

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

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

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 15 February 2023

Language: English

Classification: Public

Thaçi Defence Further Notice of Alibi

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 Alagenda

1. On 28 October 2022, pursuant to an order of the Pre-Trial Judge,¹ the Defence for Mr Hashim Thaçi filed a notice of alibi.² The Defence noted its inability to provide a complete notice of alibi, and referred instead to details of the location of Mr Thaçi during the Indictment Period, which were set out in the Pre-Trial Brief.³

2. On 27 January 2023, the Trial Panel ordered to the Defence to “amend or supplement their existing notices of alibi by filing, by no later than **Wednesday, 15 February 2023, 4pm**, an amended or supplemental notice of alibi that complies with the requirements of Rules 95(5) and 104(1)(a) of the Rules, as specified in the present decision, in respect of any incident charged in the Indictment in relation to which the respective Accused wishes to raise a defence of alibi”.⁴

3. The Defence does not intend to amend or supplement the Notice of Alibi at this time. However, the Defence reserves its right to give notice of an alibi at a later time, and particularly once all redactions are lifted from the SPO material. Specifically, the Defence notes that substantial redactions remain in place to the SPO’s Pre-Trial Brief, the SPO Witness List and the evidentiary material. For example, the identity of approximately 24 of the witnesses on the SPO’s Witness List remains redacted, resulting in substantial redactions to all of their material, and any associated items.

[Word count: 310 words]

¹ KSC-BC-2020-06, Transcript of Fourteenth Status Conference, 8 September 2022, Public, Oral Order 2, p. 1583 lines 7-13.

² KSC-BC-2020-06/F01065, Thaçi Defence Notice of Alibi, 28 October 2022, Public (“Notice of Alibi”).

³ Notice of Alibi, para. 2. *See also* KSC-BC-2020-06/F01050, Pre-Trial Brief of Mr Hashim Thaçi, 21 October 2022 (“Pre-Trial Brief”), paras. 116-125.

⁴ KSC-BC-2020-06/F01231, Trial Panel II, Order on Further Notice of Alibi and Associated Disclosure, 27 January 2023 (“Order”), para. 19(a) (emphasis in original).

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

Wednesday, 15 February 2023

At The Hague, The Netherlands