

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: 10 February 2022

Language: English

Classification: Confidential

**Veseli Defence Response to SPO's Rule 107(2) Request
Pursuant to Decision F00559**

Specialist Prosecutor's Office
Jack Smith

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Gregory Kehoe

Counsel for Kadri Veseli
Ben Emmerson

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I. SUBMISSION

1. The Defence for Kadri Veseli (“Defence”) hereby responds to the SPO’s request relating to four Rule 107 documents.¹

A. Documents Upon Which the SPO Will Not Rely

2. The SPO submits that it does not intend to rely on two of the Rule 107 documents:
 - SPOE00297872-00297878; and
 - SPOE00295609-00295612.
3. The Defence observes that, currently, it is only in possession of the second listed document and requests the PTJ to order SPO to disclose the first document as soon as possible.
4. The SPO indicates that “[t]o the extent information redacted from these documents falls under other disclosure provisions, the SPO is taking appropriate steps to discharge its disclosure obligations.”² The Defence requests that the SPO clearly identify any past or future disclosures, which were or are going to be made, that discharge its disclosure obligations in relation to these two documents.
5. Once the information above has been provided to the Defence, it will then be in a position to assess whether these counter-balancing measures are satisfactory and make any remaining submissions that are necessary.

¹ F00665, Confidential version of Prosecution Rule 107(2) request pursuant to Decision F00559, 31 January 2022.

² F00665, fn 8.

B. Documents Upon Which the SPO Seeks to Rely

6. The SPO has indicated that it intends to rely upon:
 - SPOE00320934-00320934 (lesser redacted version of SPOE00233959-00233959); and
 - SPOE00320935-00320938 (lesser redacted version of SPOE00234435-00234438).

7. With respect to the first document, the Defence observes that there can be no reasonable justification for the redaction of the name of a KLA officer in the second last line of the document. According to the report, the individual was not even contacted by the OSCE team: he was simply referred to by other members in the KLA compound they visited. This information is material to the Defence and should be disclosed.

8. The Defence also considers it unreasonable to redact the name of the person who apparently accompanied the witness to his interviews with the MUP and OSCE, given that the witness's own name is not redacted, and submits that this information should be disclosed.

9. The Defence observes that there are two sets of redactions in the second document. According to the SPO, the first of these relates to "allegedly missing and/or killed persons of no apparent relevance to the case." Under the circumstances, the Defence does not oppose these redactions. The second set of redactions relates to an individual who was charged with terrorism offences and was "on a list for an amnesty." The SPO does not indicate whether this

person is relevant to the case. It appears that this information could be material to the Defence and should therefore be disclosed.

II. CONCLUSION

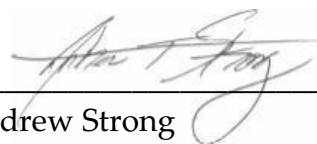
10. For the foregoing reasons, the Pre-Trial Judge is respectfully requested to order the SPO to:

- Disclose as soon as possible SPOE00297872-00297878;
- Identify to the Defence any disclosures intended to discharge its disclosure obligations relating to the two documents upon which it does not intend to rely;
- Disclose lesser redacted versions of the two documents upon which it intends to rely taking into account the objections set out above; or in the alternative
- Take counter-balancing measures to discharge their disclosure obligations in relation to this information.

Word Count: 534



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