

**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 Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Counsel for Rexhep Selimi

**Date:** 15 February 2023

**Language:** English

**Classification:** Public

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**Selimi Defence Updated Notice of Alibi**

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**Acting Specialist Prosecutor**

Alex Whiting

**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 Alagenda

1. On 28 October 2022, the Defence for Mr. Selimi filed its original notice of alibi and reserved its right to offer a defence of alibi following the lifting of the relevant redactions in the Amended Indictment, the SPO's Pre-Trial Brief and the underlying evidence.<sup>1</sup>
2. On 27 January 2023, the redactions in the Amended Indictment were lifted pursuant to the Trial Panel's Decision on Indictment Redactions,<sup>2</sup> revealing various allegations that were hitherto redacted. Newly unredacted paragraphs 41, 42, 49, 115, 139 and 149 of the unredacted indictment contain direct allegations against Mr. Selimi ("New Selimi Allegations").
3. On 13 February 2023, in light of the vagueness of the New Selimi Allegations which will be the subject of a preliminary motion under Rule 97(1)(b), the Defence requested<sup>3</sup> the suspension of the Trial Panel's order of 27 January 2023, for the accused to amend or supplement their existing notices of alibi by 15 February 2023.<sup>4</sup> At the date of filing, no decision has been issued on that request and the Defence has not yet received the unredacted version of the SPO Pre-Trial Brief relating to those allegations.<sup>5</sup>
4. In *inter partes* correspondence, the SPO has confirmed a specific date for the allegation in paragraph 49.<sup>6</sup> No notice of alibi will be filed in relation to this allegation. Nor will a notice of alibi be filed in relation to the New Allegation in paragraph 41.

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<sup>1</sup> KSC-BC-2020-06/F01067, Selimi Defence Notice of Alibi, 28 October 2022, para. 5.

<sup>2</sup> KSC-BC-2020-06/F01229, Confidential Redacted Version of Decision on Indictment Redactions, 26 January 2023 ("Decision on Indictment Redactions").

<sup>3</sup> KSC-BC-2020-06/F01281, Selimi Defence Request for Trial Panel to Schedule a Further Initial Appearance and Preliminary Motions and Suspend the Order Updating the Notice of Alibi, 13 February 2023.

<sup>4</sup> KSC-BC-2020-06/F01231, Order on Further Notice of Alibi and Associated Disclosure, 27 January 2023.


<sup>5</sup> Decision on Indictment Redactions, paras 15, 16 and 40(b).

<sup>6</sup> Email from the SPO to the Selimi Defence, RE: Paragraphs 42 and 49 of the Indictment, 8 February 2023.

5. However, in relation to paragraph 42, the most specific information the SPO can provide in relation to this allegation is that it covered the whole month. Therefore, the Defence reserves the right to update its notice of alibi, if and when, the SPO provides greater specificity in relation to the date of this allegation or is ordered to do so by the Trial Panel.
6. These submissions are filed publicly as they do not contain any confidential information although they may refer to confidential issues. Indeed, as required by the Trial Panel<sup>7</sup> they are specifically drafted to be public.

Word count: 443

Respectfully submitted on 15 February 2023,



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<sup>7</sup> KSC-BC-2020-06/F01226, Order on the Conduct of Proceedings, 25 January 2023, Annex 1, para. 2.