

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: 23 November 2023

Language: English

Classification: Public

**Joint Defence Response to ‘Prosecution submission of list of additional witnesses for December 2023’ (F01932)
with confidential Annexes 1 – 3**

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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 W0498, W01140 and W01743 and (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 December 2023’.¹

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.²

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.³

5. The Defence reserves its position regarding the admissibility of the statements and associated exhibits of W0498, W01140 and W01743, proposed to be admitted

¹ KSC-BC-2020-06/F01932, Prosecution submission of list of witnesses for December 2023, 16 November 2023 (“SPO List”).

² 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.

³ See information provided in Annexes 1 to 3.

through Rule 154.⁴ 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.

III. CONCLUSION

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

[Word count: 357 words]

Respectfully submitted on 23 November 2023



Gregory W. Kehoe

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⁴ KSC-BC-2020-06/F01931, Prosecution motion for admission of evidence of Witnesses W00498, W01140, and W01763 pursuant to Rule 154 with confidential Annexes 1-3, 16 November 2023 (“Rule 154 Motion”).



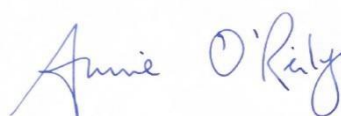
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