

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: Counsel for Kadri Veseli

Date: 30 June 2023

Language: English

Classification: Public

**Public Redacted Version of Veseli Defence Reply to Prosecution Response to
‘Veseli Defence Request Regarding Items Associated with [REDACTED]’s
Testimony’**

Specialist Prosecutor’s Office

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Venkateswari Alagenda

1. The Defence for Mr Kadri Veseli (the “Defence”) hereby files this Reply to the Prosecution’s Response¹ to its Request for admission of items associated with [REDACTED]’s testimony,² in order to make the following brief submissions.
2. The SPO mischaracterises the Veseli Request as an “improper attempt to end-run the Adjudicated Facts Decision.”³ As should be abundantly clear from the Request, this is incorrect. The Defence does not invite the Trial Panel to take judicial notice of any portion of the tendered items. As stated in the Request, admission is sought for the purpose of more completely informing the Trial Panel’s assessment of [REDACTED].⁴ The Trial Panel remains free to assess the weight that those items should be afforded in their assessment of [REDACTED]. The same applies to the evidence that the SPO has, or seeks, to tender with respect to [REDACTED]’s authenticity, to the extent that those items are found to be admissible.⁵
3. The SPO further argues that admission should be denied because the Veseli Defence did not put the extracts of the judgment to the witness. The Defence points out that it made clear, in the presence of the SPO, its intention *not* to put portions of the judgment to the witness because the matter at issue – *i.e.*, the authenticity of the [REDACTED] – was something about which [REDACTED] had no knowledge;⁶ and in this context, the Trial Panel then directed the

¹ F01620, *Prosecution Response to ‘Veseli Defence Request Regarding Items Associated with [REDACTED]’s Testimony*, 22 June 2023, confidential.

² F01599, *Veseli Defence Request Regarding Items Associated With [REDACTED]’s Testimony, With Confidential Annexes 1 and 2*, 9 June 2023, confidential.

³ F01620, para. 7.

⁴ F01599, para. 17.

⁵ F01620, para. 6.

⁶ Transcript, [REDACTED] 2023, [REDACTED]. Additionally, *see* Transcript, [REDACTED] 2023, [REDACTED] where the Thaçi Defence whether [REDACTED] had any knowledge of how the [REDACTED] came to the [REDACTED] in which it appeared; or who wrote the [REDACTED], the witness responded that [REDACTED] did not.

Defence to tender the items from the bar table, in the presence of the SPO who raised no objections to the propriety of this course of action.⁷

4. Lastly, the SPO's claim that summaries of witness statements are subject exclusively to Rules 153-155 of the Rules fails to recognise that a Court's summary of a witness' testimony is not the same as the testimony itself. Indeed, a summary of witness' account encapsulates the essence of what they said as it relates to the issues deemed to be important to the trier of fact. It follows that the Defence endeavoured to include extracts of the [REDACTED] judgements – which summarised various testimonies – in order to provide the necessary context underpinning both the [REDACTED] and [REDACTED] decisions in respect of [REDACTED].
5. In light of the foregoing, the Defence reiterates that the criteria for admission from the bar table are satisfied and requests the Trial Panel to admit the portions identified in Annexes 1 and 2 to the Request, for the purposes stated in therein.

Word Count: 527



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Friday, 30 June 2023,
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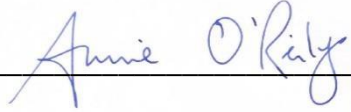
⁷ Transcript, [REDACTED] 2023, [REDACTED].



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