



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:** 9 December 2022

**Language:** English

**Classification:** Public

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**Prosecution supplement to detention filings F01069 and F01086**

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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. In accordance with the Decisions,<sup>1</sup> the Specialist Prosecutor's Office ('SPO') provides a supplement to its previous detention submissions concerning Hashim Thaçi<sup>2</sup> and Kadri Veseli.<sup>3</sup>
2. The disclosure issue referenced in the Decisions concerns the extent to which the SPO relied upon the evidence of a witness who has since recanted his account. The SPO has never relied upon this witness's evidence in this case, including to ground any Accused's detention. This has been known to the Defence all along – from the Pre-Trial Judge's first detention decisions, it was made clear that detention could only be justified upon information disclosed to them.<sup>4</sup> That the Defence only received the evidence of this recanting witness recently confirms that it was never relied upon, as they were recently reminded.<sup>5</sup> Despite knowing that this witness had no bearing on the detention decisions, the Defence has persisted in delaying the next detention review over a manifestly non-existent issue.<sup>6</sup>
3. All of the SPO's previous submissions on detention remain valid. The expeditious progress of the proceedings has become even more pronounced in the meantime, as the Trial Panel has now been assigned<sup>7</sup> and the Pre-Trial Judge

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<sup>1</sup> Decision Amending the Briefing Schedule for the Seventh Detention Review of Mr Veseli, KSC-BC-2020-06/F01094, 9 November 2022; Decision on Thaçi Defence Request for an Extension of Time for Submissions on Review of Detention, KSC-BC-2020-06/F01098, 11 November 2022 (collectively, 'Decisions').

<sup>2</sup> Prosecution submissions on detention review of Hashim Thaçi, KSC-BC-2020-06/F01086, 4 November 2022.

<sup>3</sup> Prosecution submissions on detention review of Kadri VESELI, KSC-BC-2020-06/F01069, 31 October 2022.

<sup>4</sup> Decision on Kadri Veseli's Application for Interim Release, KSC-BC-2020-06/F00178, 22 January 2021, para.41 ('[...] information which is essential for the assessment of the lawfulness of a detention should be made available in an appropriate manner to the detained person or his or her counsel').

<sup>5</sup> Transcript of Hearing, 4 November 2022, p.1610.

<sup>6</sup> *As further challenged in* Public Redacted Version of 'Prosecution consolidated response to F01100 and F01101 with strictly confidential and ex parte Annex 1', KSC-BC-2020-06/F01121, dated 24 November 2022, KSC-BC-2020-06/F01121/RED.

<sup>7</sup> Decision Assigning Trial Panel II, KSC-BC-2020-06/F01132, 30 November 2022.

confirmed the record of the case will be ready for transmission to the Trial Panel on 15 December 2022.<sup>8</sup> The Detention of both Mr Thaçi and Mr Veseli should be extended.

**Word count: 389**



**Alex Whiting**

**Acting Specialist Prosecutor**

Friday, 9 December 2022

At The Hague, the Netherlands

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<sup>8</sup> Notification Pursuant to Rule 98(3) of the Rules of Procedure and Evidence, KSC-BC-2020-06/F01131, 30 November 2022.