

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

**Before:** Pre-Trial Judge  
Judge Nicolas Guillou

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Counsel for Hashim Thaçi

**Date:** 1 December 2021  
**Language:** English  
**Classification:** Public

---

**Public Redacted Version of Thaçi Defence Notice Pursuant to Rule 149**

---

**Specialist Prosecutor**

Jack Smith

**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

## I. INTRODUCTION

1. On 24 November 2021, the defence for Mr Hashim Thaçi (“the Defence”) was disclosed three expert reports from [REDACTED],<sup>1</sup> [REDACTED], [REDACTED],<sup>2</sup> [REDACTED], and [REDACTED],<sup>3</sup> [REDACTED], pursuant to Rule 102(1)(b) of the Rules of Procedure and Evidence (“Rules”).<sup>4</sup>

2. In accordance with Rule 149 of the Rules, the Defence hereby files a notice relating to these three expert reports.

## II. APPLICABLE LAW

3. Rule 149 of the Rules, entitled ‘Evidence of Expert Witnesses’, provides that:

(1) *The final report of any expert witness to be called by a Party shall be disclosed to the opposing Party and, where applicable, to Victims’ Counsel within the time limit set by the Pre-Trial Judge or the Panel pursuant to Rule 102(1)(b).*

(2) *Within seven (7) days of disclosure of the report of an expert witness, or as directed by the Panel, the opposing Party shall file a notice indicating whether:*

(a) *it challenges the qualifications of the witness as an expert or the relevance of all or parts of the expert witness report and, if so, which parts;*

(b) *it accepts the expert witness report or parts thereof; or*

(c) *it wishes to cross-examine the expert witness.*

(3) *If the opposing Party accepts the expert witness report or parts thereof, the latter may be admitted into evidence by the Panel without calling the expert witness to testify in person.*

(4) *If a Party exercised its rights under paragraph (2)(b) or (c), the Panel shall decide on the admissibility of the expert witness report following the testimony and questioning of the expert.*

[...]

## III. SUBMISSIONS

4. The Defence hereby notifies that:

---

<sup>1</sup> 103108-103132 RED.

<sup>2</sup> 103373-103387 RED.

<sup>3</sup> 103427-103470 RED.

<sup>4</sup> Disclosure package n° 117.

- it challenges the qualifications of [REDACTED] as experts and the relevance of all of their respective expert witness reports;

- it wishes to cross-examine [REDACTED].

5. The Defence notes that the SPO has not submitted yet its final list of witnesses nor its Pre-Trial Brief as per Rule 95(4) of the Rules – the Defence has been notified only a preliminary witness list.<sup>5</sup> Furthermore, the updated *curriculum vitae* setting out each expert's relevant academic and professional experience, requested by the SPO in its respective letters of instructions to the experts, have not been disclosed. In addition, the three expert reports are currently partially redacted and the redactions applied relate, at least in part, to the identification of victims. The reports are voluminous and refer to numerous documents, such as autopsy reports and DNA reports.

6. Therefore, the Defence reserves its right to reconsider its position upon notification of the SPO Pre-Trial Brief, disclosure of the experts' *curriculum vitae* and unredacted version of their reports and careful analysis of their content and supporting material.

#### IV. CONCLUSION

7. For the forgoing reasons, the Defence requests the Pre-Trial Judge to take note of the Defence's notice pursuant to Rule 149 of the Rules.

---

<sup>5</sup> KSC-BC-2020-06/F00542, Prosecution submission of preliminary witness list with strictly confidential and *ex parte* Annex 1 and confidential redacted Annex 2, dated 22 October 2021.

**Word count: 503 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**

Wednesday, 1 December 2021

At Tampa, United States