



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

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Public Redacted Version of 'Prosecution further submissions relating to its request to amend the Exhibit List (F02279)'

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1. Pursuant to the Panel's direction,¹ the Specialist Prosecutor's Office ('SPO') provides further submissions concerning the relevance of the materials and scheduling of witnesses concerned by the Request.²
2. The relevance of the Requested Amendments³ is, in part, dependant on future preparation sessions and testimony.⁴ At this stage, the SPO seeks Exhibit List amendment, not admission,⁵ for the following reasons.
3. As set out previously, the materials encompassed by the Requested Amendments concern potential interference with [REDACTED] witnesses [REDACTED]. Specifically, [REDACTED].⁶ [REDACTED], the SPO foresees the potential need to use or otherwise tender the Requested Amendments to clarify, challenge, and/or contextualise their evidence.⁷
4. Additionally, [REDACTED] witnesses concerned by the Requested Amendments [REDACTED],⁸ or [REDACTED].⁹ The materials encompassed by the Requested Amendments are therefore also *prima facie* relevant and important for a full assessment of the subject matter and circumstances of such testimony.¹⁰
5. The Requested Amendments are also relevant to the climate of interference and intimidation in which all witnesses are testifying in this case and the Panel's holistic

¹ Realtime Transcript, 23 May 2024 (Private Session), pp.3-4.

² Prosecution request to amend the Exhibit List, KSC-BC-2020-06/F02279, 1 May 2024, Confidential ('Request'), paras 1-7.

³ Request, KSC-BC-2020-06/F02279, para.1 (defining the 'Requested Amendments' and 'Exhibit List').

⁴ See also Prosecution consolidated reply relating to its request to amend the Exhibit List (F02279), KSC-BC-2020-06/F02323, 12 May 2024, Confidential ('Reply'), para.2.

⁵ Request, KSC-BC-2020-06/F02279, paras 1-2.

⁶ Request, KSC-BC-2020-06/F02279, paras 1-7.

⁷ Request, KSC-BC-2020-06/F02279, paras 2-3; Reply, KSC-BC-2020-06/F02323, paras 1, 4.

⁸ See e.g. Request, KSC-BC-2020-06/F02279, paras 4(b), 6(a).

⁹ Requested Amendment 116083 061023-111500-135746-TR-AT-ET, pp.116-120 ([REDACTED]). See also Request, KSC-BC-2020-06/F02279, para.4(a); Email to Panel, Parties, and participants dated (notifying, *inter alia*, that the SPO would lead [REDACTED]).

¹⁰ Request, KSC-BC-2020-06/F02279, paras 2-3 (and sources cited therein); Reply, KSC-BC-2020-06/F02323, paras 1, 4 (and sources cited therein).

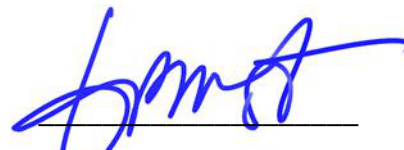
assessment of the evidence at the conclusion of the trial, and the charges, including, potentially, state of mind.¹¹

6. Considering the Panel's view that the pending Court of Appeals decision would assist the Panel in its determination of the issues arising from the THAÇI Motion¹² and Request,¹³ the SPO confirms [REDACTED]. In this respect, [REDACTED]. [REDACTED],¹⁴ [REDACTED].¹⁵ Moreover, relevant logistical arrangements have also either already been made or are in the process of being made for [REDACTED] (the SPO is additionally cognisant in this regard of [REDACTED]). [REDACTED]. [REDACTED]. [REDACTED].

7. The decision to proceed [REDACTED] – which, as outlined above, is intended to [REDACTED] – is without prejudice to any request for appropriate relief, including [REDACTED], if the Request is ultimately granted.

8. This filing is confidential pursuant to Rule 82(4) of the Rules.¹⁶

Word count: 820



Kimberly P. West

Specialist Prosecutor

Thursday, 23 May 2024

At The Hague, the Netherlands.

¹¹ Request, KSC-BC-2020-06/F02279, paras 2-3 (and sources cited therein); Reply, KSC-BC-2020-06/F02323, paras 1, 4 (and sources cited therein).

¹² Thaçi Defence Motion for exclusion of materials *in limine*, KSC-BC-2020-06/F02312/CONF, 17 May 2023, Confidential and *Ex Parte* ('THAÇI Motion').

¹³ Realtime Transcript, 23 May 2024 (Private Session), p.3.

¹⁴ Including from those who [REDACTED].

¹⁵ See also Prosecution response to Defence request for extension of time (F02289), KSC-BC-2020-06/F02296, 8 May 2024, Confidential, para.5.

¹⁶ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').