

In: KSC-BC-2020-06
**The Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi
and Jakup Krasniqi**

Before: **Trial Panel II**
Judge Charles L. Smith, III, Presiding Judge
Judge Christoph Barthe
Judge Guénaél Mettreaux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 12 January 2023

Language: English

Classification: Confidential

**Thaçi Defence Response to 'Prosecution request for time extension relating to Decision
F01149' (F01195)**

Specialist Prosecutor's Office

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Counsel for Victims

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Venkateswari Alagendra

1. The Defence for Hashim Thaçi (the “Defence”) hereby responds to the Prosecution request for time extension relating to Decision F01149,¹ pursuant to which the SPO requests a three-week extension of the 13 January 2023 deadline to comply with the Pre-Trial Judge’s order to notice and disclose certain correspondence relating to requests for assistance (collectively, “RFAs”).²

2. The Request should be dismissed as untimely and unsubstantiated. It fails to comply with Rule 76 of the Rules of Procedure and Evidence (“Rules”), being filed two working days before expiry of the relevant deadline.

3. The SPO further fails to demonstrate good cause, as required by Rule 9(5) of the Rules. The Decision was notified on 9 December 2022, more than one month ago, giving ample time to the SPO to organise its resources in order to comply with the Pre-Trial Judge’s order. If consultation with the Serbian authorities was necessary,³ these should have been initiated upon notification of the Decision. The SPO submits that the RFAs require “close scrutiny for purposes of redactions”⁴ but fails to specify the volume of material concerned, which much be limited since it relates to only one State and to RFAs having led to the production of evidence in the current case.

4. Contrary to the SPO submissions,⁵ the Defence reiterates⁶ that it would be extremely prejudiced by the delayed disclosure of the requested RFAs when the trial is scheduled to start in only a few weeks. These RFAs are material for the Defence

¹ KSC-BC-2020-06/F01195, 11 January 2023, confidential (“SPO Request”).

² KSC-BC-20206/F01149, Pre-Trial Judge, Decision on Joint Defence Motion for Disclosure Pursuant to Rule 103 (F00877/COR), 9 December 2022, confidential (“Decision”), paras 76, 78, 85(a). Request for Suspensive Effect, KSC-BC-2020-06/F01186, para.3.

³ SPO Request, para. 3

⁴ *Ibid.*

⁵ *Ibid.*, para. 4.

⁶ KSC-BC-2020-06/F01193, Thaçi Defence Consolidated Response to ‘Prosecution request for reconsideration or leave to appeal Decision F01149’ (F01185) and ‘Prosecution request for suspensive effect relating to Decision F01149’ (F01186), 10 January 2023, confidential, para. 12.

preparation pursuant to Rule 102(3), as acknowledged by the Pre-Trial Judge in his Decision.⁷ They concern witnesses relevant for the current proceedings, some being called to testify against the Accused.⁸ They may be useful to assess their credibility as well as the reliability of items on the SPO Exhibit List which may have been disclosed to the SPO by Serbia.

5. The present submissions are filed as confidential in light of the classification adopted by the SPO in its Request. The Defence does not object to their reclassification as public.

[Word count: 425 words]

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'G. W. Kehoe', is written over a white rectangular redaction box.

Gregory W. Kehoe

Counsel for Hashim Thaçi

Thursday, 12 January 2023

At Tampa, United States

⁷ Decision, paras 76, 78.

⁸ SPO Request, para. 3.