

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 Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 18 August 2025

Language: English

Classification: Public

**Public Redacted Version of 'Thaçi Defence Further Submission of Witness
Information**

with Confidential Annexes 1 and 2'

Specialist Prosecutor's Office

Kimberly P. West

Counsel for Victims

Simon Laws

Counsel for Hashim Thaçi

Luka Misetic

Counsel for Kadri Veseli

Rodney Dixon

Counsel for Rexhep Selimi

Geoffrey Roberts

Counsel for Jakup Krasniqi

Venkateswari Alagendra

I. INTRODUCTION

1. On 21 July 2025, in accordance with the Trial Panel's Order¹ and Decision,² and pursuant to Rule 119(2) of the Rules,³ the Defence for Mr Hashim Thaçi ("Defence") filed submissions containing a list of the witnesses the Defence intends to call or otherwise rely upon as part of its case ("Witness List").⁴ However, the Defence was unable to disclose to all parties and participants the identities and information required by Rule 119(2) for all potential witnesses, as clearance had not been received for some individuals pursuant to Rule 107. The Defence therefore undertook to provide all outstanding information required by Rule 119(2), and fulfil its disclosure obligations pursuant to Rule 104(5) for all remaining items and witnesses, as soon as possible following receipt of clearance from Rule 107 providers.⁵

2. On 25 July 2025, the Trial Panel ordered the Defence to complete the following additional steps by 18 August 2025: (i) complete any remaining Rule 104(5) disclosure, including in relation to any witnesses and exhibits depending on outstanding clearance under Rule 107; (ii) provide the information set out in paragraph 74 of the Order on the Conduct of Proceedings;⁶ and (iii) file a request pursuant to Rule 154 for one witness, 1DW-001.⁷

3. In accordance with the Further Order, Annex 1 contains a consolidated witness

¹ KSC-BC-2020-06/F03232, Trial Panel II, *Revised Scheduling Order*, 5 June 2025, public, ("Order"), para. 12(e).

² KSC-BC-2020-06/F03302, Trial Panel II, *Decision on Joint Defence Request for a Variation of the Schedule*, 2 July 2025, public ("Decision"), para. 27(b).

³ KSC-BD-03/Rev3/2020, Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, 2 June 2020 ("Rules").

⁴ KSC-BC-2020-06/F03357, *Thaçi Defence Submission of Witness and Exhibit Lists with Confidential and Ex Parte Annexes 1 and 2 and Confidential Annexes 3 and 4*, 21 July 2025, confidential ("Defence Submissions"). A confidential and *ex parte* version, available to the Panel only, was at Annex 1, while a confidential redacted version was at Annex 3.

⁵ Defence Submissions, para. 2.

⁶ KSC-BC-2020-06/F01226/A01, *Order on the Conduct of Proceedings*, 25 January 2023, public ("Order on the Conduct of Proceedings").

⁷ KSC-BC-2020-06/F03371, Trial Panel II, *Further Order on the Scheduling of the Defence Case and Related Matters*, 25 July 2025, public ("Further Order"), paras. 38, 42(f) (emphasis in original).

list incorporating new information provided since 21 July 2025 (“Revised Witness List”), while Annex 2 contains the information required pursuant to paragraph 74 of the Order on the Conduct of Proceedings for all notified witnesses. The following submissions contain a fourth notification of additional witness information, and an update on compliance with the remaining steps in the Further Order.

II. SUBMISSIONS

A. FOURTH NOTIFICATION OF ADDITIONAL WITNESS INFORMATION

4. On 18 August 2025, the Defence received clearance from the United States for the statement and testimony of one further witness: 1DW-003. The Defence therefore discloses the identity and information required pursuant to Rule 119(2) for this witness as part of the Revised Witness List in Annex 1.

5. The United States requested the imposition of a number of conditions pursuant to Rule 107 for the testimony of 1DW-003, including that the scope of direct examination is limited to defined topics; the scope of cross-examination is limited to the scope of direct examination, as well as to issues regarding the credibility of the witness; the witness may decline to answer questions on the grounds of confidentiality; and United States government representatives are authorised to be present during the testimony. A formal application for these measures will be filed as soon as practicable.

6. While the Defence received clearance for the draft witness statement of 1DW-003, the Defence is still in the process of formalising the witness statement and preparing it for disclosure. As an interim measure, to ensure sufficient notice to all parties and compliance with its obligations pursuant to Rule 104(5), the Defence has therefore disclosed the draft statement of 1DW-003 on 18 August 2025, in Disclosure

Pack 1751.⁸ The formal signed statement will be disclosed as soon as it is available.

7. At the time of filing, the Defence is still awaiting Rule 107 clearance for four witnesses, from two Rule 107 providers. The Defence confirms that clearance is pending for 1DW-007 and 1DW-008, for whom discussions with the United States are ongoing. While clearance from the United States has been received for W04174, the Defence are still attempting to resolve clearance issues with [REDACTED]. Discussions are ongoing with both the United States [REDACTED] in relation to the need for clearance of 1DW-010. Further substantive updates on the progress of discussions with the providers may be provided during the Defence Preparation Conference. However, in an effort to ensure notice to all parties and participants, and in light of the discussion during the status conference on 22 July 2025, the Defence has been authorised by the United States to disclose the identities of these four witnesses. The identities have been provided in the Revised Witness List in Annex 1.⁹

B. COMPLIANCE WITH THE FURTHER ORDER

8. On 5, 7 and 8 August 2025, the Defence disclosed the identity and information required pursuant to Rule 119(2) for four Defence witnesses: 1DW-004, 1DW-005, 1DW-006 and 1DW-009.¹⁰ On 5, 8, 11 and 13 August 2025, the Defence completed disclosure of materials linked to these individuals pursuant to Rule 104(5),¹¹ with the exception of the statement of 1DW-006. As noted previously, the Defence remains in discussions with the Rule 107 provider about the testimony of 1DW-006, and is unable

⁸ DHT11865-DHT11878.

⁹ In the absence of further clearance from the Rule 107 providers, the Defence is not able to disclose summaries of their proposed evidence.

¹⁰ KSC-BC-2020-06/F03388, *Thaçi Defence Submission of Additional Witness Information with Confidential Annex 1*, 5 August 2025, Confidential ("F03388"); 5 KSC-BC-2020-06/F03392, *Thaçi Defence Second Submission of Additional Witness Information with Confidential Annex 1*, 7 August 2025, Confidential; KSC-BC-2020-06/F03393, *Thaçi Defence Third Submission of Additional Witness Information with Confidential Annex 1*, 8 August 2025, confidential.

¹¹ Disclosure Packs 1738, 1742, 1744 and 1746.

to finalise and disclose his statement until these discussions have formally resolved. The Defence will disclose the relevant statement as soon as possible after formal clearance is confirmed by the Rule 107 provider.

9. Annex 2 contains the information required by paragraphs 74(i)-(viii) of the Order on the Conduct of Proceedings for the seven witnesses notified to all parties as at 18 August 2025. In addition, following further internal review, the Defence has also increased the direct examination estimates for 1DW-003, 1DW-004, 1DW-005 and 1DW-006, and provides the new estimates in Annexes 1 and 2.

10. Annex 2 also includes the tentative order of appearance for the notified witnesses following the start of the Defence case, tentatively scheduled for 15 September 2025. While this order is subject to change, in particular pending receipt of any further clearances from Rule 107 providers, the Defence will remain mindful of the need to provide adequate notice to facilitate the preparation of all parties and participants.

11. Finally, on 7 August 2025, the Defence filed a motion for admission of the evidence of 1DW-001 pursuant to Rule 154, well in advance of the timetable set by the Trial Panel, and the tentative start date of the Defence case.¹² The SPO responded on 13 August 2025, confirming they did not object to the request.¹³ The Defence currently intends to file a further motion for admission of the evidence of 1DW-003, 1DW-004, 1DW-005 and 1DW-009 pursuant to Rule 154 by Friday, 22 August 2025. This will be more than three weeks prior to the start of the evidence of any of these witnesses.

[Word count: 1,311 words]

¹² KSC-BC-2020-06/F03391, *Thaçi Defence Motion for Admission of Evidence of Witness 1DW-001 pursuant to Rule 154*, 7 August 2025, confidential.

¹³ KSC-BC-2020-06/F03400, *Prosecution response to 'Thaçi Defence Motion for Admission of Evidence of Witness 1DW-001 pursuant to Rule 154' (F03391)*, 13 August 2025, confidential, para. 1.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Luka Misetic', is centered on the page. The signature is fluid and cursive.

Luka Misetic

Counsel for Hashim Thaçi

Monday, 18 August 2025

At The Hague, The Netherlands