



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:** 27 March 2024

**Language:** English

**Classification:** Public

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**Public Redacted Version of 'Prosecution motion for admission of evidence of Witnesses W01511, W04260, W04305, W04410, W04744, W04752, and W04764 pursuant to Rule 154 with confidential Annexes 1-8'**

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## I. INTRODUCTION

1. Pursuant to Articles 37 and 40 of the Law,<sup>1</sup> and Rules 137-138 and 154 of the Rules,<sup>2</sup> the Specialist Prosecutor's Office ('SPO') requests the admission of the statements (collectively, 'Rule 154 Statements'), together with associated exhibits,<sup>3</sup> of the following witnesses: W01511, W04260, W04305, W04410, W04744, W04752, and W04764 (collectively, 'Witnesses').<sup>4</sup> These witnesses are among the witnesses the SPO intends to call between April and July 2024.<sup>5</sup>

2. 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 their Rule 154 Statements accurately reflect their declaration and what they would say if examined. As detailed below and in the accompanying annexes for each of the Witnesses, the Proposed Evidence meets the requirements of the Rules, is relevant, authentic, and reliable, and has probative value, which – considering, in particular, that the witnesses will be available for cross-examination – is not outweighed by any prejudice. Admission is therefore in the interests of justice.<sup>6</sup>

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

<sup>2</sup> 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.

<sup>3</sup> The Rule 154 Statements and associated exhibits are referred to herein as the 'Proposed Evidence'.

<sup>4</sup> Attached to this motion are eight annexes. Each annex contains a table identifying the Proposed Evidence for each witness. In the interest of expeditiousness and as also set out below, the SPO: (i) reduced the examination time for W01511 from 3 hours to 2 hours; (ii) reduced the examination time for W04260 from 2 to 1 hour; and (iii) reduced the examination time for W04764 from 6 to 3 hours.

<sup>5</sup> See Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023 ('Conduct of Proceedings Order'), para.73. The information required by paragraphs 73-74 of the Conduct of Proceedings Order has been provided separately (see Prosecution submission of list of witnesses for 22 April to 18 July 2024, KSC-BC-2020-06/F02195, 22 March 2024). A Rule 154 application including the witnesses tentatively listed in the first half of witnesses to be called from 22 April 2024, as well as two of the identified reserve witnesses, has been filed (see Prosecution motion for admission of evidence of Witnesses W01978, W02540, W02677, W02714, W02951, W03865, W03881, W04371, W04710, and W04850 pursuant to Rule 154 and related requests, KSC-BC-2020-06/F02196, 22 March 2024, Confidential). This Rule 154 application contains the remaining witnesses to be called between April and July 2024, and the remaining reserve witness.

<sup>6</sup> 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.

## II. SUBMISSIONS

### A. W01511

3. *Relevance.* W01511, a Kosovar Albanian, went to Glllogjan/Glođane to join the KLA in [REDACTED]. At the end of May, the Glllogjan/Glođane Regional KLA Headquarters were created and divided into four operational sub-zones under the overall command of Ramush HARADINAJ. [REDACTED].

4. On 23 June 1998, a meeting was held in Jabllanicë/Jablanica, chaired by Ramush HARADINAJ and attended by KLA members, including Lahi BRAHIMAJ, and Rexhep SELIMI. Ramush HARADINAJ announced that the General Staff wanted the Glllogjan/Glođane Regional KLA Headquarters to be transformed into a wider structure. At this meeting, Ramush HARADINAJ was selected as commander of this new structure. Other members of the Zone command staff were also selected, [REDACTED]. [REDACTED].

5. W01511 observed lists and notes of suspected collaborators and KLA opponents, including those kept and/or disseminated [REDACTED]. [REDACTED]. [REDACTED].

6. W01511 also has knowledge of detentions, mistreatment, and killings in the Dukagjini Zone in spring and summer 1998, including at Jabllanicë/Jablanica. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

7. On 21 August 1998, Tahir ZEMAJ became commander of the Dukagjini Zone. [REDACTED].

8. W01511's evidence is thus relevant to crimes charged in the Indictment.<sup>7</sup>

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<sup>7</sup> See, *inter alia*, Amended Indictment, KSC-BC-2020-06/F00999/A01, 30 September 2022, Confidential ('Indictment'), KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Lesser Redacted Version of

9. *Authenticity and reliability.* W01511's Rule 154 Statements consists of verbatim transcripts of his audio-video recorded SPO interview and his [REDACTED] ICTY statement.<sup>8</sup> Both statements bear sufficient indicia of authenticity and reliability.<sup>9</sup> W01511 was duly advised of his rights and obligations as a witness, and confirmed that the contents of the statements are true and accurate, and given voluntary.<sup>10</sup>

10. *The associated exhibits are admissible.* The associated exhibits forming part of the Proposed Evidence in Annex 1 – consisting of contemporaneous orders, minutes, and other records – should be admitted as an inseparable and indispensable part of the Rule 154 Statements, as they were discussed and reviewed therein.

11. *Suitable for Rule 154 admission.* The Proposed Evidence satisfies the requirements of and serves the purposes of Rule 154. Rule 154 admission for W01511's Proposed Evidence will significantly reduce the number of hours required for direct examination. The SPO intends to elicit oral testimony from W01511 for approximately two hours on essential matters that highlight, clarify or explain certain aspects of his evidence.<sup>11</sup>

#### B. W04260

12. *Relevance.* W04260, [REDACTED], intended to join the KLA in [REDACTED] 1998 and travelled to the compound used as a base by the KLA in [REDACTED]. Once arrived, he was taken to the [REDACTED], where he was severely beaten and detained for five days, before being moved to a [REDACTED] within the same compound. [REDACTED], W04260 found another prisoner, [REDACTED], who was severely beaten while W04260 was there and eventually taken away. W04260 never

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<sup>7</sup> 'Confidential Redacted Version of Corrected Version of Prosecution Pre-Trial Brief', KSC-BC-2020-06/F01594/A03, 9 June 2023, Confidential ('Pre-Trial Brief'), paras [REDACTED].

<sup>8</sup> 074569-TR-ET Parts 1-8 RED; [REDACTED].

<sup>9</sup> For an individual assessment, see Annex 1.

<sup>10</sup> 074569-TR-ET Part 1 RED, pp.2-4; 074569-TR-ET Part 8, pp.18-19; [REDACTED].

<sup>11</sup> Reduced from the three 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'), [REDACTED].

saw him again. During the additional [REDACTED] days that W04260 was held in the [REDACTED], more and more prisoners were brought in. The prisoners were [REDACTED] and kept in unsanitary conditions. The floor was covered in [REDACTED]. Every night, prisoners were severely beaten. They were given insufficient food.

13. W04260 identified several other prisoners and KLA soldiers present at the site, including [REDACTED], whom W04260 saw several times during his detention. [REDACTED]. [REDACTED]. [REDACTED].

14. W04260's evidence is thus relevant to charged crimes in the Indictment.<sup>12</sup>

15. *Authenticity and reliability.* The Proposed Evidence is *prima facie* authentic and reliable. The Rule 154 Statement is comprised of: (i) W04260's SPO interview;<sup>13</sup> (ii) his [REDACTED]<sup>14</sup> and [REDACTED]<sup>15</sup> [REDACTED] statements; and (iii) his UNMIK statements dated [REDACTED],<sup>16</sup> [REDACTED],<sup>17</sup> and [REDACTED].<sup>18</sup>

16. W04260's audio-video recorded SPO interview, as recorded in a verbatim transcript, is authentic and reliable.<sup>19</sup> W04260 was duly advised of his rights as a witness.<sup>20</sup> W04260 confirmed that the contents of his recorded statement are true and accurate, as well as given voluntarily.<sup>21</sup>

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<sup>12</sup> Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

<sup>13</sup> 054071-TR-ET Parts 1-5.

<sup>14</sup> [REDACTED].

<sup>15</sup> [REDACTED].

<sup>16</sup> SITF00184859-00184870 RED2.

<sup>17</sup> SITF00184871-00184883 RED2.

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

<sup>19</sup> For an individualised assessment of reliability, *see* Annex 2.

<sup>20</sup> 054071-TR-ET Part 1, p.2; 054071-TR-ET Part 5, pp.5-7.

<sup>21</sup> 054071-TR-ET Part 5, pp.6-7.

17. W04260 confirmed that the contents of his [REDACTED] statements were true and given voluntarily.<sup>22</sup> The statements are limited in length, concern associated exhibits which require the explanations provided by W04260 to be fully understood,<sup>23</sup> and are intrinsically linked.

18. During his SPO interview, W04260 had an opportunity to review his two prior, written statements given to the UNMIK dated [REDACTED]. W04260 confirmed that they were his statements and were truthful, and recognised his signature on each.<sup>24</sup> In his UNMIK interview dated [REDACTED], W04260 made certain corrections to his [REDACTED] UNMIK statements, including as annotated in handwriting on those statements.<sup>25</sup>

19. *The associated exhibits are admissible.* The associated exhibits – a photo and two sketches made by W04260 – forming part of the Proposed Evidence in Annex 2 should be admitted as they are an inseparable and indispensable part of W04260's evidence. They are visual aids useful to contextualise the evidence of the witness, and they increase the clarity and probative value of the Rule 154 Statement.

20. *Suitable for Rule 154 admission.* W04260's Proposed Evidence satisfies the requirements and serves the purposes of Rule 154. As also set out above, W04260's various statements – which together comprise his proposed Rule 154 Statement – are limited in length and form an inseparable whole. W04260's earlier statements are discussed in his subsequent statements, various statements contain clarifications and

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<sup>22</sup> [REDACTED].

<sup>23</sup> [REDACTED].

<sup>24</sup> In respect of SITF00184859-00184870 RED2, see 054071-TR-ET Part 4, pp.23-25. With respect to SITF00184871-00184883 RED2, see 054071-TR-ET Part 4, p.25. See also 054071-TR-ET Part 4, pp.23-24, 26-27.

<sup>25</sup> See SITF00184871-00184883 RED2, p.SITF00184875, and SITF00184859-00184870 RED2, p.SITF00184863, where it is recorded that the statements were read to and corrected by W04260 on [REDACTED].

corrections, and, as they were given at different times and to different authorities, have greater value when considered altogether.

21. Rule 154 admission for W04260's Proposed Evidence will significantly reduce the number of hours required for direct examination for this witness. Rule 154 admission for W04260's Proposed Evidence will significantly reduce the number of hours required for direct examination. The SPO intends to elicit oral testimony from W04260 for approximately one hour on essential matters that highlight, clarify or explain certain aspects of his evidence.<sup>26</sup>

### C. W04305

22. *Relevance and Authenticity.* The Panel has already found that W04305's Proposed Evidence, including his Rule 154 Statement<sup>27</sup> and associated exhibits,<sup>28</sup> is *prima facie* relevant, authentic,<sup>29</sup> and probative.<sup>30</sup>

23. *Suitable for Rule 154 admission.* In the Rule 153 Decision, the Panel found that, because the Proposed Evidence refers extensively to the roles and actions of a JCE member named in the Indictment, the prejudicial effect of the admission of W04305's evidence under Rule 153 outweighs its probative value at this stage.<sup>31</sup> This finding was without prejudice to, *inter alia*, any Rule 154 application in relation to W04305.

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<sup>26</sup> Reduced from the two hours indicated in the Witness List. See Witness List, KSC-BC-2020-06/F01594/A01, p.[REDACTED].

<sup>27</sup> The Rule 154 Statement consists of: (i) W04305's 2020 SPO interview (076920-TR-ET Parts 1-3 RED2); (ii) his [REDACTED]; (iii) his [REDACTED]; and (iv) his [REDACTED].

<sup>28</sup> A map and two photos marked by the witness.

<sup>29</sup> For an individualised assessment of reliability, see Annex 3.

<sup>30</sup> Decision on Prosecution Motion for the Admission of the Evidence of Witnesses W04016, W04019, W04044, W04305, W04361, W04722, W04816, W04850, W04851, and W04852 pursuant to Rule 153, KSC-BC-2020-06/F02111, 8 February 2024, Confidential ('Rule 153 Decision'), paras 37-40. The Panel also found that the Associated Exhibits were an indispensable and inseparable part of W04305's statements. See Rule 153 Decision, KSC-BC-2020-06/F02111, para.39. The Rule 154 Proposed Evidence is the same as the Rule 153 Proposed Evidence addressed in the Rule 153 Decision.

<sup>31</sup> Rule 153 Decision, KSC-BC-2020-06/F02111, para.42.



24. The Proposed Evidence satisfies the requirements and serves the purposes of Rule 154. The Panel has already found that: (i) the length of the Rule 154 Statement is not an impediment to its admission; (ii) the Rule 154 Statement, which is comprised of statements given at different times to different authorities, is not unduly repetitive; and (iii) admission would not unduly burden the record.<sup>32</sup> Rule 154 admission for W04305's Proposed Evidence will significantly reduce the number of hours required for direct examination. The SPO intends to elicit oral testimony on essential matters, including to highlight, clarify or explain certain aspects of W04305's evidence, for one hour.

#### D. W04410

25. *Relevance.* W04410 is [REDACTED] who had interactions with the KLA leadership, and [REDACTED], *inter alia*, the KLA. In particular, [REDACTED] first public appearance of the spokesperson of the KLA, Jakup KRASNIQI on 14 June 1998. Kadri VESELI, Fatmir LIMAJ, and Ferat SHALA were also present.

26. In October/November 1998, [REDACTED] first public appearance of Hashim THAÇI, who was in charge of information before becoming the political representative; as well as a meeting of KLA leaders on 6 November 1998.

27. [REDACTED] an interview of Uke BYTYQI – the chairman of the LDK branch – who was to announce his support for the KLA. [REDACTED], the interview was conducted in the presence of Hashim THAÇI, Abdyl RAMAJ and possibly Kadri VESELI, and became tense when THAÇI insisted on a stronger statement being given.

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<sup>32</sup> Rule 153 Decision, KSC-BC-2020-06/F02111, para.41. While the Panel made these findings in the context of its Rule 153 Decision, the same reasoning applies to admission of the same statements under Rule 154.



28. [REDACTED]. [REDACTED] the people in charge of information at the time: Jakup KRASNIQI, Hashim THAÇI, and Kadri VESELI. [REDACTED] Fatmir LIMAJ, Ferat SHALA, Sahit JASHARI, Jahir DEMAKU, and Rexhep SELIMI.

29. [REDACTED] different meetings between members of the General Staff and diplomats between December 1998 and March 1999. [REDACTED] of Bislim ZYRAPI, the chief of the operational staff of the KLA, and of Jakup KRASNIQI. [REDACTED] five Yugoslav soldiers who had deserted and were detained by the KLA, and [REDACTED] the release by the KLA of a former Serbian inspector and of Serbian journalists and Albanian political activists in November 1998.

30. W04410's evidence is thus relevant to charged crimes in the Indictment.<sup>33</sup>

31. *Authenticity and reliability.* W04410's Rule 154 Statement is comprised of W04410's SPO interview.<sup>34</sup> The statement bears sufficient indicia of authenticity and reliability.<sup>35</sup> W04410's SPO interview consists of verbatim transcripts of the audio-video recorded interview. W04410 confirmed that this statement was true and accurate, and given voluntarily.<sup>36</sup>

32. *The associated exhibits are admissible.* The associated exhibits forming part of the Proposed Evidence in Annex 4 – [REDACTED] – should be admitted as an inseparable and indispensable part of W04410's Rule 154 Statement, as they are used and explained therein.

33. *Suitable for Rule 154 admission.* W04410's Proposed Evidence satisfies the requirements and serves the purposes of Rule 154. Rule 154 admission for W04410's Proposed Evidence will significantly reduce the length of direct examination. The SPO

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<sup>33</sup> Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

<sup>34</sup> 061426-TR-ET Parts 1-3 RED.

<sup>35</sup> For an individualised assessment, see Annex 4.

<sup>36</sup> 061426-TR-ET Part 3 RED, pp.12-14.

intends to elicit oral testimony from W04410 for no more than three hours on essential matters that highlight, clarify, or explain certain aspects of his evidence.

E. W04744

34. *Relevance.* W04744 is a [REDACTED].

35. W04744 joined the KLA in [REDACTED] 1998 and served in [REDACTED]. [REDACTED]. The witness will provide information about the areas of responsibility and structures of these components of the KLA, including KLA members serving in them. W04744 will also provide evidence about the roles and movements of the Accused at different times in 1998 and 1999.

36. W04744 will provide evidence about the KLA General Staff's involvement in making appointments within the KLA and their direct interactions with the Zone and brigade structures. [REDACTED]. [REDACTED]. [REDACTED].

37. [REDACTED].

38. [REDACTED].

39. W04744's evidence is thus relevant to charged crimes in the Indictment.<sup>37</sup>

40. *Authenticity and reliability.* W04744's Rule 154 Statement – comprised of verbatim transcripts of his SPO interview – is *prima facie* authentic and reliable, bearing sufficient indicia of reliability.<sup>38</sup> During the interview, W04744 was made aware of his rights as a witness.<sup>39</sup> He confirmed that the content of his statement is true and accurate, and that his statement was given voluntarily.<sup>40</sup>

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<sup>37</sup> See, *inter alia*, Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

<sup>38</sup> For an individualised assessment of reliability, see Annex 5.

<sup>39</sup> 083249-TR-ET Part 1 RED2, pp.2-3.

<sup>40</sup> 083249-TR-ET Part 9 RED2, pp.39-40.

41. *The associated exhibits are admissible.* The associated exhibits forming part of the Proposed Evidence in Annex 5 – including a map containing markings of KLA areas of responsibility in [REDACTED]<sup>41</sup> – should be admitted as they are an inseparable and indispensable part of W04744’s Rule 154 Statement, as they are used and explained therein.

42. *Suitable for Rule 154 admission.* W04744’s Proposed Evidence satisfies the requirements and serves the purposes of Rule 154. Rule 154 admission for W04744’s Proposed Evidence will significantly reduce the number of hours required for direct examination. The SPO intends to elicit oral testimony on essential matters, including to highlight, clarify, or explain certain aspects of W04744’s evidence for four hours.

F. W04752

43. *Relevance.* W04752 was a professional soldier who entered Kosovo in [REDACTED]. On arrival in Likovc he met [REDACTED], including Sokol BASHOTA and Rexhep SELIMI. W04752 was initially assigned by the GS [REDACTED]. [REDACTED].

44. Through his personal participation in KLA activities, W04752 has information about the development of the structure and composition of the KLA, including the GS, zones, and brigades, as well as the KLA’s command and reporting structures. W04752 was present [REDACTED], and also provides information on *inter alia* training, communication, and rules and regulations. W04752 also visited many KLA bases and units, [REDACTED], including in both Kosovo and Albania.

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<sup>41</sup> As indicated in Annex 5, this document contains information about the [REDACTED], and is therefore relevant.

45. W04752 was also aware of: (i) the KLA's detention of certain individuals, (ii) certain KLA policy relating to collaborators, and (iii) distrust and threats towards professional officers within the KLA.

46. W04752's evidence is relevant to the charges in this case.<sup>42</sup>

47. *Authenticity and reliability.* The proposed evidence<sup>43</sup> is *prima facie* authentic and reliable. It consists of his (i) SPO statement,<sup>44</sup> and (ii) [REDACTED].<sup>45</sup>

48. W04752's audio-video recorded SPO interview is recorded in verbatim transcripts, and bears sufficient indicia of reliability.<sup>46</sup> The interview was conducted with the assistance of an interpreter in a language the witness understands, the witness was duly advised of his rights as a witness, and was represented by counsel throughout. W04752 confirmed that the contents of his recorded statement are true and accurate, that his statement was given voluntarily without any threats, force, or guarantees, and that he had no objections to the manner or process by which the statement was taken.<sup>47</sup> W04752's [REDACTED] also bears sufficient indicia of reliability, being [REDACTED].

49. *The associated exhibits are admissible.* The Associated Exhibits forming part of the proposed evidence in Annex 6 – which include KLA orders, reports and other

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<sup>42</sup> See, *inter alia*, Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

<sup>43</sup> Exhibit P00775 and P00775\_ET, which was tendered and admitted as a statement of Rexhep Selimi also contains within that same document a prior statement of W04752. The SPO notes for the record that, considering the purpose for which P00775 was tendered and admitted, it does not consider the evidence of W04752 contained therein (see from p.SPOE00068081) to be admitted in evidence – and is also not tendering it now. The SPO has no objection to CMU being directed to make an annotation in LWF for P00775 and P00775\_ET noting this.

<sup>44</sup> 083280-TR-ET Parts 1-14.

<sup>45</sup> [REDACTED].

<sup>46</sup> For an individualised assessment of reliability, see Annex 6.

<sup>47</sup> Interview of W04752, 083280-TR-ET Part 14, pp.47-48.

contemporaneous documents – should be admitted as they are discussed and reviewed therein.<sup>48</sup>

50. *Suitable for Rule 154 Admission.* The proposed evidence satisfies the requirements of Rule 154: W04752 will be (i) present in court, (ii) available for cross-examination and any questioning by the Panel, and (iii) able to attest that the Rule 154 Statement accurately reflects his evidence and that it is an accurate reflection of what he would say, if examined. The probative value of the proposed evidence is not outweighed by any prejudice.

51. Rule 154 admission of W04752's proposed evidence will significantly reduce the number of hours required for direct examination, and contribute to a fair and efficient trial. The SPO intends to elicit oral testimony from W04752 for 10 hours on essential matters that expand, clarify or supplement certain aspects of his evidence, including acts and conduct of the Accused and other JCE members and his knowledge of contemporaneous documents and records. W04752 is one of a limited number of witnesses who has inside knowledge of the KLA and that is available to testify in person, [REDACTED].

52. In addition to reducing court time spent on direct examination, admitting W04752's evidence pursuant to Rule 154 is more efficient than requiring *viva voce* testimony, as it reduces repetition and promotes clarity. Admission of prior statements pursuant to Rule 154 allows the calling party to forgo expending time to ask repetitive questions about a witness's experiences and knowledge of exhibits if the topics and exhibits have been discussed by the witness previously in the tendered statements.

53. *Documents and exhibits to use.* Having noted certain errors and omissions in the table of 'Documents and Exhibits to be used with the witness' as contained in KSC-

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<sup>48</sup> As indicated in the Annex, the SPO is not tendering items which about which the witness was not able to comment.

BC-2020-06/F02195/A01, the SPO provides a replacement table attached hereto at Annex 7. The table contained in the prior filing should be disregarded.

G. W04764

54. *Relevance.* W04764, [REDACTED], joined the KLA in summer 1998, [REDACTED]. After joining the KLA, W04764 was present in Kosovo until [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED].

55. [REDACTED], W04764 was aware of zone level military police ('MP') [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]. The ZKZ members and MP worked together to gather intelligence and detain persons. Certain KLA members, [REDACTED], were distrusted by the General Staff and were subject to surveillance [REDACTED].

56. W04764 describes the authority of the General Staff [REDACTED], including the issuance of orders [REDACTED]. W04764 describes the whereabouts, authority, and actions of KLA members, [REDACTED], and soldiers in their units, in 1999. W04764 also provides evidence on meetings with [REDACTED].

57. W04764's evidence is thus relevant to charged crimes in the Indictment.<sup>49</sup>

58. *Authenticity and reliability.* W04764's Proposed Evidence is *prima facie* authentic and reliable.<sup>50</sup> W04764's Rule 154 Statement is comprised of the verbatim transcripts of his SPO interview.<sup>51</sup> In particular, W04764 was duly advised of his rights and

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<sup>49</sup> See, *inter alia*, Indictment, KSC-BC-2020-06/F00999/A01, paras [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras [REDACTED].

<sup>50</sup> For an individualised assessment of reliability, see Annex 8.

<sup>51</sup> 083717-TR-ET Parts 1-11 Revised RED.

obligations as a witness,<sup>52</sup> and confirmed the contents of his statement are true and accurate.<sup>53</sup>

59. *The associated exhibits are admissible.* The associated exhibits forming part of W04764's Proposed Evidence in Annex 8 – namely, official KLA documents, photographs, and a newspaper article – should be admitted as they are an inseparable and indispensable part of W04764's Rule 154 Statement. The associated exhibits were discussed and reviewed therein.

60. *Suitable for Rule 154 Admission.* W04764's Proposed Evidence satisfies the requirements and serves the purposes of Rule 154. Rule 154 admission for W04764's Proposed Evidence will significantly reduce the number of hours required for direct examination. The SPO intends to elicit brief oral testimony from W04764 for approximately three hours on essential matters that highlight, clarify, or explain certain aspects of his evidence.<sup>54</sup>

### III. CLASSIFICATION

61. This submission and its Annexes are confidential pursuant to Rule 82(4) and to give effect to existing protective measures. In the public redacted version of this filing, specific ERNs have been redacted for the protection of upcoming witnesses. Following the testimony of W01511 and W04752, the ERNs can be made public as the witnesses are anticipated to testify without protective measures.<sup>55</sup> To give effect to the witnesses' in-court protective measures, [REDACTED] ERNs of statements given by W04260 and W04305 must remain redacted, including after their respective testimonies.<sup>56</sup>

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<sup>52</sup> 083717-TR-ET Part 1 Revised RED, pp.2-3; 083717-TR-ET Part 6 Revised RED, p.1.

<sup>53</sup> 083717-TR-ET Part 11 Revised RED, pp.4-5.

<sup>54</sup> Reduced from the six hours indicated in the Witness List. *See* Witness List, KSC-BC-2020-06/F01594/A01, [REDACTED].

<sup>55</sup> *See* footnotes 8, 10, 45.

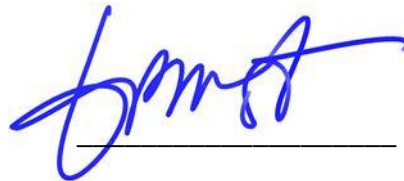
<sup>56</sup> *See* footnotes 14-15, 18, 22-23, 27.



IV. RELIEF REQUESTED

62. 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: 5,024**



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**Kimberly P. West**

**Specialist Prosecutor**

Wednesday, 27 March 2024

At The Hague, the Netherlands.