



**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:** 21 March 2025

**Language:** English

**Classification:** Confidential

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**URGENT Prosecution request to amend the Exhibit List**

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## I. INTRODUCTION

1. As foreshadowed,<sup>1</sup> pursuant to Article 40 of the Law<sup>2</sup> and Rule 118(2) of the Rules,<sup>3</sup> the Specialist Prosecutor's Office ('SPO') requests leave to amend the Exhibit List<sup>4</sup> to include two items (comprising of six documents and totaling 12 pages)<sup>5</sup> provided by W04403 on 17 and 20 March 2025 during his preparation session ('Requested Amendments'). The Requested Amendments consist of: (i) an official KLA General Staff Operational Directorate identification card, with W04403's name and photograph;<sup>6</sup> (ii) W04403's 20 June 1999 signed request for demobilization from the KLA;<sup>7</sup> (iii) a 25 June 1999 certificate signed by the Brigade 137 commander attesting W04403's handover of weapons;<sup>8</sup> (iv) a 27 June 1999 KLA General Staff decision on W04403's demobilization, signed by Agim ÇEKU as Chief of the KLA General Staff;<sup>9</sup> (v) an interview with W04403 published in the newspaper '*Kombi*' on 8 July 1998;<sup>10</sup> and (vi) an interview with W04403 published in '*Gazetë e re Shqiptare*' on 2 March 1999.<sup>11</sup>

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<sup>1</sup> Email from the SPO to the Panel, Parties and participants dated 20 March 2025 at 19:02.

<sup>2</sup> Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

<sup>3</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

<sup>4</sup> ANNEX 1 to Prosecution submission of amended exhibit list, KSC-BC-2020-06/F02971/A01, 28 February 2025, Strictly Confidential and *Ex Parte* ('Exhibit List').

<sup>5</sup> The first item is contained in 126650-126700 ('W04403 Preparation Note 2'), pp.126674-126682, and comprises Exhibits 1-5. The second item is Exhibit 10, contained in W04403 Preparation Note 2, pp.126698-126700.

<sup>6</sup> W04403 Preparation Note 2, pp.126678-126679 ('Exhibit 4'), with English translation 126674-126679-ET, pp.126678-126679.

<sup>7</sup> W04403 Preparation Note 2, pp.126674-126675 ('Exhibit 1'), with English translation 126674-126679-ET, pp.126674-126675.

<sup>8</sup> W04403 Preparation Note 2, pp.126677-126677 ('Exhibit 3'), with English translation 126674-126679-ET, pp.126677-126677.

<sup>9</sup> W04403 Preparation Note 2, pp.126676-126676 ('Exhibit 2'), with English translation 126674-126679-ET, pp.126676-126676.

<sup>10</sup> W04403 Preparation Note 2, pp.126698-126700 ('Exhibit 10'), with English translation 126698-126700-ET.

<sup>11</sup> W04403 Preparation Note 2, pp.126680-126682 ('Exhibit 5'), with English translation 126680-126682-ET.

2. The SPO requests an expedited briefing schedule to enable a decision before the testimony of W04403, who is anticipated to commence testimony on 24 March 2025.<sup>12</sup>

3. This request – which, at this stage, solely concerns amendment of the Exhibit List and not admission<sup>13</sup> – is limited in scope, allows timely and effective Defence preparations, and concerns relevant material, which is probative of the charges.<sup>14</sup>

## II. SUBMISSIONS

4. In this complex multi-Accused case, involving a considerable amount of evidence, amendments to the Exhibit List should be treated with flexibility, provided that – as is the case here – there is adequate protection of the Accused's rights.<sup>15</sup>

5. As detailed below, the Requested Amendments are relevant to W04403's evidence and known aspects of the SPO's case, including W04403's role and involvement in the KLA, and the KLA General Staff's structure and authority:

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<sup>12</sup> For the same reasons, this request was filed on an urgent basis.

<sup>13</sup> See Decision on Prosecution Request to Amend the Exhibit List and Related Matters, KSC-BC-2020-06/F01352, 8 March 2023, Confidential ('8 March 2023 Decision'), para.31; Decision on Prosecution Request to Add Five Items Relating to Expert Witness to the Exhibit List, KSC-BC-2020-06/F01544, 23 May 2023 ('23 May 2023 Decision'), para.11; Decision on Prosecution Request to Add Intercepted Communications to the Exhibit List, KSC-BC-2020-06/F01656, 7 July 2023, Confidential, para.11; Decision on Prosecution Requests to Amend the Exhibit List (F01689 and F01747), KSC-BC-2020-06/F01785, 12 September 2023, Confidential ('12 September 2023 Decision'), para.17; Decision on Prosecution Request to Amend the Exhibit List (F01844), KSC-BC-2020-06/F01995, 8 December 2023, Confidential, para.26; Decision on Prosecution Request to Amend the Exhibit List (F02099), KSC-BC-2020-06/F02167, 7 March 2024, Confidential, para.19; Decision on Prosecution Request to Amend the Exhibit List F02279 and on Thai Defence Motion for Exclusion of Materials in Limine, KSC-BC-2020-06/F02501, 22 August 2024, Confidential ('22 August 2024 Decision'), para.23.

<sup>14</sup> See 8 March 2023 Decision, KSC-BC-2020-06/F01352, paras 29, 31, 33; Decision on Thaçi's Appeal against "Decision on Specialist Prosecutor's Request to Amend its Exhibit List and to Authorise Related Protective Measures", KSC-BC-2020-06/IA019/F00006, 12 July 2022 ('Appeal Decision'), para.21. See also 23 May 2023 Decision, KSC-BC-2020-06/F01544, para.11; KSC-BC-2020-06/F02167, para.19; 22 August 2024 Decision, KSC-BC-2020-06/F02501, paras 44-45.

<sup>15</sup> See 8 March 2023 Decision, KSC-BC-2020-06/F01352, paras 29, 31; Appeal Decision, KSC-BC-2020-06/IA019/F00006, para.21; 12 September 2023 Decision, KSC-BC-2020-06/F01785, para.16.

- a. Exhibit 4 is an official KLA General Staff Operational Directorate identification card, with W04403's name and a photograph of W04403 wearing a beret with the KLA insignia. The identification card bears the typewritten 'KLA Operational Directorate' header, and the seal of the KLA Operational Directorate superimposed on the KLA insignia. It also bears the signature of a commander. In W04403's statements, which the Panel has declared admissible under Rule 154 ('Rule 154 Statement'),<sup>16</sup> W04403 discusses his appointment to the Operational Directorate, the functions of this directorate and his personal involvement and role.<sup>17</sup> During witness preparation, W04403 stated he received this document in December 1998.<sup>18</sup>
- b. Exhibit 1 is a typewritten request dated 20 June 1999, signed by W04403 and addressed to the Chief of the KLA General Staff.<sup>19</sup> W04403 notes he has been a KLA member since 8 March 1998 and requests an order for his demobilization from the KLA ranks. In his Rule 154 Statement, W04403 provides information on his request for demobilization and the time and circumstances in which he joined the KLA.<sup>20</sup>
- c. Exhibit 3 is a document bearing the header of the KLA Dukagjini Operational Zone Brigade 137 'Gjakova', with a handwritten certificate provided to W04403 when he handed over his automatic rifle to the Brigade 137 commander in Gjakova. It is dated 25 June 1999 and signed by

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<sup>16</sup> Decision on Prosecution Consolidated Motion for Admission of Evidence of W04290 and W04403 Pursuant to Rule 154 and Related Request Regarding W04745, KSC-BC-2020-06/F02913, 7 February 2025, Confidential, paras 23, 46(c).

<sup>17</sup> See e.g. SPOE00070682-SPOE00070698, p.SPOE00070683; 064887-TR-ET Part 1, pp.11-12, Part 2, pp.2-7; 064888-TR-ET Part 1, pp.1-6.

<sup>18</sup> W04403 Witness Preparation Note 2, para.66(d).

<sup>19</sup> The back page of this item bears W04403's handwritten notes concerning contact information for certain individuals, see Witness Preparation Note 2, para.66(a).

<sup>20</sup> See e.g. 064887-TR-ET Part 1, p.14, Part 2, p.1; 064888-TR-ET Part 1, p.9.

commander Avdullah BABALIA. In his Rule 154 Statement, W04403 refers to personally surrendering his weapons in Gjakova.<sup>21</sup>

- d. Exhibit 2 is a typewritten document bearing the KLA General Staff header, Agim ÇEKU's signature—as Chief of the KLA General Staff—and the KLA General Staff seal. It contains the 'Decision' on W04403's demobilization from the KLA ranks, which was issued pursuant to the Internal Regulations of the KLA General Staff.<sup>22</sup> The decision, dated 27 June 1999, indicates that W04403's demobilization would be effective as of 1 July 1999. In his Rule 154 Statement, W04403 refers to being formally demobilized by order of Agim ÇEKU as of 1 July 1999 and that the relevant decision was given to him in person by Agim ÇEKU on 1 July 1999 in Peja.<sup>23</sup> The circumstances of W04403's demobilization are also discussed in the book 'Dialogue with Naim MALOKU (MALJOKU)'.<sup>24</sup>
- e. Exhibit 10 contains an interview with W04403 published in the newspaper '*Kombi*' on 8 July 1998. In the article, asked which of Kosovo's political leaders he valued the most and would trust to sit at a negotiating table, W04403 responded in favour of RUGOVA.<sup>25</sup> W04403 clarified in the interview that this was his personal belief while the General Staff and the KLA spokesperson are those who spoke on behalf of the KLA. In the interview, W04403 also spoke of his role in the KLA and of the KLA's structure and organisation. During the witness preparation session, W04403 stated that Hashim THAÇI had a copy of this *Kombi* interview when, on 22 or 23 August 1998, in Kleçkë/Klečka, he told W04403 that he

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<sup>21</sup> See 064887-TR-ET Part 2, p.1.

<sup>22</sup> See P00083 (SPOE00225106-SPOE00225109)/P00083ET (SPOE00225106-SPOE00225109-ET Revised).

<sup>23</sup> See e.g. 064887-TR-ET Part 1, p.14; 064887-TR-ET Part 2, p.1.

<sup>24</sup> See U002-3080-U002-3141-ET, p.U002-3116.

<sup>25</sup> Exhibit 10, p.126700. The article was mentioned in his Rule 154 Statement. See 064887-TR-ET Part 3, p.8. See also U002-3080-U002-3141-ET, p.U002-3096.

did not agree with things he had said in the interview.<sup>26</sup> On a later occasion, THAÇI told W04403: 'enough with interviews'.<sup>27</sup>

- f. Exhibit 5 is an interview with W04403 published in *Gazetë e re Shqiptare* on 2 March 1999. In the interview, W04403 discusses several topics, including the Rambouillet Conference, Adem DEMAÇI's appointment by the KLA General Staff, the institutionalisation of the KLA, and his views on Ibrahim RUGOVA. A KLA Intelligence Sector report from the Dukagjini Operational Zone dated 16 March 1999, two weeks after this interview, reports, *inter alia*, that W04403 'has adopted a pro-government stance and has praised Rugova's policy' in interviews to newspapers, such as 'Gazeta Shqiptar'.<sup>28</sup>

6. Accordingly, the Requested Amendments are relevant and of sufficient importance to justify their addition to the Exhibit List. This request is also timely, as the documents were provided by W04403 on 17 and 20 March 2025,<sup>29</sup> translated and addressed during the preparation session.<sup>30</sup> Thereafter, the SPO promptly filed this request.

7. Finally, no undue prejudice would result from adding these documents to the Exhibit List. The Requested Amendments total 12 pages, relate to known aspects of the witness's Rule 154 Statement and the SPO's case, and are of similar nature to other documents disclosed by the SPO and already on the Exhibit List.<sup>31</sup>

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<sup>26</sup> W04403 Witness Preparation Note 2, paras 12, 67.

<sup>27</sup> W04403 Witness Preparation Note 2, para.14; *See also* P01264 ET, pp.SPOE00128740-1, SPOE00128755-6.

<sup>28</sup> U001-5809-U001-5810-ET, p.U001-5809; *see* Witness Preparation Note 2, para.62.

<sup>29</sup> 12665-126700 (W04403 Preparation Note 2), paras 66-67. *See, similarly*, Transcript (Oral Order), 23 October 2024, pp.20994-20996; Transcript (Oral Order), 27 January 2025 (Confidential), pp.24582-24585;

<sup>30</sup> *See* Witness Preparation Note 2, paras 12, 63-64, 66-67; Witness Preparation Note 1, 126641-126649, para.25.

<sup>31</sup> *See* Transcript (Oral Order), 12 July 2023, p.5551, ln.9 - p.5553, ln.19. In relation to similar documents disclosed by the SPO and already on the Exhibit List, *see e.g.* the references to W04403's Rule 154

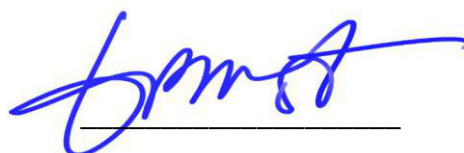
### III. CLASSIFICATION

8. This filing is confidential in accordance with Rule 82(4) and as W04403's identity as a witness is not public at this time. Exceptionally, and considering that W04403 is anticipated to commence his testimony imminently, the SPO does not intend to file a public redacted version of this request. Instead, considering that W04403 does not have protective measures, the filing can be reclassified as public following the commencement of his testimony.

### IV. RELIEF REQUESTED

9. For the foregoing reasons, the SPO requests that the Panel: (i) order an expedited briefing schedule to facilitate a decision before W04403's testimony commences; (ii) authorise the Requested Amendments; and (iii) reclassify this request as public following commencement of W04403's testimony.

**Word Count: 1786**



**Kimberly P. West**

**Specialist Prosecutor**

Friday, 21 March 2025

At The Hague, the Netherlands.

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Statement cited at fns.17, 20-21, 23, 25 above; P01264 ET, pp.SPOE00128740-1, SPOE00128755-6; U002-3041-U002-3143 (U002-3041-U002-3045-ET, U002-3080-U002-3141-ET); U001-5809-U001-5810-ET, p.U001-5809.