



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

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Acting Specialist Prosecutor

**Date:** 17 February 2023

**Language:** English

**Classification:** Public

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**Prosecution supplemental Rule 102(3) notice  
with confidential Annex 1**

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**Specialist Prosecutor's Office**

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**Counsel for Kadri Veseli**

Ben Emmerson

**Counsel for Rexhep Selimi**

David Young

**Counsel for Jakup Krasniqi**

Venkateswari Alagendra

1. As ordered by the Trial Panel,<sup>1</sup> the Specialist Prosecutor's Office ('SPO') hereby submits a supplemental notice under Rule 102(3) of the Rules ('February 2023 Notice').<sup>2</sup>
2. The February 2023 Notice reflects items falling under Rule 102(3) which have been identified,<sup>3</sup> obtained, or cleared since the date indicated in the October 2022 Notice,<sup>4</sup> up until 3 February 2023. The February 2023 Notice does not include any items subject to pending SPO requests,<sup>5</sup> nor items that are open source materials from cases at the ICTY.<sup>6</sup> In addition, today the SPO directly disclosed to the Defence 93 items that should have been provided earlier.<sup>7</sup>
3. This said, due to internal processes such as removing duplicates in the course of finalising the notice, the SPO can report that the newly disclosed materials amount to substantially less than the 700 items previously estimated.<sup>8</sup> Following today's disclosure, the February 2023 notice contains 263 items, amounting to 2753 pages.

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<sup>1</sup> Transcript, 15 February 2023, pp.1949-1950. *See also* Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023, paras 21-22.

<sup>2</sup> *See* Annex 1.

<sup>3</sup> The list includes items relating to the witnesses identified by the THAÇI Defence in the following motions: Thaci Defence Motion Justifying Request for Unique Investigative Opportunities with confidential Annexes 1-8, KSC-BC-2020-06/F01068, 28 October 2022, Confidential; Addendum to Thaçi Defence Motion Justifying Request for Unique Investigative Opportunities, KSC-BC-2020-06/F01099, 11 November 2022, Confidential. *See also* Thaçi Defence Motion Regarding the Preservation of Defence Evidence, KSC-BC-2020-06/F01191, 9 January 2023, Confidential.

<sup>4</sup> *See* Prosecution supplemental Rule 102(3) notice with confidential Annex 1, KSC-BC-2020-06/F01021, 7 October 2022 ('October 2022 Notice'), para.2.

<sup>5</sup> Prosecution request to amend the exhibit list and related matters, KSC-BC-2020-06/F01238, 30 January 2023, Confidential.

<sup>6</sup> The existence of these materials is known and can be easily accessed by the Defence at <https://ucr.irmct.org>. *See* Decision on the Defence Requests for Permission to Make Further Submissions on Disclosure, KSC-BC-2020-07/F00610, 17 May 2022, para.18.

<sup>7</sup> At the Trial Conference, the SPO acknowledged this set of items. *See* Transcript, 15 February 2023, p.1949. Certain of these items are pages which should have been attached to previously disclosed Rule 103 items. These additional pages have no Rule 103 content themselves, but are formally disclosed under Rule 103 for completeness.

<sup>8</sup> Transcript, 15 February 2023, p.1949.

4. Lastly, as previously submitted, the SPO will continue to discharge its obligations under Rule 102(3), including as additional items falling within the scope of the rule are obtained or cleared.<sup>9</sup>

5. The February 2023 Notice is confidential in accordance with Rule 82(4), to give effect to applicable confidentiality restrictions and protective measures, and for the protection and privacy of the individuals identified therein.

**Word Count: 442**



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**Alex Whiting**

**Acting Specialist Prosecutor**

Friday, 17 February 2023

At The Hague, the Netherlands.

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<sup>9</sup> Transcript, 13 July 2022, pp.1350-1351; Transcript, 15 February 2023, p.1150.