



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: 2 September 2025

Language: English

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Further Order on the Scheduling of the Defence Case

Specialist Prosecutor

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TRIAL PANEL II ("Panel"), pursuant to Articles 21(1), (2) and 4(c), (d) and (f), 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 25 January 2023, the Panel issued an order adopting certain procedures and modalities to facilitate the fair and expeditious conduct of the proceedings ("Order on the Conduct of Proceedings").¹

2. On 19 August 2025, the Panel held the Defence Preparation Conference wherein the Panel discussed various matters with the Parties and participants in accordance with Rules 119(2)-(3).² At the conclusion of the Defence Preparation Conference, the Panel indicated that, based on the submissions of the Parties and participants, it would issue a consolidated order setting deadlines for the filing of certain motions, and setting the target date for the closing of the Defence case.³

II. APPLICABLE LAW

3. Pursuant to Article 40(2) of the Law, the Trial Panel shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the Rules, with full respect for the rights of the Accused and due regard for the protection of victims and witnesses. The Trial Panel may adopt such procedures and modalities as are necessary to facilitate the fair and expeditious conduct of

¹ F01226/A01, Panel, *Annex 1 to Order on the Conduct of Proceeding*, 25 January 2023.

² Transcript of Hearing, 19 August 2025, confidential, pp. 26431-26471.

³ Transcript of Hearing, 19 August 2025, confidential, p. 26471.

proceedings. It may give directions for the conduct of fair and impartial proceedings in accordance with the Rules.

4. Pursuant to Rule 116(1), the Panel shall, on an ongoing basis, take all measures and adopt such procedures as are necessary to facilitate the fair and expeditious conduct of the trial proceedings. The Panel, upon consultation with the Parties, shall establish a work plan indicating the obligations of the Parties and set time limits for the fulfilment of these obligations.

5. Pursuant to Rule 119(4), second sentence, the Panel shall set a target date for the closing of the Defence case pursuant to Rule 131.

III. DISCUSSION

A. SCHEDULING OF THE DEFENCE CASE

1. Rule 107 Clearance

6. The Thaçi Defence informed the Panel, at the Defence Preparation Conference, that it had disclosed the identities of all witnesses, statements for seven witnesses,⁴ that it expected to receive Rule 107 clearance for the statement of one further witness that week,⁵ and that summaries and/or statements for four additional witnesses were still pending.⁶

7. The Krasniqi Defence informed the Panel that it had disclosed all information required by Rule 119(2)(a).⁷

⁴ Transcript of Hearing, 19 August 2025, confidential, pp. 26432-26436.

⁵ Transcript of Hearing, 19 August 2025, confidential, pp. 26432-26433, 26436; F03406/A02, Specialist Counsel, *Annex 2 to Thaçi Defence Further Submission of Witness Information*, 18 August 2025, confidential, p. 40.

⁶ Transcript of Hearing, 19 August 2025, confidential, pp. 26433, 26436, 26454.

⁷ Transcript of Hearing, 19 August 2025, confidential, p. 26446.

8. The SPO requested that the Panel set a timeline for the remaining disclosure obligations of the Defence,⁸ and noted that the SPO would need one month from when it gets disclosure of a statement to when the witness testifies.⁹

9. The Panel notes that, since the Defence Preparation Conference, the Thaçi Defence has disclosed the statement of 1DW-006 and the signed statement of 1DW-003.¹⁰ Accordingly, the Thaçi Defence has now disclosed all summaries and statements for the first block of witnesses,¹¹ and no further order is required at this point in time.

10. Having considered the Parties' submissions, the Panel orders the Thaçi Defence to provide the witness summaries and/or statements for the remaining witnesses as soon as possible but no later than three weeks in advance of the relevant witness's anticipated date of testimony. The Thaçi Defence should continue to take all necessary to ensure that such disclosure occurs as soon as possible.

2. Motions for Measures Under Rule 107

11. The Thaçi Defence informed the Panel that some of the providers have asked for measures under Rule 107 and that it will file applications in this regard in due course.¹²

12. The Krasniqi Defence informed the Panel that it does not intend to apply for any measures under Rule 107 at the moment.¹³

13. The SPO suggested that a three-week deadline be set for the filing of any

⁸ Transcript of Hearing, 19 August 2025, confidential, p. 26437.

⁹ Transcript of Hearing, 19 August 2025, confidential, pp. 26437-26438.

¹⁰ Disclosure Packages 1753-1754.

¹¹ F03406/A02, Specialist Counsel, *Annex 2 to Thaçi Defence Further Submission of Witness Information*, 18 August 2025, confidential.

¹² Transcript of Hearing, 19 August 2025, confidential, pp. 26452-26453.

¹³ Transcript of Hearing, 19 August 2025, confidential, p. 26453.

measures under Rule 107.¹⁴

14. The Panel notes that, since the Defence Preparation Conference, the Thaçi Defence has filed a motion requesting measures under Rule 107 for a number of witnesses scheduled to testify in the first block of witnesses.¹⁵ These applications will be addressed by the Panel in due course, and no further order is required at this stage in respect of these witnesses.

15. Having considered the Parties' submissions, the Panel orders the Thaçi Defence to file any remaining Rule 107 motions at least three weeks in advance of the relevant witness's anticipated date of testimony and to take all necessary steps to ensure that such motions are made as soon as possible.

3. Rules 153-155 Motions

16. The Thaçi Defence submitted that the modes of testimony for all its witnesses, except one Rule 153 witness, will be either Rule 154 or live.¹⁶

17. The Krasniqi Defence submitted that the modes of testimony for its witnesses remain unchanged, namely two Rule 153 witnesses, two Rule 154 witnesses, and one Rule 155 witness.¹⁷

18. In relation to Rule 153 and Rule 155 motions, as discussed during the Defence Preparation Conference,¹⁸ the Panel orders the Thaçi Defence and Krasniqi Defence to file all Rule 153 and Rule 155 motions by **Wednesday, 10 September 2025**.

¹⁴ Transcript of Hearing, 19 August 2025, confidential, p. 26453.

¹⁵ F03424, Specialist Counsel, *Thaçi Defence Request for Rule 107 Measures for Witnesses 1DW-003, 1DW-004, 1DW-005 and 1DW-006*, 27 August 2025, confidential.

¹⁶ Transcript of Hearing, 19 August 2025, confidential, p. 26444; F03406/A01, Specialist Counsel, *Annex 1 to Thaçi Defence Further Submission of Witness Information*, 18 August 2025, confidential, p. 1.

¹⁷ Transcript of Hearing, 19 August 2025, confidential, p. 26444; F03358/A01, Specialist Counsel, *Annex 1 to Krasniqi Defence Submission of Witness and Exhibit Lists*, 21 July 2025, confidential, p. 1.

¹⁸ Transcript of Hearing, 19 August 2025, pp. 26449-26451.

19. In relation to Rule 154 motions, the Panel also recalls its order to the Defence to file any remaining Rule 154 motions, without delay, and at least three weeks in advance of the relevant witness's anticipated date of testimony.¹⁹

4. Bar Table Motions

20. The Thaçi Defence and Krasniqi Defence submitted that they intend to file bar table motions on a rolling basis.²⁰

21. The Panel encourages the Defence to file any bar table motions thematically, on a rolling basis and, in any case, as soon as possible. In order to ensure the timely and effective disposition of such motions, the Panel orders the Defence to file a consolidated bar table motion in respect of proposed exhibits where the SPO does not object to their admission by **Monday, 15 September 2025**.

22. The Panel also considers that it is necessary to set a deadline by which any final bar table motions should be filed. The Panel recalls that the SPO was granted two weeks after it had called its last witness to file any final bar table motions.²¹ In the present case, and considering, in particular, that the Defence plans to tender a large portion of its items through witnesses and since the number of items to be tendered through the bar table by the Defence is more limited than for the SPO, the Panel considers that a shorter time would be sufficient. Accordingly, the Panel orders the Thaçi Defence and Krasniqi Defence to file any final bar table motions by no later than one week after the completion of the testimony of the last witness called by the respective Defence team. As already indicated, and in order to ensure the timely completion of proceedings, the Thaçi Defence and Krasniqi Defence should endeavour to tender their proposed exhibits before that time if they are

¹⁹ F03371, Panel, *Further Order on the Scheduling of the Defence Case and Related Matters*, 25 July 2025, paras 36, 42(c).

²⁰ Transcript of Hearing, 19 August 2025, confidential, p. 26459.

²¹ Transcript of Hearing, 1 April 2025, confidential, pp. 26116-26118; F03121, Specialist Prosecutor, *Prosecution Notice Pursuant to Rule 129*, 15 April 2025, para. 1.

able to do so.

5. Order on the Conduct of Proceedings

23. The Panel recalls that paragraph 76(ii) of the Order on the Conduct of Proceedings provides that “the Defence and Victims’ Counsel” shall within 7 days of receiving the list of witnesses provide an indication of “[w]hich witnesses it intends to cross-examine and a time estimate for cross-examination of each witness” and “[a]ny objection to the admission of witness statements/transcripts of interview and/or exhibits, which the SPO proposes to tender through the witnesses”. The Panel is of the opinion that this rule applies *mutatis mutandis* to the current stage of proceedings.

24. In line with this, the Panel orders the SPO, Victims’ Counsel and the Defence teams that are not the presenting Party, to provide indications in accordance with paragraph 76(ii) of the Order on the Conduct of Proceedings. Insofar as the Parties and participants have already provided time estimates for cross-examination, the Panel orders them, as was done during the SPO case,²² to provide timely updates of those estimates as soon as possible and no later than 24 hours before the commencement of testimony of the respective witness.

25. Noting Victims’ Counsel’s request for an extension of time to provide the cross-examination estimate for one witness, and the consent of the Parties,²³ Victims’ Counsel is exceptionally exempted from the aforementioned deadline for this witness.

26. The Panel further recalls paragraph 81 of the Order on the Conduct of Proceedings, according to which “[i]t is the presenting Party’s responsibility to ensure that, at the conclusion of the evidence of a witness, there is another witness

²² Transcript of Hearing, 29 May 2024, p. 16328, line 9 to p. 16331, line 11.

²³ Transcript of Hearing, 19 August 2025, confidential, pp. 26463-26464.

ready to begin to testify.” The presenting Party shall immediately notify the Panel if and when it might not be able to comply with this requirement.

27. Lastly, the Panel reminds all Parties and participants to comply fully with their obligations in relation to presentation queues under paragraphs 79, 82 and 83 of the Order on the Conduct of Proceedings.

B. DETERMINING THE TARGET DATE FOR THE CLOSING OF THE DEFENCE CASE

28. Pursuant to Rule 119(4), the Panel shall set a target date for the closing of the Defence case pursuant to Rule 131.

29. The Thaçi Defence informed the Panel that it might be able to complete the direct examination of its witnesses by the end of October 2025 or, at the latest, at the end of November 2025.²⁴ The Thaçi Defence added that, to the extent possible, and to allow flexibility, it would be helpful to be able to go into November.²⁵

30. The Krasniqi Defence informed the Panel that it expected to need about a week to question its two Rule 154 witnesses,²⁶ but that it was not able to specify an exact closing date for its own case, as this depends on when it can begin questioning its own witnesses, which in turn hinges on the Thaçi Defence case.²⁷

31. Having considered the Parties’ and participants’ submissions, the Thaçi Defence’s and Krasniqi Defence’s lists of witnesses²⁸ and the cross-examination estimates of the remaining Parties and participants,²⁹ the Panel sets the target date

²⁴ Transcript of Hearing, 19 August 2025, confidential, pp. 26458, 26460-26461.

²⁵ Transcript of Hearing, 19 August 2023, confidential, p. 26460.

²⁶ Transcript of Hearing, 19 August 2023, confidential, p. 26459.

²⁷ Transcript of Hearing, 19 August 2023, confidential, p. 26459.

²⁸ F03406/A01, Specialist Counsel, *Annex 1 to Thaçi Defence Further Submission of Witness Information*, 18 August 2025, confidential, p. 1; F03358/A01, Specialist Counsel, *Annex 1 to Krasniqi Defence Submission of Witness and Exhibit Lists*, 21 July 2025, confidential, p. 1.

²⁹ F03417/A01, Specialist Counsel, *Annex 1 to Krasniqi Defence Response to ‘Thaçi Defence Further Submission of Witness Information’*, 26 August 2025, confidential, p. 1; F03419/A01, Specialist Counsel, *Annex 1 to Thaçi Defence Response to “Krasniqi Defence Notification Pursuant to Para. 74 of the Order on the Conduct of the Proceedings” (F03405)*, 26 August 2025, confidential, p. 1; F03420/A01, Specialist Counsel,

for the closing of the Defence case for both the Thaçi Defence and the Krasniqi Defence as **Friday, 14 November 2025** or one week after the completion of testimony of the last Defence witness, whichever is earlier. The Panel emphasises that this date is a mere indication of the Panel's estimate of the length of the Defence case and can be brought forward or extended as necessary.

32. The Panel also notes in this regard that some of the time estimates given for questioning of witnesses appear in some instances to be excessive. While the Parties will be afforded the time necessary to conduct effective questioning of witnesses, the Panel reminds the Parties that they should focus on matters of relevance to the case, and which are in dispute between the Parties to avoid repetitious questioning.

33. The Panel also indicates that, in order to ensure the timely completion of this case and to account for the time estimates provided by the Parties for their questioning, it might be necessary to amend the schedule of this case by adding the week of 6-9 October 2025 as a further sitting week. Before amending the schedule, the Panel will first hear the Parties and participants on this matter. Therefore, the Parties and participants are ordered to inform the Panel, by no later than **Thursday, 4 September 2025, at 16:00**, whether there are any objections to this proposal.

Annex 1 to Veseli Defence Response to Thaçi and Krasniqi Defence Notifications (F03405 and F03406), 26 August 2025, confidential, p. 1; F03422/A01, Specialist Counsel, Annex 1 to Selimi Defence Response to Thaçi and Krasniqi Defence Notifications pursuant to Paragraph 74 of the Order on the Conduct of the Proceedings (F03405 and F03406), 26 August 2025, confidential, pp. 2-3; F03421, Victims' Counsel, Victims' Counsel's Twentieth Notification of Wish to Cross-Examine a Witness, 26 August 2025, confidential, p. 1; F03423/A01, Specialist Prosecutor, Annex 1 to Prosecution Submissions on Thaçi and Krasniqi Defence Witness Notifications (F03405 and F03406), 27 August 2025, confidential, p. 2.

C. FILING OF FINAL TRIAL BRIEFS AND STATEMENT ON THE IMPACT OF THE ALLEGED
CRIMES ON VICTIMS PARTICIPATING IN THE PROCEEDINGS

34. The Panel notes that the SPO may seek leave to present evidence in rebuttal, and the Defence may seek leave to present evidence in rejoinder, pursuant to Rule 127(2). Without prejudice to the possibility of such applications and the Panel's decision in respect of those, the Panel informs the Parties and participants that they should be prepared to file final trial briefs, and statement on the impact of the alleged crimes on victims participating in the proceedings, before the commencement of the judicial recess on **Monday, 22 December 2025**. The Panel will set a firm date in respect of this matter once the Defence case is more advanced and once the Panel has heard the Parties and participants in respect of this and any requests pursuant to Rule 127(2).

IV. DISPOSITION

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

- a) **ORDERS** the Thaçi Defence to provide the witness summaries and/or statements for the remaining witnesses as soon as possible but no later than three weeks in advance of the relevant witness's anticipated date of testimony;
- b) **ORDERS** the Thaçi Defence to file any remaining Rule 107 motions at least three weeks in advance of the relevant witness's anticipated date of testimony and to take all necessary steps to ensure that such motions are made as soon as possible;
- c) **ORDERS** the Thaçi Defence and Krasniqi Defence to file all Rule 153 and Rule 155 motions by **Wednesday, 10 September 2025**;

- d) **RECALLS** that the Thaçi Defence and Krasniqi Defence shall file any remaining Rule 154 motions, without delay, and at least three weeks in advance of the relevant witness's anticipated date of testimony;
- e) **ENCOURAGES** the Defence to file any bar table motions thematically, on a rolling basis and, in any case, as soon as possible;
- f) **ORDERS** the Defence to file a consolidated bar table motion in respect of documents whose admission is not disputed by the SPO by **Monday, 15 September 2025**;
- g) **ORDERS** the Defence to file any final bar table motion no later than one week after the completion of the testimony of the last witness called by the respective Defence team;
- h) **ORDERS** the SPO, Victims' Counsel and the Defence teams that are not the presenting Party to provide indications in accordance with paragraph 76(ii) of the Order on the Conduct of Proceedings and to provide updates of those estimates as soon as possible and no later than 24 hours before the commencement of testimony of the respective witness;
- i) **EXEMPTS** Victims' Counsel from providing the cross-examination estimates for one witness;
- j) **RECALLS** paragraph 81 of the Order on the Conduct of Proceedings;
- k) **REMINDS** all Parties and participants to comply fully with their obligations under paragraphs 79, 82 and 83 of the Order on the Conduct of Proceedings;
- l) **SETS** the target date for the closing of the Defence case for both the Thaçi Defence and Krasniqi Defence to **Friday, 14 November 2025**, or one week after the completion of testimony of the last Defence witness, whichever is earlier;

- m) **ORDERS** the Parties and participants to inform the Panel, by no later than **Thursday, 4 September 2025, at 16:00**, whether there are any objections to sitting the week of 6-9 October 2025; and
- n) **INFORMS** the Parties and participants that they should be prepared to file final trial briefs, and statement on the impact of the alleged crimes on victims participating in the proceedings, before the commencement of the judicial recess on **Monday, 22 December 2025**.



Judge Charles L. Smith, III
Presiding Judge

Dated this Tuesday, 2 September 2025

At The Hague, the Netherlands.