



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEÇA KOSOVA

**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

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

**Registrar:** Fidelma Donlon

**Date:** 25 July 2025

**Language:** English

**Classification:** Public

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**Further Order on the Scheduling of the Defence Case and Related Matters**

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**Specialist Prosecutor**

Kimberly P. West

**Counsel for Hashim Thaçi**

Luka Mišetić

**Counsel for Victims**

Simon Laws

**Counsel for Kadri Veseli**

Rodney Dixon

**Counsel for Rexhep Selimi**

Geoffrey Roberts

**Counsel for Jakup Krasniqi**

Venkateswari Alagendra

**TRIAL PANEL II** (“Panel”), pursuant to Articles 21(1), (2) and 4(c) and (d), and 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 9(5)(a), 104(5), 107, 116, and 119 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this order.

## I. PROCEDURAL BACKGROUND

1. On 7 October 2022, the Defence for Hashim Thaçi (“Thaçi Defence”) notified the Pre-Trial Judge and the other Parties and participants of its intention to seek measures for a unique investigative opportunity to preserve the testimony of nine witnesses whom the Thaçi Defence intended to call in its case pursuant to Rule 99 or, in the alternative, to take depositions pursuant to Rule 100 (“Notice”).<sup>1</sup>

2. On 28 October 2022, upon order of the Pre-Trial Judge,<sup>2</sup> the Thaçi Defence filed a motion justifying the need for the requested measures and providing, *inter alia*, the identities of eight of the proposed witnesses (“Thaçi Defence’s Motion relating to Unique Investigative Opportunities” or “Motion”).<sup>3</sup> On 11 November 2022, the Thaçi Defence filed an addendum to the Motion (“Addendum”), justifying the need for the requested measures for a ninth witness.<sup>4</sup> On

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<sup>1</sup> F01018, Specialist Counsel, *Thaçi Defence Notice of Unique Investigative Opportunities* 7 October 2022, paras 5, 16.

<sup>2</sup> Transcript of Hearing, 8 September 2022, p. 1582, line 21 to p. 1583, line 6.

<sup>3</sup> F01068, Specialist Counsel, *Thaçi Defence Motion Justifying Request for Unique Investigative Opportunities*, 28 October 2022, confidential, para. 9 (a public redacted version was filed on 1 November 2022, F01068/RED).

<sup>4</sup> F01099, Specialist Counsel, *Addendum to Thaçi Defence Motion Justifying Request for Unique Investigative Opportunities*, 11 November 2022, confidential, with Annex 1, confidential (a public redacted version was filed on 22 November 2022, F01099/RED; a corrected version was filed on 24 November 2022, F01099/COR).

23 November 2022, following the SPO's response ("Response to Addendum"),<sup>5</sup> the Thaçi Defence replied to the Response to Addendum ("Reply to Addendum").<sup>6</sup>

3. To support its Motion, the Thaçi Defence argued that there was a unique investigative opportunity in relation to the nine international witnesses, whose evidence was crucial or central to the defence case, and might not be available at trial.<sup>7</sup> The Thaçi Defence said that it would favour calling the witnesses in its own case, after the close of the SPO's case, but that the advanced age and health of the said witnesses might prevent the Defence from doing so by the time the Defence case begins.<sup>8</sup> For that purpose, the Thaçi Defence: (i) requested that the Pre-Trial Judge invite the President to "appoint at least one member of the Trial Panel or preferably all three members to 'participate' in the unique investigative opportunity to preserve this evidence in advance of trial"; and (ii) proposed that, provided that the witnesses were well enough to travel, their testimony be taken in the courtroom of the Kosovo Specialist Chambers in the presence of the Accused.<sup>9</sup> The Thaçi Defence insisted that the estimated start of the Defence case, and the age of the witnesses, was another critical parameter to account for.<sup>10</sup>

4. In its Addendum, the Thaçi Defence indicated that it had only just received clearance from the relevant authorities, and was now in a position to apply for the measures for the ninth prospective witness it had initially referred to in its Notice.<sup>11</sup> In addition, in its Reply to Addendum, the Thaçi Defence explained that

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<sup>5</sup> F01112, *Prosecution Response to Addendum to its Motion for Unique Investigative Opportunities*, 18 November 2022.

<sup>6</sup> F01120, Specialist Counsel, *Thaçi Defence Reply to Prosecution Response to Addendum to Defence Motion Justifying Request for Unique Investigative Opportunities*, 23 November 2022, confidential (a public redacted version was filed on 5 December 2022, F01120/RED).

<sup>7</sup> Thaçi Defence's Motion relating to Unique Investigative Opportunities, para. 15; *see also* paras 35-36.

<sup>8</sup> *See* Thaçi Defence's Motion relating to Unique Investigative Opportunities, paras 9-16; Addendum, paras 2, 14, 20-21; Notice, paras 5-6, 11, 16.

<sup>9</sup> Notice, paras 13 and 16; Motion, para. 13; Addendum, paras 11, 16. *See also* Reply to Addendum, footnote 1.

<sup>10</sup> Thaçi Defence's Motion relating to Unique Investigative Opportunities, paras 17-25. *See also* Reply to Addendum, paras 8-9.

<sup>11</sup> Addendum, para. 2.

it had filed the Addendum as soon as it received clearance from the relevant authorities.<sup>12</sup>

5. In confidential Annexes 1-8 to the Thaçi Defence's Motion relating to Unique Investigative Opportunities, the Thaçi Defence provided what it described as "a precis for each of the proposed witnesses", including (i) name; (ii) age and/or date of birth; (iii) whereabouts; and (iv) statement of the matters on which the person is to be examined.<sup>13</sup> In that Motion, the Thaçi Defence also made the following submissions:

17. Critical to justifying the Defence request is estimating when the Defence case is likely to begin and how old the 8 witnesses will be by then – i.e., can the Defence simply wait till it puts on its case to call them? As with any criminal trial, this is not an exact science, however, the Defence has attempted to estimate based on the information it has about the size and breath of the SPO's case, as set out below.<sup>14</sup>

6. The Thaçi Defence further indicated that all potential witnesses that the Defence has been in contact with are available in February 2023, apart from one who would be available in April 2023, and suggested that they should be heard at those times.<sup>15</sup>

7. On 28 November 2022, the Pre-Trial Judge rejected the Thaçi Defence's Motion relating to Unique Investigative Opportunities.<sup>16</sup> In that Decision, the Pre-Trial Judge made it clear that his decision was without prejudice to any future

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<sup>12</sup> Reply to Addendum, para. 5. *See also* F01125, Pre-Trial Judge, *Decision on Thaçi Defence Motion Justifying Request for Unique Investigative Opportunities* ("Decision on Thaçi Defence Motion Justifying Request for Unique Investigative Opportunities"), 28 November 2022, para. 25.

<sup>13</sup> Thaçi Defence's Motion relating to Unique Investigative Opportunities, para. 11 and Annexes 1-8.

<sup>14</sup> Thaçi Defence's Motion relating to Unique Investigative Opportunities, para. 17.

<sup>15</sup> Thaçi Defence's Motion relating to Unique Investigative Opportunities, para. 33.

<sup>16</sup> Decision on Thaçi Defence Motion Justifying Request for Unique Investigative Opportunities, paras 30, 34, 36(a).

submissions to a Trial Panel seized with this case with respect to the modalities, timing and chronology of the testimony of the witnesses.<sup>17</sup>

8. On 9 January 2023, the Thaçi Defence filed a request to preserve the evidence of those same nine “important and essential” witnesses, wherein it reiterated its intention to call the nine proposed witnesses in its case and renewed its request that their evidence should be preserved pursuant to Rules 99 and/or 100.<sup>18</sup> The Thaçi Defence identified the same nine prospective witnesses and, again, included in confidential Annexes 1-9 information regarding the identities of the proposed witnesses and a summary statement of the matters on which they would be examined.<sup>19</sup> Arguments similar to those outlined above were renewed and repeated. As justification for its application, the Thaçi Defence pointed again to the ages and health of the prospective witnesses and submitted that, on its assessment, the Thaçi Defence was unlikely to start presenting its case until “late 2025”.<sup>20</sup> The Thaçi Defence submitted that the witnesses would have to be heard “out of order” at a date after 1 March 2023 and that all of the potential witnesses that the Thaçi Defence had been in contact with were available in March 2023, apart from one who would be available and heard in April 2023.<sup>21</sup>

9. On 2 February 2023, the Panel rejected the Thaçi Defence’s request to preserve the evidence of the concerned witnesses.<sup>22</sup>

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<sup>17</sup> Decision on Thaçi Defence Motion Justifying Request for Unique Investigative Opportunities, para. 31 (and paras 29 and 34).

<sup>18</sup> F01191, Specialist Counsel, *Thaçi Defence Motion Regarding the Preservation of Defence Evidence* (“Thaçi Defence Motion Regarding the Preservation of Defence Evidence”), 9 January 2023, confidential (a public redacted version was filed on 14 February 2023, F01191/RED), paras 2, 10, 42, with Annexes 1-9, confidential.

<sup>19</sup> See Annexes 1-9 to the Thaçi Defence Motion Regarding the Preservation of Defence Evidence.

<sup>20</sup> Thaçi Defence Motion Regarding the Preservation of Defence Evidence, para. 25.

<sup>21</sup> Thaçi Defence Motion Regarding the Preservation of Defence Evidence, para. 34 (and para. 35, in respect of prospective February 2023 depositions).

<sup>22</sup> F01250, Panel, *Decision on Thaçi Defence Motion Regarding the Preservation of Evidence*, 2 February 2023, paras 24, 34, 41, 43(i).

10. On 3 April 2023, the trial commenced.<sup>23</sup>

11. At the Status conference on 1 October 2024, Counsel for Mr Thaçi indicated that he would need between four and six weeks following the Rule 130 decision to start presenting his case.<sup>24</sup>

12. On 22 January 2025, all four Defence teams indicated that they would request for ten weeks between the issuance of a Rule 130 decision and the start of their cases, excluding the summer recess.<sup>25</sup>

13. On 15 April 2025, the Specialist Prosecutor's Office ("SPO") filed a notice announcing the closing of its case.<sup>26</sup>

14. On 5 June 2025, the Panel issued a revised scheduling order ("Revised Scheduling Order"), informing the Parties and participants that, should the Panel deny in whole or in part the Rule 130 motion, the Panel intended to hold the Defence Preparation Conference pursuant to Rule 119(3) during the week commencing Monday, 21 July 2025.<sup>27</sup>

15. On 12 June 2025, the Defence for the four Accused (collectively, "Defence") filed its joint Rule 130 motion ("Rule 130 Motion").<sup>28</sup>

16. On 13 June 2025, the Defence filed a joint request for a variation of the schedule set out in the Revised Scheduling Order ("Defence Request for Variation of the Revised Schedule"), requesting a variation of the time limits set to submit witness and exhibits list and to hold the Defence preparation conference.<sup>29</sup> The

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<sup>23</sup> Transcript of Hearing, 3 April 2023. *See also* Oral Order on the opening of the case, Transcript of Hearing, 15 February 2023, pp. 2038-2039.

<sup>24</sup> Transcript of Hearing, 1 October 2024, p. 20557.

<sup>25</sup> Transcript of Hearing, 22 January 2025, p. 24343. *See also* Transcript of Hearing, 19 February 2025, p. 25462.

<sup>26</sup> F03121, Specialist Prosecutor, *Prosecution Notice Pursuant to Rule 129*, 15 April 2025.

<sup>27</sup> F03232, Panel, *Revised Scheduling Order*, 5 June 2025, paras 11, 12(f).

<sup>28</sup> F03256, Specialist Counsel, *Joint Defence Motion Pursuant to Rule 130*, 12 June 2025, confidential, with Annexes 1-2, confidential.

<sup>29</sup> F03258, Specialist Counsel, *Joint Defence Request for a Variation of the Schedule* ("Request for a Variation of the Schedule from 13 June 2025"), 13 June 2025, para. 2.

Defence also noted that while discussions and negotiations with Rule 107 providers were underway, this process was “not able to be meaningfully progressed until the bounds of the SPO case, including the scope of admitted materials, was finalised”.<sup>30</sup>

17. On 2 July 2025, the Panel issued a decision granting, in part, the Defence Request for Variation of the Revised Schedule, and informing the Parties and participants that: (i) the Panel will hold the Defence Preparation Conference pursuant to Rule 119(3) on Tuesday, 19 August 2025; and (ii) the Parties and participants should be prepared for the start of the Defence case the following week (“Decision F03302”).<sup>31</sup>

18. On 16 July 2025, the Panel rejected the Rule 130 Motion.<sup>32</sup>

19. On 21 July 2025, upon order of the Panel,<sup>33</sup> the Thaçi Defence filed its list of witnesses, which includes several of the witnesses identified in the Thaçi Defence’s Motion relating to Unique Investigative Opportunities,<sup>34</sup> and its list of exhibits (“Exhibit List”).<sup>35</sup> On the same day, the Defence for Jakup Krasniqi (“Krasniqi Defence”) also filed its list of witnesses<sup>36</sup> and its Exhibit List.<sup>37</sup>

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<sup>30</sup> Request for a Variation of the Schedule from 13 June 2025, para. 6.

<sup>31</sup> F03302, Panel, *Decision on Joint Defence Request for a Variation of the Schedule*, 2 July 2025, paras 18, 27(e).

<sup>32</sup> Transcript of Hearing, 16 July 2025, p. 26190, line 12 to p. 26195, line 15.

<sup>33</sup> Revised Scheduling Order, paras 10, 12(e); Decision F03302, para. 27(b).

<sup>34</sup> F03357/A01, Specialist Counsel, *Annex 1 to Thaçi Defence Submission of Witness and Exhibit Lists*, 21 July 2025, confidential and *ex parte* (a confidential redacted version was filed on the same day, F03357/A03).

<sup>35</sup> F03357/A02, Specialist Counsel, *Annex 2 to Thaçi Defence Submission of Witness and Exhibit Lists*, 21 July 2025, confidential and *ex parte* (a confidential redacted version was filed on the same day, F03357/A04).

<sup>36</sup> F03358/A01, Specialist Counsel, *Annex 1 to Krasniqi Defence Submission of Witness and Exhibit Lists*, 21 July 2025, confidential.

<sup>37</sup> F03358/A02, Specialist Counsel, *Annex 2 to Krasniqi Defence Submission of Witness and Exhibit Lists*, 21 July 2025, confidential.



20. On 22 July 2025, the Panel held a Status Conference, wherein the Parties jointly requested for the hearing of witnesses in the Defence cases not to start before 15 September 2025.<sup>38</sup>

21. On the same day, the Defence for Kadri Veseli ("Veseli Defence") made an oral request for an extension of time to respond to three motions by Victims' Counsel ("Veseli Defence Request").<sup>39</sup>

22. Also, on 22 July 2025, the Parties made oral submissions in relation to the Exhibit Lists filed by the Thaçi and Krasniqi Defence.<sup>40</sup>

## II. SUBMISSIONS

### A. SCHEDULING OF THE OPENING OF THE DEFENCE CASE

23. The Thaçi Defence submits that the Panel, by ordering the Thaçi Defence to be ready to present its case by 25 August 2025, reduced, without notice and without hearing the Defence, the time available for the preparation of the Defence case.<sup>41</sup> The Thaçi Defence further submits that, as a consequence, it will not have sufficient time to adequately prepare its case and will be unable to meet certain deadlines set by the Panel, in particular with reference to the discharging of its disclosure obligations in relation to information subject to clearance pursuant to Rule 107.<sup>42</sup>

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<sup>38</sup> CRSPD855, *Email from SPO to Trial Panel re Agenda for Status Conference on 22 July 2025*, 21 July 2025, confidential; Transcript of Hearing (draft), 22 July 2025, confidential, pp. 26374-26378.

<sup>39</sup> Transcript of Hearing (draft), 22 July 2025, confidential, pp. 26425-26426, referring to F03349, Victims' Counsel, *Victims' Counsel's Request for Partial Reconsideration of the Decision on Victims' Counsel's Request for Admission of Documents Through the Bar Table*, 18 July 2025, confidential; F03362, Victims' Counsel, *Victims' Counsel's Motion for Judicial Notice of Adjudicated Facts*, 23 July 2025, confidential, with Annex 1, confidential (a public redacted version was filed on the same day, F03362/RED); F03363, Victims' Counsel, *Victims' Counsel's Request for Admission of Evidence pursuant to Rule 153 and Rule 155 and Related Request*, 23 July 2025, confidential, with Annex 1, confidential.

<sup>40</sup> Transcript of Hearing (draft), 22 July 2025, confidential, pp. 26393, 26396-26402.

<sup>41</sup> Transcript of Hearing (draft), 22 July 2025, confidential, p. 26376.

<sup>42</sup> Transcript of Hearing (draft), 22 July 2025, confidential, pp. 26374-26377.



24. The Krasniqi Defence joins the Thaçi Defence's submissions, and adds that the Krasniqi Defence will similarly not be in a position to start the Defence case on the week of 25 August 2025.<sup>43</sup>

25. The SPO submits that the requested postponement would be equally necessary for the SPO to be able to prepare for the presentation of the Defence case.<sup>44</sup>

26. Victims' Counsel does not raise any objections in this respect.<sup>45</sup>

#### B. THAÇI AND KRASNIQI DEFENCE EXHIBIT LIST

27. The Thaçi Defence submits that its Exhibit List includes items that it "may" present at trial, in accordance with past practice of the SPO and of the Panel in relation to the list of exhibits filed by the SPO.<sup>46</sup> The Panel notes that the Krasniqi filing of 21 July 2025 contains similar language.<sup>47</sup>

28. During the Status Conference of 22 July 2025, the Panel queried with both Defence teams whether they had applied the relevant standard of Rule 119(2)(b) ('intends to present') to the determination and identification of documents contained in their respective Exhibit Lists.<sup>48</sup>

#### C. VESELI DEFENCE REQUEST FOR EXTENSION OF TIME

29. The Veseli Defence requests an extension of time to respond to three motions by Victims' Counsel until Monday, 25 August 2025, in view of the upcoming period of judicial recess, the past practice of the Panel, and the fact that the

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<sup>43</sup> Transcript of Hearing (draft), 22 July 2025, confidential, pp. 26377-26378, 26389.

<sup>44</sup> Transcript of Hearing (draft), 22 July 2025, confidential, p. 26378.

<sup>45</sup> Transcript of Hearing (draft), 22 July 2025, confidential, p. 26378.

<sup>46</sup> See Transcript of Hearing (draft), 22 July 2025, confidential, pp. 26396-26397, 26399.

<sup>47</sup> F03358, *Krasniqi Defence Submission of Witness and Exhibit Lists*, 21 July 2025, with Annexes 1 and 2, confidential, para. 3.

<sup>48</sup> Transcript of Hearing (draft), 22 July 2025, confidential, pp. 26389-26390

requested extension would not delay the start of the presentation of the Defence case.<sup>49</sup>

30. Victims' Counsel does not object to the Veseli Defence Request.<sup>50</sup>

### III. DISCUSSION

#### A. SCHEDULING OF THE DEFENCE CASE

31. It is apparent from the above that the Thaçi Defence had intended, as early as October 2022, to call to testify as witnesses at least six of the individuals now featuring on its witness list, which lists twelve witnesses. The Thaçi Defence made repeated representations that it was in a position to call these witnesses and proposed certain dates for that purpose. It underlined repeatedly that their evidence was critical or essential to its case. Given the positions held by those witnesses during the Indictment period, the Thaçi Defence should have been fully aware from October 2022 at the latest that their testimony was likely to require Rule 107 clearance from relevant entities.<sup>51</sup> The Panel considers that the Thaçi Defence, therefore, had over two and a half years to ensure that Rule 107 clearance was sought and obtained in timely fashion to enable it to call the said witnesses to testify at trial. The Thaci Defence also should have been aware of the need to obtain similar clearance in respect of three other individuals on its list of witnesses, in view of the positions held by those individuals at the relevant time. The Panel need not investigate, at this juncture, what steps were taken or when to secure such clearance. The Panel notes, however, that the matter should have long been resolved, in particular in light of representations made by the Thaci Defence in October 2022 and January 2023 about the importance of those witnesses to the Defence, the nature of the positions they held during the Indictment period, and

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<sup>49</sup> See *above* para. 21, footnote 39.

<sup>50</sup> Transcript of Hearing (draft), 22 July 2025, confidential, p. 26426.

<sup>51</sup> See *above* paras 1-2.

the proposals that they be heard in February and April 2023.<sup>52</sup>

32. The Panel is deeply concerned by the fact that this matter is still pending at this point in time. As was made clear repeatedly by the Panel, it is the responsibility of the calling party to ensure that its witnesses are prepared to testify at the time set for it. It has been known for years that the target date for the closing of the SPO case was 15 April 2025 and that, should the Defence elect to call a case, it would have to call that case shortly thereafter. The Thaçi Defence's intention to call witnesses to testify as part of its Defence case has been clear since at least October 2022.

33. The Panel notes, furthermore, that other than the pending Rule 107 clearance in respect of nine prospective Thaçi Defence witnesses, the Thaçi and Krasniqi Defence have failed to identify any ground that would have justified the postponement of the commencement of the Defence case.

34. Nonetheless, in order to enable the Thaçi Defence to finalise the process of obtaining the required clearance without further delay and to ensure the fairness and good order of proceedings, taking note of the Parties' agreement and the absence of any objection by Victims' Counsel,<sup>53</sup> and taking into account Rule 119(4), the Panel informs the Parties that it intends to set the date for the opening of the Defence case as Monday, 15 September 2025. This opening date will be formally set at the Defence Preparation Conference scheduled for Tuesday, 19 August 2025, in accordance with Rule 119(4).

35. The Panel also reiterates its order to the Defence to: (i) complete any remaining Rule 104(5) disclosure, including in relation to any witnesses and exhibits depending on outstanding clearance under Rule 107, on a rolling basis

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<sup>52</sup> Thaçi Defence's Motion relating to Unique Investigative Opportunities, para. 32. Thaçi Defence Motion Regarding the Preservation of Defence Evidence, para. 34.

<sup>53</sup> CRSPD855, *Email from SPO to Trial Panel re Agenda for Status Conference on 22 July 2025*, 21 July 2025, confidential; Transcript of Hearing (draft), 22 July 2025, confidential, pp. 26374-26378.

and no later than Monday, 18 August 2025; and (ii) provide the information set out in paragraph 74 of the Order on the Conduct of Proceedings,<sup>54</sup> including the tentative order in which Defence witnesses are to be called, by Monday, 18 August 2025.<sup>55</sup>

36. Moreover, noting the Thaçi Defence's submissions in this regard,<sup>56</sup> the Panel orders the Thaçi Defence to file any request pursuant to Rule 154 in relation to the Rule 154 witness named in Annex 3 to the Thaçi Defence Witness List by Monday, 18 August 2025. In addition, the Panel wishes to remind the Defence teams that they are strongly encouraged to: (i) file any remaining requests pursuant to Rule 154 without delay and at least three weeks in advance of the relevant witness's anticipated date of testimony; and (ii) be prepared to file any Rule 153 and Rule 155 motions at the earliest opportunity to avoid undue delays and sufficiently in advance of the end of the case of the Defence team in question.<sup>57</sup> The Panel further informs the Defence that it is minded to set deadlines for the filing of any motions pursuant to Rule 153 and 155 at the Defence Preparation Conference.<sup>58</sup> The Panel also reminds the Parties to conduct *inter partes* discussions to reach agreement on whether they wish the Panel to call Rule 153 witnesses for cross-examination, in accordance with paragraph 39 of the Order on the Conduct of Proceedings.

37. The Panel further notes that the additional time granted to the Thaçi and Krasniqi Defence to prepare should not prejudice the right of other defendants and the interests of victims to a trial without undue delay. The Panel, therefore, invites the Thaçi and Krasniqi Defence to give careful consideration to the possibility of utilising the three additional weeks (25 August – 15 September 2025)

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<sup>54</sup> F01226/A01, Panel, *Annex 1 to Order on the Conduct of the Proceedings* ("Order on the Conduct of the Proceedings"), 25 January 2023.

<sup>55</sup> Decision F03302, paras 25, 27(d).

<sup>56</sup> Transcript of Hearing (draft), 22 July 2025, confidential, p. 26406, lines 7-10.

<sup>57</sup> Decision F03302, para. 26.

<sup>58</sup> See Decision F03302, para. 24.

to file some, if not all, bar table motions that they are able to prepare and finalise during that period of time.

#### B. THAÇI AND KRASNIQI DEFENCE EXHIBIT LIST

38. In light of the Parties' submissions and the fact that the Thaçi and Krasniqi Exhibit Lists might contain more documents than the Defence "intends to present" as part of its case,<sup>59</sup> and with a view at ensuring the fair and expeditious conduct of the proceedings, the Panel orders each of the Thaçi and Krasniqi Defence by no later than 15 August 2025, at 4pm, to file a revised version of its Exhibit List including only the proposed exhibits it intends to present at trial and removing from the current list any item that the Defence does not intend to present, in compliance with Rule 119(2)(b). If the Thaçi and Krasniqi Defence intend to present each and all of the items currently on those lists, each shall file a Notice to the Panel by the same deadline notifying the Panel accordingly.

39. The Panel further encourages the Thaçi and Krasniqi Defence to engage in *inter partes* discussions with the SPO as soon as practical, and before 19 August 2025, in respect of the admissibility of the proposed exhibits.

#### C. VESELI DEFENCE REQUEST FOR AN EXTENSION OF TIME

40. In relation to the Veseli Defence's Request for an extension of time to respond to three motions by Victims' Counsel,<sup>60</sup> the Panel considers that no good cause justifying the requested extension has been shown. The Panel considers, in particular, that the Veseli Defence was already on notice that Victims' Counsel may file at least two of the motions,<sup>61</sup> is not preparing to present its own case,<sup>62</sup> the

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<sup>59</sup> Transcript of Hearing (draft), 22 July 2025, confidential, pp. 26393, 26396-26402.

<sup>60</sup> See *above* para. 21, footnote 39; para. 29, footnote 49.

<sup>61</sup> F03205, Victims' Counsel, *Victims' Counsel's Submissions on the Presentation of the Victims' Case*, 28 May 2025, para. 9; Transcript of Hearing, 17 July 2025, p. 26370, lines 13-23; F03340, Panel, *Consolidated Decision on Victims' Counsel's Requests for Admission of Supplementary Information on Harm (F03208, F03279, and F03301)*, 17 July 2025, paras 23-24, 26(b).

<sup>62</sup> F03338, Specialist Counsel, *Veseli Defence's Notice of Intent not to Present a Defence Case*, 16 July 2025, para. 1.

matters under litigation are limited in scope, and has thus failed to provide sufficient reasons as to why an extension is needed.

41. Therefore, in the interest of the expeditious conduct of the proceedings, the Panel rejects the Veseli Defence's Request.

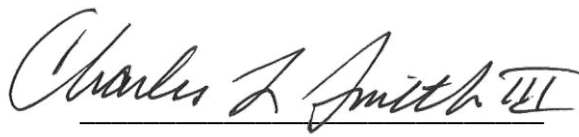
#### IV. DISPOSITION

42. For the above-mentioned reasons, the Panel hereby:

- a) **INFORMS** the Parties and participants that the Panel intends to set the date for the opening of the Defence case as **Monday, 15 September 2025**;
- b) **REITERATES** its order to the Defence to: (i) complete any remaining Rule 104(5) disclosure, including in relation to any witnesses and exhibits depending on outstanding clearance under Rule 107, on a rolling basis and no later than **Monday, 18 August 2025**; and (ii) provide the information set out in paragraph 74 of the Order on the Conduct of Proceedings by **Monday, 18 August 2025**;
- c) **REMINDS** the Thaçi and Krasniqi Defence that they are strongly encouraged to: (i) file any remaining requests pursuant to Rule 154 without delay and at least three weeks in advance of the relevant witness's anticipated date of testimony; and (ii) be prepared to file any Rule 153 and Rule 155 motions at the earliest opportunity to avoid undue delays and sufficiently in advance of the end of the case of the Defence team in question;
- d) **REMINDS** the Thaçi and Krasniqi Defence that they are strongly encouraged to make use of the additional time granted for the

preparation of their case to prepare and file bar table motions during that period;

- e) **INFORMS** the Thaçi and Krasniqi Defence that the Panel is minded to set deadlines for the filing of any motions pursuant to Rule 153 and 155 at the Defence Preparation Conference and might also do so in respect of bar table motions;
- f) **ORDERS** each of the Thaçi and Krasniqi Defence, no later than 15 August 2025, at 4pm, to file a revised version of its Exhibit List including only the proposed exhibits which it intends to present at trial, or to file a Notice to the effect that it intends to present at trial those items that are those currently on its Exhibit List; and
- g) **REJECTS** the Veseli Defence's Request for an extension of time.



**Judge Charles L. Smith, III**

**Presiding Judge**

Dated this Friday, 25 July 2025

At The Hague, the Netherlands.