



SPECIALIST PROSECUTOR'S OFFICE  
ZYRA E PROKURORIT TË SPECIALIZUAR  
SPECIJALIZOVANO TUŽILAŠTVO

**In:** KSC-BC-2020-06/IA036  
KSC-BC-2020-06/IA037  
KSC-BC-2020-06/IA038  
KSC-BC-2020-06/IA040  
Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep  
Selimi and Jakup Krasniqi

**Before:** Court of Appeals Panel  
Judge Michèle Picard  
Judge Kai Ambos  
Judge Nina Jørgensen

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor's Office

**Date:** 9 July 2025

**Language:** English

**Classification:** Public

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**Prosecution response to 'Joint Defence Request to Court of Appeals Panel'**

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**Specialist Prosecutor's Office**

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**Counsel for Kadri Veseli**

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Venkateswari Alagendra

1. The Specialist Prosecutor's Office ('SPO') does not oppose the Request to the extent it concerns the filing of one consolidated appeal encapsulating the issues certified for appeal<sup>1</sup> in decisions F03297,<sup>2</sup> F03298,<sup>3</sup> F03299,<sup>4</sup> and F03312.<sup>5</sup> However, considering the high degree of overlap and, in some cases, duplication among the certified issues,<sup>6</sup> which the Defence itself acknowledges,<sup>7</sup> the SPO opposes any extension in word count. In the circumstances – and noting that, beyond a reference to the word limit for each separate appeal, the Request lacks justification or explanation of good cause – any such extension would be antithetical to the efficiency and expeditiousness of the proceedings. Should any word count extension nevertheless be authorised, the SPO requests a commensurate extension for its response.

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<sup>1</sup> Joint Defence Request to Court of Appeals Panel, KSC-BC-2020-06/IA036/F00002, KSC-BC-2020-06/IA037/F00002, KSC-BC-2020-06/IA038/F00002, 8 July 2025 ('Request'), paras 1-2.

<sup>2</sup> Decision on Joint Defence Request for Leave to Appeal Decision on the Admission of Expert Evidence of Witness W04875, KSC-BC-2020-06/F03297, 1 July 2025 ('F03297'), para.49(a) of which grants leave to appeal in relation to the First and Second Issues as defined in para.5(1)-(2): 'The Panel erred in finding that DNA profiling and sequencing reports from the International Commission on Missing Persons ("ICMP") setting out (i) their scientific findings from DNA bone analysis on recovered degraded skeletal remains; and (ii) conclusions on the probability of relatedness, are not expert reports ("First Issue")', 'As a result of the error in the First Issue, the Panel erred in law by failing to apply Rule 149 to the source material to W04875's expert reports ("Second Issue")'.

<sup>3</sup> Decision on Joint Defence Consolidated Request for Leave to Appeal Decisions on the Admission of Expert Evidence of Witnesses W04826 and W04874 (F03201 and F03203), KSC-BC-2020-06/F03298, 1 July 2025 ('F03298'), p.17, para.2(a) of which grants leave to appeal in relation to the First Issue as defined in para.5(1): 'The Panel erred in law and fact in finding that autopsies are not expert reports and that pathologists are not experts ("First Issue")'.

<sup>4</sup> Decision on Joint Defence Request for Leave to Appeal Decision on Prosecution Motion for Admission of Documents concerning Murder Victims and Related Request, KSC-BC-2020-06/F03299, 1 July 2025 ('F03299'), para.28(a) of which grants leave to appeal in relation to the First Issue as defined in para.5(i): 'Whether the Panel erred in its interpretation of the definition of an expert report within the meaning of Rule 149 ("First Issue")'.

<sup>5</sup> Decision on Joint Defence Request for Certification to Appeal the Decision on Prosecution Motion for Admission of International Reports, KSC-BC-2020-06/F03312, 7 July 2025 ('F03312'), para.52(a) of which grants leave to appeal in relation to the Fifth Issue as defined in para.5(5): 'Whether the Panel erred in law in finding that Rule 149 constitutes *lex specialis* for the admission of expert evidence only where such evidence originates from an expert witness featuring as such on the calling party's list of witnesses ("Fifth Issue")'.

<sup>6</sup> See fns.2-5 above. In addition to the overlap between all issues, the certified issues in F03299 and F03312, while worded differently, allege the same error of law.

<sup>7</sup> Request, para.2.

2. Further, given that the Request fails to specify the date by which the consolidated appeal, if authorised, would be filed, in the interests of the efficient conduct of proceedings, the SPO requests that the Panel set a deadline. In this regard, the SPO notes that the appeal(s) in relation to F03297, F03298, and F03299 would be due by 11 July 2025, and the appeal in relation to F03312 would be due by 18 July 2025.<sup>8</sup> Given that the issue certified in F03312 is duplicative of those certified in F03297, F03298, and F03299,<sup>9</sup> the SPO proposes that the Panel order the Defence to file any consolidated appeal by 11 July 2025. However, should the Panel authorise the Defence to file a consolidated appeal by 18 July 2025, the SPO requests a commensurate seven-day extension of time to file its response thereto, including considering that such response would be due during the judicial recess.

3. For the foregoing reasons, while the Panel should authorise the Defence to file a consolidated appeal, it should deny any extension of word count and set a deadline for the filing of any consolidated appeal. Should the Panel grant any extension of word count and/or time, the SPO should be granted commensurate extensions for its response.

**Word count: 782**



Kimberly P. West

**Specialist Prosecutor**

Wednesday, 9 July 2025

At The Hague, the Netherlands.

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<sup>8</sup> See Rule 170(2) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020. F03297, F03298, and F03299 were filed on 1 July 2025 and F03312, on 7 July 2025.

<sup>9</sup> In particular, and as noted above, the certified issues in F03299 and F03312, while worded differently, allege the same error of law challenging the Panel's interpretation of Rule 149.