



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: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 18 November 2020

Language: English

Classification: Public

**Public redacted version of 'Request to present additional supporting materials',
filing KSC-BC-2020-06/F00006 dated 2 June 2020**

Specialist Prosecutor
Jack Smith

Counsel for Hashim Thaçi
David Hooper

Counsel for Kadri Veseli
Ben Emmerson

Counsel for Rexhep Selimi
David Young

Counsel for Jakup Krasniqi
Venkateswari Alagendra

1. On 24 April 2020, the Specialist Prosecutor's Office ('SPO') requested that the Pre-Trial Judge confirm an indictment against Hashim THAÇI, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI ('Suspects').¹ Pursuant to Rule 86(4)(a),² the SPO hereby requests permission to submit a small number of additional supporting materials ('Request').³
2. The materials in question comprise the statements of two witnesses, and nine other documents.⁴ Attached at Annex 2 is a revised Rule 86(3)(b) Outline demonstrating the relevance of each of the tendered items. In particular, the witnesses in question had direct contact with the Suspects during the relevant time period and/or were directly involved in efforts to locate and release victims detained by the KLA.⁵
3. Separately, the SPO takes this opportunity to update the previously submitted Rule 86(3)(b) Outline⁶ in order to (i) make certain typographical and other corrections,⁷ and (ii) highlight certain additional information from the existing supporting materials.⁸

¹ Submission of Indictment for confirmation, KSC-BC-2020-06/F00002, 24 April 2020, Strictly Confidential and *Ex Parte* (with three annexes).

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev2/2020, 5 July 2017 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

³ See KSC-BC-2020-06/F00002, para.2 (foreshadowing such a request).

⁴ The additional material consists of 12 documents in total: [REDACTED]. The materials have either only recently been cleared for the SPO's use by certain states and international organisations, or are necessary to replace documents that were previously inadvertently included amongst the supporting materials but are now being removed (see footnote 7 below).

⁵ See, Annex 2: Modes of Liability, Superior Responsibility, Elements (1) and (2) and Kleçkë/Klečka, Count 3, Element (1). In respect of the supplementary documentary evidence see Annex 2, War Crimes Contextual Elements, Element (1).

⁶ KSC-BC-2020-06/F00002/A02.

⁷ In this regard, the SPO notes that the prior Rule 86(3)(b) Outline inadvertently referenced seven documents which should not have been cited to or included in the supporting materials. In addition to removing such references from the Rule 86(3)(b) Outline, the SPO is updating the released package of supporting materials to remove and replace those documents, as follows: (i) [REDACTED] to be replaced by [REDACTED]; (ii) [REDACTED] to be replaced by [REDACTED]; (iii) [REDACTED] to be replaced by [REDACTED]; (iv) [REDACTED] to be replaced by [REDACTED]; (v) [REDACTED] to be replaced by [REDACTED]; (vi) [REDACTED] to be replaced by [REDACTED]; and (vii) [REDACTED] to be replaced by [REDACTED].

⁸ Annex 1 contains a version of the Rule 86(3)(b) Outline containing only the corrections and updates based on existing supporting materials. Annex 2 contains a version of the Rule 86(3)(b) Outline which

4. This filing is strictly confidential and *ex parte* in accordance with Rules 85(4) and 86(2).

Word count: 462



Jack Smith

Specialist Prosecutor

Wednesday, 18 November 2020
At The Hague, the Netherlands.

includes both (i) corrections and updates to KSC-BC-2020-06/F00002/A02, and (ii) demonstrates the relevance of the 12 newly tendered documents.