

In: KSC-BC-2020-06
The 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 Counsel for Hashim Thaçi

Date: 25 March 2021

Language: English

Classification: Public

Thaçi Defence Response to the Preliminary Motions filed by the Veseli, Selimi and Krasniqi Defence Teams

Specialist Prosecutor

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I. INTRODUCTION

1. On 5 February 2021, the Pre-Trial Judge issued a “Decision on Specialist Prosecutor’s Second Request for Protective Measures and Renewed Request for Protective Measures and Procedural Matters”, in which he ordered the Defence to file any preliminary motions pursuant to Rule 97 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“RPE”) by 15 March 2021.¹
2. On 12 March 2021, the defence for Mr Hashim Thaçi (“Thaçi Defence”) filed three preliminary motions pursuant to Rule 97 of the RPE, being:
 - (1) Motion Alleging Defects in the Indictment against Mr Hashim Thaçi;
 - (2) Preliminary Motion to Dismiss the Indictment due to Lack of Jurisdiction;
and
 - (3) Motion challenging jurisdiction on the basis of violations of fundamental rights enshrined in the Constitution, (collectively, “Thaçi Preliminary Motions”).²
3. On 10 February 2021 and 15 March 2021, the defence for Mr Rexhep Selimi filed three preliminary motions, pursuant to Rule 97 of the RPE.³
4. On 15 March 2021, the defence for Mr Jakup Krasniqi filed two preliminary motions, pursuant to Rule 97 of the RPE.⁴

¹ KSC-BC-2020-06/F00190/CONF/RED, Confidential Redacted Version of Decision on Specialist Prosecutor’s Second Request for Protective Measures and Renewed Request for Protective Measures and Procedural Matters, 5 February 2021.

² KSC-BC-2020-06/F00215, Motion Alleging Defects in the Indictment against Mr Hashim Thaçi, 12 March 2021; KSC-BC-2020-06/F00216, Preliminary Motion to Dismiss the Indictment due to Lack of Jurisdiction, 12 March 2021; KSC-BC-2020-06/F00217, Motion challenging jurisdiction on the basis of violations of fundamental rights enshrined in the Constitution, 12 March 2021.

³ KSC-BC-2020-06/F00198, Selimi Defence Challenge to Jurisdiction – Joint Criminal Enterprise, 10 February 2021; KSC-BC-2020-06/F00219, Preliminary Motion to Dismiss the Indictment due to Lack of Jurisdiction – Discrimination, 15 March 2021; KSC-BC-2020-06/F00222, Selimi Defence Challenge to the Form of the Indictment, 15 March 2021 (“Selimi Preliminary Motions”).

⁴ KSC-BC-2020-06/F00220, Krasniqi Defence Preliminary Motion on Jurisdiction with Public Annex 1, 15 March 2021; KSC-BC-2020-06/F00221, Krasniqi Defence Preliminary Motion Alleging Defects in the Indictment, 15 March 2021 (“Krasniqi Preliminary Motions”).


5. On 15 March 2021, the defence for Mr Veseli filed three preliminary motions, pursuant to Rule 97 of the RPE.⁵ These filings were notified on 16 March 2021.

II. RESPONSE

6. The Thaçi Defence adopts the submissions raised in the Veseli, Selimi and Krasniqi Preliminary Motions, to the extent that they are not inconsistent with, or prejudicial to, the position adopted by the Thaçi Defence in the Thaçi Preliminary Motions.

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Respectfully submitted,



David Hooper

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25 March 2021

⁵ KSC-BC-2020-06/F00223, Preliminary motion of the Defence of Kadri Veseli to Challenge the Jurisdiction of the KSC, 15 March 2021; KSC-BC-2020-06/F00224, Preliminary motion of the Defence of Kadri Veseli to Challenge Jurisdiction on the basis of violations of the Constitution, 15 March 2021; KSC-BC-2020-06/F00225, Preliminary motion by the Defence of Kadri Veseli to Challenge the Indictment, 15 March 2021 (“Veseli Preliminary Motions”).