

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: Counsel for Kadri Veseli

Date: 1 December 2021

Language: English

Classification: Public

Veseli Defence Notice on Expert Witness Reports

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I. INTRODUCTION

1. Pursuant to Rule 149(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers (“Rules”), the Defence for Mr Kadri Veseli (“Defence”) hereby submits its Notice on expert witness reports.

II. PROCEDURAL BACKGROUND

2. On 24 November 2021, the SPO disclosed Package 117 containing three expert reports.
3. On 30 November 2021, the SPO provided the Defence with a disclosure letter relating to Packages 116-119, indicating *inter alia* that Package 117 contained 11 items disclosed pursuant to the Twelfth Decision on Specialist Prosecutor's Request for Protective Measures, without further information.

III. APPLICABLE LAW

4. Rule 149(2) of the Rules provides that, within seven (7) days of disclosure of the report of an expert witness, or as directed by the Panel, the opposing Party shall file a notice indicating whether: (a) it challenges the qualifications of the witness as an expert or the relevance of all or parts of the expert witness report and, if so, which parts; (b) it accepts the expert witness report or parts thereof; or (c) it wishes to cross-examine the expert witness.

IV. SUBMISSIONS

5. As a preliminary matter, the Defence submits that, absent any formal notice, it is unclear as to whether the SPO regards the reports disclosed in package 117 as “final reports” within the meaning of Rule 149 and, at this point, makes the following submissions out of an abundance of caution.

6. At the present stage, the Defence reserves its right to both challenge the qualification of the expert witnesses under Rule 149(2)(a) or accept the expert witness reports or parts thereof under Rule 149(2)(b) until it has been provided with all the information relevant to the SPO case and is in a position to set its case through the submission of its Defence Pre-Trial Brief in accordance with Rule 95(5) of the Rules.
7. Nonetheless, the Defence indicates that it intends to cross-examine W04826, W04874 and W04875 in accordance with Rule 149(2)(c), unless an agreement is reached *inter partes* to accept the reports or parts thereof once the Defence is in a position to properly and diligently assess the same. Additionally, the Defence indicates its default position that it intends to cross-examine any other expert witness the SPO may call to testify.

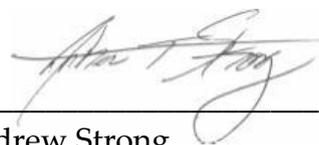
V. CONCLUSION

8. In light of the foregoing, the Defence hereby provides notice to the Pre-Trial Judge of its intention to cross-examine expert witnesses W04826, W04874 and W04875 at trial and that it reserves its right to make further submissions in relation to these witnesses in its Defence Pre-Trial Brief.

Word Count: 426



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