

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

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

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Counsel for Hashim Thaçi  
Specialist Counsel for Kadri Veseli  
Specialist Counsel for Rexhep Selimi  
Specialist Counsel for Jakup Krasniqi

**Date:** 10 October 2023

**Language:** English

**Classification:** Public

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**Joint Defence Response to ‘Prosecution submission of list of witnesses for 30 October to 13 December 2023’ (F01828)**  
**with confidential Annexes 1 – 9**

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## I. INTRODUCTION

1. The Defence for Messrs Thaçi, Veseli, Selimi, and Krasniqi (collectively, “the Defence”) hereby notify their preliminary objections to the admissibility of exhibits to be tendered through W03170, W03825, W04043, W03780, W04765, W04444, W04571, W04811 and W04870 (collectively, “Witnesses”), as well as the anticipated length of cross-examination for the Witnesses, in response to the ‘Prosecution submission of list of witnesses for 30 October to 13 December 2023’.<sup>1</sup>

2. The Defence reiterates that the objections and estimates contained herein are as accurate as possible. Nevertheless, the Defence observes that the circumstances of trial are such that the need to cross-examine and the length of cross-examination may change, and undertakes to provide revised estimates where the need arises, as soon as is reasonably practicable.

## II. SUBMISSIONS

3. The Defence incorporates by reference its previous submissions on the applicable law.<sup>2</sup>

4. The Defence’s cross-examination estimates and objections in relation to each of the items identified for use with the Witnesses are set out in the accompanying annexes.<sup>3</sup>

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<sup>1</sup> KSC-BC-2020-06/F01828, Prosecution submission of list of witnesses for 30 October to 13 December 2023, 2 October 2023 (“SPO List”).

<sup>2</sup> KSC-BC-2020-06/F01657, Joint Defence Response to Prosecution Submission of List of the Next 12 Witnesses, Reserve Witnesses and Associated Information (F01630), With Confidential Annexes 1-11, paras. 8-11.

<sup>3</sup> See information provided in Annexes 1 to 9.

5. The Defence reserves its position regarding the admissibility of the statements and associated exhibits of W03170, W04043, W04765, W04444, W04571, W04811 and W04870, proposed to be admitted through Rule 154.<sup>4</sup> Its eventual objections to the admissibility of such items pursuant to Rule 154, including their characterisation as ‘associated exhibit’, will be developed in the forthcoming joint Defence response to the SPO’s Rule 154 Motion. Consequently, where an overlap exists between the proposed exhibits to be used with these witnesses and the items sought to be admitted through Rule 154, the present submissions should be read concurrently with the forthcoming Rule 154 response.

6. Finally, the Defence refers the Trial Panel to its prior submissions providing the preliminary objections and cross-examination estimates for the remaining witnesses included in the SPO List, namely: W04753,<sup>5</sup> W01493,<sup>6</sup> W04147,<sup>7</sup> W02161,<sup>8</sup> W00208,<sup>9</sup> W04325<sup>10</sup> and W04491.<sup>11</sup>

### III. CONCLUSION

7. The Defence respectfully requests that the Trial Panel take notice of its submissions, as set out above and in the accompanying annexes.

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<sup>4</sup> KSC-BC-2020-06/F01830, Prosecution motion for admission of evidence of Witnesses W03170, W04043, W04444, W04571, W04765, W04811, and W04870 pursuant to Rule 154 and related request’, 3 October 2023 (“Rule 154 Motion”).

<sup>5</sup> See KSC-BC-2020-06/F01829, Joint Defence Response to Prosecution Submission of List of reserve Witnesses (F01811), 2 October 2023 (“F01829”), Annex 2 – W04753.

<sup>6</sup> See KSC-BC-2020-06/F01694, Additional Joint Defence Response to Prosecution Submission of List of the Next 12 Witnesses, Reserve Witnesses and Associated Information, 21 July 2023 (“F01694”), Annex 9 – W01493.

<sup>7</sup> See F01829, Annex 7 – W04147.

<sup>8</sup> See KSC-BC-2020-06/F01286, Joint Defence Response to Prosecution Submission of List of First 12 Witnesses and Associated (F10243), 13 February 2023, Annex 6 – W02161; F01694, Annex 4 – W02161.

<sup>9</sup> See F01829, Annex 1 – W00208.

<sup>10</sup> See F01829, Annex 6 – W04325.

<sup>11</sup> See F01829, Annex 3 – W04491.

[Word count: 510 words]

Respectfully submitted on 10 October 2023,



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**Ben Emmerson, CBE KC**

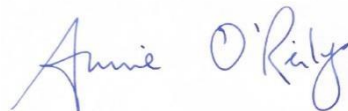
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