



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

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: 13 October 2022

Language: English

Classification: Public

Prosecution notification of disclosure

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. On 20 May 2022, the Pre-Trial Judge ordered the Specialist Prosecutor's Office ('SPO') to disclose all items then selected from the Rule 102(3) Notice¹ by 30 September 2022.²
2. The SPO understood it had complied with this deadline and filed a notice stating so.³ In order to file this notice, the SPO, *inter alia*: (i) put every Rule 102(3) requested item in ordered lists, (ii) checked that every item (to be) disclosed from these lists were in packages, (iii) reviewed the associated information about these items to ensure it was properly recorded, and (iv) confirmed that no restrictions on disclosure applied.
3. Subsequently, the SPO began preparing spreadsheets requested by the Defence to assist them in reviewing the Rule 102(3) material that had been requested and disclosed.⁴ In the course of creating these spreadsheets, the SPO re-reviewed over 200,000 individual item requests from Defence teams line-by-line, and in doing so determined that: (i) 54 items from the Rule 102(3) Notice had inadvertently not been disclosed;⁵ and (ii) certain items had been disclosed to some Defence teams, but inadvertently not to all who requested them (16 such items for Thaçi, 296 for Veseli, 146 for Selimi, and 1,092 for Krasniqi). The omissions identified were primarily caused by recording errors in the SPO's disclosure workstream. Technical errors in moving packages between databases to be released for disclosure also contributed.

¹ Prosecution Amended Rule 102(3) Notice Pursuant to F00421, KSC-BC-2020-06/F00543, 22 October 2021 ('Rule 102(3) Notice'). *See also* Prosecution Rule 102(3) notice, KSC-BC-2020-06/F00421, 30 July 2021.

² Transcript, 20 May 2022, p.1323.

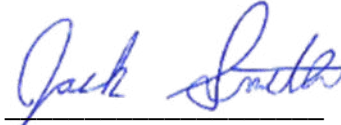
³ Prosecution notification of compliance, KSC-BC-2020-06/F01005, 3 October 2022.

⁴ Creation of these spreadsheets was not required by the statutory scheme but was undertaken by the SPO at the defence's request to assist them in its review of the material in question (given the volume of requests at issue).

⁵ Many of these items have been split into multiple parts prior to disclosure.

4. The re-review was completed earlier today and the disclosure of these items referenced above was then immediately made to each of the Defence teams. The spreadsheets themselves will be provided to the Defence by the end of this week.

Word count: 358



Jack Smith
Specialist Prosecutor

Thursday, 13 October 2022

At The Hague, the Netherlands.