel considers that for reasons of consistency with other proposed redactions that are necessary and proportionate to prevent identification of sensitive information linked to W03825 and W03825's family by the public:<sup>15</sup> (i) page 9387, lines 6 to 7,<sup>16</sup> page 9450, line 24,<sup>17</sup> page 9485, lines 14-15,<sup>18</sup> page 9583, lines 9-10<sup>19</sup> and page 9588, lines 7-9 and 12-13;<sup>20</sup> and (ii) the references to "[REDACTED]" on page 9363, line 14, page 9386, lines 20-21, page 9554, lines 9, 11, page 9600, line 23, and page 9632, lines 16-17 should also be redacted.

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<sup>14</sup> See Annex 1, para. 3.

<sup>15</sup> See above, para. 7.

<sup>16</sup> [REDACTED].

<sup>17</sup> [REDACTED].

<sup>18</sup> [REDACTED].

<sup>19</sup> [REDACTED].

<sup>20</sup> [REDACTED].

10. In the interest of guaranteeing to the greatest possible extent the publicity of the proceedings, the Panel orders that the remainder of W03825's Transcript be reclassified as public.

### III. DISPOSITION

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

- a) **FINDS** that, except for the redactions specified in paragraph 6 and 9, those portions of W03825's Transcript identified in Annex 1 are suitable for reclassification, and that those redactions identified in paragraph 8 above are suitable for reclassification, and can be reclassified as public;
- b) **APPROVES** the proposed redactions as set out in Annex 1, subject to the changes specified in paragraphs 6, 8-9 above; and
- c) **DIRECTS** the SPO to communicate to the Registry a public lesser redacted version of W03825's Transcript in accordance with the redactions approved in the present decision.



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**Judge Charles L. Smith, III**  
**Presiding Judge**

Dated this Friday, 16 February 2024

At The Hague, the Netherlands.