



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:** Acting Specialist Prosecutor

**Date:** 18 November 2022

**Language:** English

**Classification:** Public

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**Prosecution submission on agreed facts  
with confidential Annex 1 and public Annex 2**

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**Specialist Prosecutor's Office**  
Alex Whiting

**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 8 September 2022, the Pre-Trial Judge issued an oral order to the Specialist Prosecutor's Office ('SPO') and all defence teams to file, pursuant to Rule 95(3),<sup>1</sup> notices indicating where points of agreement on issues of law and/or fact have been reached by 18 November 2022.<sup>2</sup>
2. Prior to this oral order, beginning in March 2021, the SPO had submitted proposals for agreed facts to all defence teams, engaged in *inter partes* correspondence regarding the same, and as a result, had reached agreement with individual teams on certain facts. Following the oral order, on 31 October 2022, the four defence teams submitted a joint proposal for agreed facts. In addition, following receipt of the defence pre-trial briefs, the SPO prepared an additional proposal for agreed facts which was distributed *inter partes* on 10 November 2022. The SPO has undertaken to prepare a filing informing the Pre-Trial Judge of the agreed facts.
3. Annexes 1 and 2 set out the facts proposed by the SPO which have been agreed between the SPO and each defence team. Each fact has its original number, for record-keeping purposes. As previously indicated *inter partes* and considering both the purposes of Rules 95(3) and 156 and the scope of the charges in this case, the SPO does not agree to the facts found in the joint defence proposal. Such facts concern crimes which are not charged in the Indictment and any agreement thereto would not expedite the proceedings.<sup>3</sup>
4. Annex 1 is confidential as it contains personal information of the Accused.

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<sup>1</sup> 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.

<sup>2</sup> Transcript, 8 September 2022, p.1583.

<sup>3</sup> See also Transcript, 4 November 2022, p.1647.

**Word count: 297**

A handwritten signature in blue ink, appearing to read 'Alex Whiting', written over a horizontal line.

**Alex Whiting**

**Acting Specialist Prosecutor**

Friday, 18 November 2022

At The Hague, the Netherlands.