



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: 13 September 2024

Language: English

Classification: Public

**Prosecution updated report concerning agreed facts
with confidential Annex 1 and public redacted Annex 2**

Specialist Prosecutor's Office

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1. The Specialist Prosecutor's Office ('SPO') hereby updates the Trial Panel on *inter partes* discussions concerning areas of agreement or non-dispute between the Parties.¹ As reflected in Annex 1,² the Parties have reached agreement on a limited number of additional facts relating to the Accused, KLA,³ PGoK,⁴ context, and background.⁵ All agreements are without prejudice to the Parties' respective positions concerning details that fall outside the scope of any agreed fact.⁶ While, consistent with the Order,⁷ the SPO proposed facts relating to the crime base,⁸ no Defence team has agreed to any such fact.

2. Consistent with the Conduct of Proceedings Order,⁹ the SPO will report to the Panel as to any further agreement reached on facts, witnesses, and evidence.

Word Count: 363



Kimberly P. West

Specialist Prosecutor

Friday, 13 September 2024

At The Hague, the Netherlands.

¹ The last report was filed on 25 March 2024. See Prosecution report concerning *inter partes* discussions about agreed facts, KSC-BC-2020-06/F02199, 25 March 2024 ('March Report'). The first agreed facts report was filed on 18 November 2022. See Prosecution submission on agreed facts, KSC-BC-2020-06/F01114, 18 November 2022.

² Annex 1 (and public redacted Annex 2) contain all agreed facts reached to date, with an indication of when such agreements were reached and by whom. Annex 1 is confidential pursuant to Rule 82(4).

³ Kosovo Liberation Army ('KLA').

⁴ Provisional Government of Kosovo ('PGoK').

⁵ Certain Defence teams proposed reformulations of facts previously agreed by one or more Defence teams. The numbers assigned in Annex 1 associate both the original and reformulated facts (for example, Agreed Facts 1.16 and 1.16.1).

⁶ For example, the SPO's agreement to certain Defence proposals is without prejudice to the SPO's position that a certain fact existed before or after the agreed dates (see e.g. Agreed Facts 1.16.1 and JD1) or that other individuals were present at certain events (see e.g. Agreed Facts 2.73, 2.73.1).

⁷ Transcript, 26 February 2024, p.13010, lines 1-6 ('Order'). The Panel ordered the Parties to engage in *inter partes* discussions with a view to identifying further areas of agreement or non-dispute in relation to allegations forming part of the crime base of this case, and to report to the Panel.

⁸ March Report, KSC-BC-2020-06/F02199, para.2.

⁹ Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023 ('Conduct of Proceedings Order'), paras 37-40, 61.