



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 Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

Date: 4 September 2023

Language: English

Classification: Public

Prosecution reply relating to its request to amend the Exhibit List (F01747)

Specialist Prosecutor's Office

Ward Ferdinandusse

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Counsel for Hashim Thaçi

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Counsel for Kadri Veseli

Ben Emmerson

Counsel for Rexhep Selimi

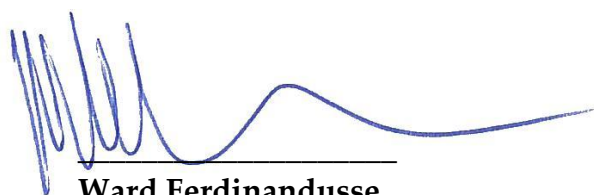
Geoffrey Roberts

Counsel for Jakup Krasniqi

Venkateswari Alagendra

1. The Response¹ fails to substantiate its argument requesting the Trial Panel to deny the Request.²
2. The Defence does not contest the *prima facie* relevance of the Requested Amendment³ to the case. As regards the purported prejudice,⁴ the Defence acknowledge that the Requested Amendment is of a limited nature.⁵ In addition, the content of the Requested Amendment is largely reflected in other materials already disclosed to the Defence—in particular W03880’s statements—and so there is no reasonable claim to further investigative steps, or significant impact on Defence preparation, occasioned by the Requested Amendment alone. Indeed, the Defence do not even make such a claim.
3. Moreover, as already conveyed *inter partes*,⁶ the Defence’s complaint that they did not receive notice of the Requested Amendment sufficiently in advance of W03880’s testimony⁷ is ameliorated by the fact that unexpected developments have necessitated postponing W03880’s testimony for a number of weeks at a minimum.
4. The SPO requests that the Trial Panel grant the Request.

Word count: 237



Ward Ferdinandusse

Acting Deputy Specialist Prosecutor

Monday, 4 September 2023

At The Hague, the Netherlands.

¹ Joint Defence Response to Prosecution Request to Amend the Exhibit List (F01747), KSC-BC-2020-06/F01753, 31 August 2013, Confidential (‘Response’).

² Prosecution Request to Amend the Exhibit List, KSC-BC-2020-06/F01747, 29 August 2023, Confidential (‘Request’).

³ The term ‘Requested Amendment’ is defined in the Request.

⁴ Response, KSC-BC-2020-06/F01753, paras 8-9.

⁵ Response, KSC-BC-2020-06/F01753, para.8.

⁶ The SPO informed the Defence and Panel of the change in anticipated testimony date in an email sent 1 September 2023 at 14:49.

⁷ Response, KSC-BC-2020-06/F01753, para.8.