



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: 22 October 2021

Language: English

Classification: Public

Prosecution Amended Rule 102(3) Notice Pursuant to F00421

with confidential Annexes 1 and 2

Specialist Prosecutor's Office

Jack Smith

Counsel for Victims

Simon Laws

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagendra

1. The Specialist Prosecutor's Office ('SPO') hereby submits amendments ('Amended List') to its previously filed Rule 102(3)¹ notice ('July 102(3) Notice').²
2. Subsequent to the SPO's filing of the July 102(3) Notice, the Pre-Trial Judge ordered ('Order') the SPO to file an amended notice with additional description of items as requested by the Defence, in line with the benchmarks for description indicated in the Order.³ The Pre-Trial Judge also ordered the SPO to highlight the amended entries by colour.⁴
3. On 24 September 2021, the Defence jointly filed a request for additional description of 24,841 entries.⁵ In the Request, the Defence invited the SPO to submit a table containing only the entries in regards to which the Defence had requested additional description.⁶ The SPO requested⁷ and received⁸ an extension until 22 October 2021 to file the Amended List.
4. In the Amended List (Annex 1), the SPO has highlighted in blue the entries that have been amended with additional information. The information available to be provided varies significantly across the materials, given their wide variety and multiple sources. Left in white are those items where the Defence requested additional information but where there was no additional relevant information to provide, or the document was considered already sufficiently described in order to assess materiality.

¹ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules').

² Prosecution Rule 102(3) notice, KSC-BC-2020-06/F00421, 30 July 2021.

³ Decision on the Defence Request for an Amended Rule 102(3) Notice, KSC-BC-2020-06/F00460, 8 September 2021 ('Decision').

⁴ Decision, para.27(e).

⁵ Joint Defence Notification with Respect to SPO Rule 102(3) Notice, KSC-BC-2020-06/F00489, 24 September 2021 ('Request').

⁶ Request, para.3.

⁷ Prosecution Request for an Extension of Time Limit to Respond to F00489, KSC-BC-2020-06/F00494, 28 September 2021.

⁸ Decision on Prosecution Request for Extension of Time Limit, KSC-BC-2020-06/F00496, 28 September 2021.

5. For some items the description in the Amended List has been replaced by 'listed in error'. These are items that, on further review, have been included in the list elsewhere under a different ERN, or are encompassed by other SPO disclosure filings. In addition, a substantial number of the items for which the Defence requested additional information concern missing persons. In order to provide additional information about such missing persons in the most efficient manner possible, the SPO is also submitting a list of missing persons (Annex 2), which contains, where available: name; gender; date and place of birth; father's name; date and place where last seen; and ICRC number, for the missing individuals. The SPO will separately provide the Defence with the list in a format that allows filtering in various ways, for example to sort missing persons by names, date last seen, or location last seen. It therefore may be of use to the Defence when considering whether to request those documents on the list that pertain to missing persons.

Word count: 474



Jack Smith

Specialist Prosecutor

Friday, 22 October 2021

At The Hague, the Netherlands.