

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: 22 October 2025

Language: English

Classification: Public

**Thaçi Defence Sixth Notification of Additional Witness Information and Related
Requests**

with Confidential Annexes 1 – 3

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I. INTRODUCTION

1. In accordance with the Trial Panel's Order of 2 September 2025,¹ the Defence for Mr Hashim Thaçi ("Defence") advises that clearance has been received from the United States government ("Rule 107 Provider"), authorising the statement² and testimony of its final witness, 1DW-007, General Wesley Clark. The Defence accordingly:

- (i) provides all outstanding information required by Rule 119(2) of the Rules³ in Annex 1;
- (ii) provides the information required pursuant to paragraph 74 of the Order on the Conduct of Proceedings⁴ in Annex 2;
- (iii) requests authorisation to amend the Exhibit List⁵ to add the Statement, pursuant to Rule 119(5), and the admission of the Statement pursuant to Rules 138 and 154 of the Rules; and
- (iv) requests the Trial Panel to order necessary and proportionate measures to facilitate the in-court testimony of the witness, pursuant to Rule 107.

2. As previously communicated,⁶ the Defence envisages that 1DW-007 will testify as the last Defence witness. While the target date for the close of the Defence case was originally set as "**Friday, 14 November 2025**, or one week after the completion of testimony of the last Defence witness, whichever is earlier",⁷ the Panel also

¹ KSC-BC-2020-06/F03435, Trial Panel II, *Further Order on the Scheduling of the Defence Case*, 2 September 2025, public ("September Order").

² DHT12546-DHT12556 ("Statement").

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/F01226/A01, *Order on the Conduct of Proceedings*, 25 January 2023, public ("Order on the Conduct of Proceedings").

⁵ KSC-BC-2020-06/F03473/A01, *Annex 1 - Amended List of Exhibits*, 15 September 2025, confidential ("Exhibit List").

⁶ KSC-BC-2020-06/F03516, *Thaçi Defence Notification of Witness Changes*, 10 October 2025, public, para. 2; Email from Defence to Trial Panel, parties and participants, 17 October 2025, 15:48; Email from Defence to Trial Panel, parties and participants, 21 October 2025, 10:04.

⁷ September Order, paras. 31, 35(l).

emphasised that this date was a mere indication, and could be extended as necessary. Further, the Trial Panel recently advised the parties and participants that 17 to 20 November 2025 had been reserved for hearings, “in case they become necessary”.⁸ 1DW-007 has advised that he is not available to start travelling to The Hague before 17 November 2025 from the United States, and is therefore unable to commence his testimony before the afternoon of 18 November, or the morning of 19 November 2025. In line with the Panel’s guidance, and in light of 1DW-007’s stated availability, the Defence therefore confirms its intention to call 1DW-007 in the week of 17 November 2025, but not before the afternoon of 18 November, or likely the morning of 19 November 2025. The Defence will have a better sense after travel arrangements have been confirmed, and when the Defence has had the ability to confer with 1DW-007 and WSPO regarding the timeframe for other preparatory steps prior to testimony. While it is the Defence’s hope that 1DW-007’s testimony can be concluded within two days,⁹ the Defence exceptionally request that the Trial Panel schedule Friday, 21 November 2025 as an additional hearing day, in case it is required to give all parties and participants a fair opportunity to finalise the evidence of 1DW-007.¹⁰

3. The Defence otherwise confirms these submissions complete its obligation to file all relevant motions no later than three weeks in advance of his anticipated date of testimony.¹¹

⁸ See Email from CMU, 10 October 2025, 09:40.

⁹ A more accurate picture of the expected duration of 1DW-007’s testimony will be available once all parties and participants have provided cross-examination estimates.

¹⁰ The Defence observes that the calendar shown on Legal Workflow does not currently have any competing activities scheduled for Friday, 21 November. If the entire day is not possible, the Defence observes that scheduling additional hearing times only in the morning should be sufficient.

¹¹ September Order, paras. 35(a), (b) and (d).

II. SUBMISSIONS

A. SIXTH WITNESS NOTIFICATION

4. The Defence has now received clearance from the Rule 107 Provider for the statement and testimony of the witness, subject to conditions elaborated below.

5. On 21 October 2025, the Defence disclosed the Statement pursuant to Rule 104(5) in Disclosure Pack 1810. The Defence notes that the Statement references two exhibits as being attached. Since both items are already admitted as exhibits in these proceedings,¹² the Defence has not re-disclosed them to avoid confusion and duplication. The Defence otherwise provides the information required pursuant to Rule 119(2) for 1DW-007 in Annex 1,¹³ while Annex 2 contains the information required by paragraphs 74(i)-(viii) of the Order on the Conduct of Proceedings.

B. RULE 154 REQUEST

6. The Defence requests the admission of the Statement of 1DW-007 pursuant to Rules 138 and 154, as well as the addition of this Statement to the Exhibit List. For the avoidance of doubt, the Defence does not tender any associated exhibits to the Statement.¹⁴ In accordance with the requirements of Rule 154, as confirmed by the Panel,¹⁵ 1DW-007 is anticipated to: (i) be present in court, (ii) be available for cross-examination by the Parties, and any questioning by the Trial Panel, and (iii) attest that

¹² Exhibit A is 1D00241; Exhibit B is 1D00389. This is also confirmed in Annex 3.

¹³ As with each of the previous notifications, regarding the information required pursuant to Rule 119(2)(a)(v), the Defence reiterates that it followed the approach previously adopted by the SPO; namely, when witness evidence pertains solely to contextual elements or modes of liability, the Defence did not list specific counts, as the evidence in question relates to all counts. *See, e.g.,* KSC-BC-2020-06/F00631, *Submission of Pre-Trial Brief, with witness and exhibit lists*, 17 December 2021, confidential (public redacted version notified 21 December 2021), para. 5.

¹⁴ *See* further information in Annex 3.

¹⁵ KSC-BC-2020-6/F01380, Trial Panel II, *Decision on Admission of Evidence of First Twelve SPO Witnesses Pursuant to Rule 154*, 16 March 2023, confidential, paras 26-35 (a public redacted version was filed on 7 November 2023, para. 11, as recently confirmed in KSC-BC-2020-06/F03452, Trial Panel II, *Decision on Thaçi Defence Motion for Admission of Evidence of Witnesses 1DW-03, 1DW-004, 1DW-005 and 1DW-009 Pursuant to Rule 154 and Related Request*, 9 September 2025, confidential ("F03452"), para. 10.

his written statement accurately reflects his declaration, and what he would say if examined. As detailed below and in Annex 3, the Statement meets the requirements of the Rules, is relevant, authentic, and reliable, and has probative value, which is not outweighed by any prejudice. Admission is therefore in the interests of justice.

1. *Request to Amend the Exhibit List*

7. In accordance with Rule 119(5) of the Rules, the Defence requests to add the Statement to its Exhibit List. This request is timely, as it is being made as promptly as possible after the Rule 107 Provider authorised 1DW-007 to testify in these proceedings, based on the content of the Statement. Following receipt of this authorisation, the Defence immediately took steps to reconfirm the witness' availability and invited him to sign his statement. The signed statement was obtained on 20 October 2025, and disclosed by the Defence to all parties and participants on 21 October 2025.

8. Regarding good cause, the Defence seeks the addition of this Statement to the Exhibit List so that it may be tendered pursuant to Rule 154. Admission pursuant to Rule 154 would save courtroom time, and ensure the presentation of 1DW-007's evidence is focussed, and not repetitive or duplicative. As outlined further below,¹⁶ 1DW-007 provides highly relevant and exculpatory evidence, which is probative of the issues in these proceedings. Accordingly, the Statement is sufficient relevance and importance to justify its addition to the Exhibit List.

9. Finally, no undue prejudice would result from adding the Statement to the Exhibit List. The statement was only recently cleared by the Rule 107 Provider, following which the witness signed the Statement on 20 October 2025, and the Defence disclosed it the next day. The Statement is very limited in size, totalling only 11 pages.

¹⁶ See paragraphs 10 and 11 herein, as well as the summary provided in Annex 1.

The subject matter of the Statement relates to known aspects of the Defence case, and in relation to individuals and events that all parties are likely to be familiar with at this stage of proceedings. Finally, the Defence observes this request is in line with a similar approach adopted earlier in these proceedings.¹⁷

2. *Rule 154 Requirements*

10. *Relevance:* 1DW-007 is a decorated former four-star General in the United States Army, who served as the Supreme Allied Commander, Europe (“SACEUR”) of the North Atlantic Treaty Organization (“NATO”) from 1997 to 2000. 1DW-007 provides evidence about directing NATO’s efforts to implement the Holbrooke-Milošević Agreement from October 1998, enforcing United Nations (“UN”) Security Council Resolution 1199, conducting the air campaign against Yugoslav forces following Milošević’s refusal to sign the Rambouillet accords, deploying forces in Kosovo in compliance with the Military Technical Agreement and UN Security Council Resolution 1244, and overseeing the demilitarisation and transformation of the KLA. 1DW-007 describes being aware of the wave of violence in the summer of 1999 following the return of Kosovar refugees and analyses the causes of this violence and the fact he did not believe the KLA leadership were engaged in a coordinated effort to target and attack Serbs or minorities.

11. Finally, 1DW-007 describes various interactions he had with the KLA, the Kosovar Albanian delegation to Rambouillet, and Mr Thaçi specifically. He provides his observations and impressions about the lack of structure and organisation of the KLA, and the absence of any functioning command or control. He also observed the lack of control that Mr Thaçi had over the KLA, and that he was only a political person without military experience, as well as describing why it would be unjust to attribute the misconduct of others to Mr Thaçi.

¹⁷ F03452, paras. 11-14.

12. 1DW-007's evidence is therefore relevant to the charges in the Indictment, particularly to the contextual elements of the crimes, and to the acts and conducts of Mr Thaçi.¹⁸

13. *Authenticity*: 1DW-007's Statement, taken by the Defence, is *prima facie* authentic and reliable. It contains multiple indicia of authenticity, including the witness' personal details, an indication of the date and place of the Statement, and his signature on the last page. Further, the witness' interview was attended by officials from both the Pentagon and State Department who also reviewed and approved the Statement for use. Finally, it contains a declaration by 1DW-007, confirming the contents of his statement are true, it was given voluntarily, and he is aware it may be used in legal proceedings.¹⁹

14. *Suitable for Rule 154 Admission*: 1DW-007's Statement satisfies the requirements of Rule 154. It is only 11 pages long, and the Defence anticipates no more than 3 hours of direct examination would be required to clarify and supplement it. Admission pursuant to Rule 154 would therefore contribute to the expeditiousness of the proceedings, as it would reduce the direct examination for this witness and promote clarity, while not bloating the record. It will also not cause unfair prejudice to the other parties, including the SPO, as they will have an opportunity to cross-examine the witness.

C. RULE 107 REQUEST

15. The Defence requests the Trial Panel order necessary and proportionate measures to facilitate the in-court testimony of 1DW-007. As outlined above, the

¹⁸ KSC-BC-2020-06/F00999/A01, *Amended Indictment*, 30 September 2022, confidential ("Indictment"), paras. 16-57.

¹⁹ Statement, para. 53.

proposed evidence of 1DW-007 is relevant to these proceedings and could assist the Trial Panel in establishing facts and circumstances relevant to this case. The evidence of 1DW-007 was initially authorised by the Rule 107 Provider to be provided to the Defence on a confidential basis, and “for lead and background purposes only”, on the express understanding that Rule 107 applied. The Rule 107 Provider has since authorised 1DW-007 to testify in these proceedings based on the content of the Statement, subject to the following conditions being applied.

16. First, in terms of testimonial substance, the Rule 107 Provider stipulated that the scope of the witness’ testimony would be limited to topics discussed during the Defence interview, his involvement with Kosovo in 1998 and 1999, as reflected in the Statement. These topics include the following eight areas occurring in 1999, specifically his: (i) observations of and involvement in the Rambouillet Conference, its aftermath, and the roles of the KLA and Thaçi; (ii) observations and role in the demilitarisation process after the war; (iii) meetings and conversations with Thaçi; (iv) knowledge of the structure and organisation of the KLA; (v) observations of Thaçi and the level of control he had over the KLA; (vi) impressions of the command and control of the KLA; (vii) awareness of acts of violence within Kosovo by Serb forces and Kosovar Albanians; and (viii) views on the ability of the KLA, its commanders, and Thaçi to prevent and control acts of violence.

17. Second, regarding the modalities of questioning, the Rule 107 Provider conditioned their authorisation for 1DW-007 to testify on the basis that the following protective measures are adopted through an order of the Trial Panel:

- (i) the scope of cross-examination is limited to the scope of direct examination, as well as to issues regarding the credibility of the witness;
- (ii) the witness may decline to answer questions on the grounds of confidentiality; and

- (iii) representatives of the Rule 107 Provider are authorised to be present during the testimony.

18. The Rule 107 Provider further specified that 1DW-007 is not authorised to testify, either on direct or cross-examination, about any matters or for any purpose other than those stated above and contained in his Statement.

19. The measures requested by the Rule 107 Provider are consistent with and are an appropriate means of giving effect to Rule 107, in particular, subparagraphs (3)-(5) which provide, *inter alia*, that the Panel may not order the production of additional evidence, beyond that authorised by the Rule 107 provider, and may not compel a witness to answer any question relating to Rule 107 information or its origin if such witness declines to answer on grounds of confidentiality. The requested measures are therefore lawful and reasonable, and in line with those already employed in the current proceedings.²⁰ They cause no prejudice to the SPO or any other party, as the right to cross-examine is not absolute.²¹ In any event, the right to effectively cross-examine – on matters relevant to these proceedings and to issues relating to credibility – remains intact.

20. Finally, the presence of representatives from the Rule 107 Provider, in addition to safeguarding confidential information and related interests, may ultimately be conducive to timely resolution of any matters relating to the scope of permissible questioning or use of documents with the witness.²²

²⁰ KSC-BC-2020-06/F01847, *Decision on the Prosecution Request for Rule 107 Measures for W04147 and W04868* (F01764), 10 October 2023, Confidential (Public redacted version notified on the same day) (“F01847”), paras. 11, 18, 34; KSC-BC-2020-06/F02004, *Decision on the Specialist Prosecutor’s Rule 107(2) Request*, 13 December 2023, public (“F02004”), paras. 5-6, 9(b); KSC-BC-2020-06/F03468, Trial Panel II, *Decision on Taçi Defence Request for Rule 107 Measures for Witnesses 1DW-003, 1DW-004, 1DW-005 and 1DW-006*, 12 September 2025, Confidential (“F03468”), paras. 20-25.

²¹ See, e.g., F01847, para. 13; F02004, para. 4.

²² See F03468, paras. 23-24, 37-38, 47-48.

III. CONCLUSION AND RELIEF SOUGHT

21. For the foregoing reasons, the Defence requests the Trial Panel to:

- (i) **TAKE NOTE** of the notification related to 1DW-007 and the information in Annexes 1 and 2;
- (ii) **AUTHORISE** Friday, 21 November 2025 as an additional hearing day if necessary to finalise the evidence of 1DW-007;
- (iii) **AUTHORISE** the amendment of the Exhibit List to include the Statement;
- (iv) **ADMIT** the Statement, subject to fulfilment of the Rule 154 conditions by 1DW-007 during his appearance in court; and
- (v) **ORDER** the following Rule 107 measures for 1DW-007's testimony:
 - (a) the scope of the witness' testimony is limited to the topics discussed in the Defence's interview, including those listed at paragraph 16;
 - (b) the scope of the witness' cross-examination is limited to the scope of direct examination, as well as to issues regarding his credibility;
 - (c) the witness may decline to answer questions on the grounds of confidentiality; and
 - (d) representatives of the Rule 107 Provider are authorised to be present during the testimony.

[Word count: 2,700 words]

Respectfully submitted,



Luka Misetic

Counsel for Hashim Thaçi

Wednesday, 22 October 2025

At Vienna, Austria