

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 Rexhep Selimi

Date: 28 October 2022

Language: English

Classification: Public

Selimi Defence Notice of Alibi

Specialist Prosecutor

Jack Smith

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Victims

Simon Laws

Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagendra

I. INTRODUCTION

1. On 8 September 2022 the Pre-Trial Judge ordered the Defence to file notices of alibi or grounds for excluding responsibility to the extent possible pursuant to Rule 95(5) of the Rules of Procedure and Evidence.¹
2. In accordance with the Alibi Notice Order and pursuant to Rule 95(5)² the Defence for Mr. Selimi ("Defence") hereby files notice regarding its intent to offer a defence of alibi or any other grounds excluding criminal responsibility ("Alibi Notice").

II. SUBMISSIONS

3. The Defence has previously notified the SPO that it "envisage[s] potentially needing to give notice of an alibi or grounds for excluding responsibility, pursuant to Rule 95(5) of the Rules, subject to the redacted allegations in the Indictment being unredacted".³ At the present time, based on the redacted versions of the Indictment and SPO Pre-Trial Brief, and in light of the evidence and information disclosed to the Defence thus far, Mr. Selimi does not intend to offer a defence of alibi or any other grounds excluding criminal responsibility.
4. As noted in past submissions,⁴ and in the recently filed Selimi Defence Pre-Trial Brief;⁵ the extensive and compounded redactions to the Amended Indictment,

¹ KSC-BC-2020-06, Transcript, Pre-Trial Judge, Oral Order the Defence to file notices of alibi by 28 October 2022, 8 September 2022, p. 1583 lines 7-13 ("Alibi Notice Order").

² Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

³ KSC-BC-2020-06, F00871, Public Redacted Version of Selimi Defence Submissions for Thirteenth Status Conference, 8 July 2022, para. 32(ii); F00951, Selimi Defence Submissions for Fourteenth Status Conference, 5 September 2022, para. 28.

⁴ See e.g. KSC-BC-2020-06, Transcript, 8 September 2022, p. 1560, lines 18-24; Transcript, 13 July 2022, p.1404 line 23 – p. 1405 line 21.

⁵ KSC-BC-2020-06, F01049, Selimi Defence Pre-Trial Brief, 21 October 2022, paras 16-31 ("Selimi Defence PTB").

SPO Pre-Trial Brief and the underlying evidence have resulted in a situation whereby the particulars of the SPO's case, and in some instances entire allegations,⁶ are unknown to the Defence and will remain so until at least 30 days before trial,⁷ or 30 days before the witness in question will testify.

5. As such, while the Defence does not intend to offer a defence of alibi at the present time, it reserves its right to notify the SPO of its intent to offer such a defence once the relevant redactions are lifted and it has been properly notified of the SPO's case.

Word count: 452

Respectfully submitted on 28 October 2022,



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⁶ Selimi Defence PTB, para. 20.

⁷ The Defence notes in this regard filing KSC-BC-2020-06, F01064, Prosecution notice concerning Indictment redactions with strictly confidential and *ex parte* Annex 1 and confidential Annex 2, 28 October 2022.



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