



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-05  
**Before:** Pre-Trial Judge  
Judge Nicolas Guillou  
**Registrar:** Dr Fidelma Donlon  
**Filing Participant:** Specialist Prosecutor  
**Date:** 15 February 2021  
**Language:** English  
**Classification:** Public

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**Submission of Pre-Trial-Brief, with witness and exhibit lists**  
**with strictly confidential and *ex parte* Annexes 1-3**

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**Specialist Prosecutor's Office**  
Jack Smith

**Counsel for the Accused**  
Julius von Bóné

1. Pursuant to Rule 95(4) of the Rules<sup>1</sup> and to the Pre-Trial Judge's order of 4 February 2021,<sup>2</sup> the Specialist Prosecutor's Office ('SPO') hereby files:
  - a. The Prosecution Pre-Trial Brief, containing a summary of the evidence the SPO intends to present to prove the charges in the Indictment;<sup>3</sup>
  - b. The list of witnesses the SPO intends to call or otherwise rely upon at trial, with the information required by Rule 95(4)(b);<sup>4</sup> and
  - c. The list of proposed exhibits the SPO intends to present at trial.<sup>5</sup>
2. At the time of this filing, discussions with the Defence on the possibility of agreeing certain facts relevant to the charges are ongoing. At the status conference held on 1 February 2021, the Pre-Trial Judge gave the Defence until 1 March 2021 to decide whether to agree to any of the facts proposed by the SPO on 21 January 2021.<sup>6</sup> As a consequence, at this stage the SPO is not in a position to specify, pursuant to Rule 95(4)(a), 'any admission by the Defence, as well as a statement of matters that are not in dispute.' The SPO will inform the Pre-Trial Judge without delay as soon as the discussions with the Defence are finalised.
3. The Pre-Trial Brief, Witness List, and Exhibit List are filed as strictly confidential and *ex parte* to safeguard previously authorised protective measures. A confidential redacted version of these documents will be filed.

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<sup>1</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

<sup>2</sup> Order for further submissions on disclosure, KSC-BC-2020-05/F00073, 4 February 2021, Public, para.14(c).

<sup>3</sup> Annex 1.

<sup>4</sup> Annex 2.

<sup>5</sup> Annex 3. In this regard, the SPO notes that no specific objection to the authenticity of any of these documents has so far been indicated by the Defence.

<sup>6</sup> Status conference of 1 February 2021, KSC-BC-2020-05, p.155.

**Word count: 315**



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**Jack Smith**  
**Specialist Prosecutor**

Monday, 15 February 2021  
At The Hague, the Netherlands