

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: 29 November 2022

Language: English

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**Public Redacted Version of Thaçi Defence Limited Reply to Prosecution
consolidated response to F01100 and F01101 and Request for Extension**

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I. INTRODUCTION

1. The Defence for Mr Thaçi (“Defence”) submits this limited reply to the Prosecution’s consolidated response to F01100 and F01101,¹ and requests an extension of time to file complementary submissions within five working days of the disclosure of the additional material by the SPO.

II. SUBMISSIONS

2. Despite the SPO’s criticisms of the relief sought by the Defence in its Addendum,² the SPO has agreed to disclose some of the information requested by the Defence in that Addendum.

3. Specifically, the SPO confirmed for the first time that four witnesses on its Witness List have been relocated,³ and that five witnesses on its Witness List have had contact with W04326.⁴

4. Moreover, the SPO has agreed to disclose the following items:

- (i) contact notes related to W04730;
- (ii) W04730’s [REDACTED] interview;
- (iii) screenshots of the alleged contact between W04730 and [REDACTED] , provided to the SPO by W04730;⁵ and

¹ KSC-BC-2020-06/F01121, Prosecution consolidated response to F01100 and F01101, 24 November 2022 (“Response”).

² KSC-BC-2020-06/F01101, Thaçi Defence Addendum to the Joint Defence Motion for Disclosure Pursuant to Rule 103 (F00877/COR), 15 November 2022 (“Addendum”).

³ Response, para. 48.

⁴ Response, para. 27.

⁵ Response, para. 22.

(iv) additional contact notes related to W04326.⁶

5. The Defence notes that the SPO intends to file applications for protective measures related to W04730 and W04326's additional material.⁷ It is therefore unclear when this material will be made available to the Defence.

6. While this disclosure is welcome, it does not fully respond to the legitimate relief sought by the Defence in its Addendum. The Defence maintains that full disclosure, as requested, is required pursuant to Rule 103 and should be provided immediately.

7. The Defence recognizes, however, that partial disclosure offered by the Prosecution may raise further issues that cannot be addressed until the information has been revealed and reviewed.

8. The Defence can only fully respond to the SPO's latest filing when it receives, and has an opportunity to analyze, the disclosure of the additional material announced by the SPO in its Response.

III. CONCLUSION

9. For the foregoing reasons, pursuant to Rule 103, the Defence maintains the relief sought in its Addendum; and requests leave to file additional submissions upon disclosure of the new material announced by the SPO in its Response.

⁶ Response, paras. 25, 34-35, 27.

⁷ Response, fns. 53, 72.

[Word count: 391 words]

Respectfully submitted,



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Tuesday, 29 November 2022

At Tampa, United States