



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: 23 October 2025

Language: English

Classification: Public

**Order Revising Deadline for the Filing of Bar Table Motions and Providing for
Compliance with Paragraph 81 of the Order on the Conduct of Proceedings**

Specialist Prosecutor

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Luka Mišetić

Counsel for Victims

Simon Laws

Counsel for Kadri Veseli

Rodney Dixon

Counsel for Rexhep Selimi

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TRIAL PANEL II ("Panel"), pursuant to Articles 21, 22(6) and 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rule 9(5)(a) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby renders this order.

I. PROCEDURAL BACKGROUND

1. On 2 July 2025, the Panel informed the Parties and participants that they should be prepared for the start of the Defence case the week of 25 August 2025.¹
2. On 25 July 2025, the Panel issued an order wherein it, *inter alia*: (i) encouraged the Defences for Hashim Thaçi and Jakup Krasniqi ("Thaçi Defence", "Krasniqi Defence", and "Defence" collectively) to make use of the additional time granted for the preparation of their case to prepare and file bar table motions during that period; and (ii) informed the Defence that the Panel might set deadlines for the filing of bar table motions.²
3. On 19 August 2025, following a request by the Defence for more time, the Panel re-scheduled the commencement of the Defence case to 15 September 2025.³
4. On 2 September 2025, the Panel issued a further order wherein it, *inter alia*, ordered 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 ("Further Order").⁴

¹ F03302, Panel, *Decision on Joint Defence Request for a Variation of the Schedule* ("Decision on Variation of the Schedule"), 2 July 2025, para. 18.

² F03371, Panel, *Further Order on the Scheduling of the Defence Case and Related Matters* ("Initial Order"), 25 July 2025, paras 37, 42(d)-(e).

³ Transcript of Hearing, *Oral Order Regarding the Date for the Opening of the Defence Case*, 19 August 2025, p. 26457, line 9 to p. 26457 line 22. See also Initial Order, paras 37, 42(a).

⁴ F03435, Panel, *Further Order on the Scheduling of the Defence Case*, 2 September 2025, para. 35(g).

5. On 5 September 2025, the Thaçi Defence filed a request for admission of documents through the bar table ("Thaçi's Bar Table Motion").⁵
6. On 12 September 2025, the Panel issued a decision on the Thaçi's Bar Table Motion.⁶
7. On 15 September 2025, the Krasniqi Defence filed a request for admission of documents through the bar table ("Krasniqi's Bar Table Motion").⁷
8. On 16 October 2025, the Panel issued a decision on the Krasniqi's Bar Table Motion.⁸
9. On 17, 21 and 22 October 2025, the Thaçi Defence provided the Panel, the Parties and the participants with updates regarding witnesses for the upcoming evidentiary block and the tentative schedule.⁹

II. APPLICABLE LAW

10. Pursuant to Article 40(2) of the Law, the Panel shall ensure that a trial is fair and expeditious, with full respect for the rights of the accused and due regard for the protection of victims and witnesses, and may adopt procedures and modalities as are necessary to facilitate the fair and expeditious conduct of proceedings.

⁵ F03448, Specialist Counsel, *Thaçi Defence Request for Admission of Documents Through the Bar Table*, 5 September 2025, with Annexes 1 and 2, confidential.

⁶ F03467, Panel, *Decision on Thaçi Defence Request for Admission of Documents Through the Bar Table*, 12 September 2025.

⁷ F03474, Specialist Counsel, *First Krasniqi Defence Application for Admission of Material through the Bar Table and Related Request to Amend the Revised Exhibit List*, 15 September 2025, confidential, with Annex 1, confidential.

⁸ F03525, Panel, *Decision on First Krasniqi Defence Application for Admission of Material Through the Bar Table and Related*, 16 October 2025.

⁹ See CRSPD925, Specialist Counsel, *Confidential - Update regarding Witnesses for Upcoming Evidentiary Block* ("CRSPD925"), 17 October 2025, confidential; CRSPD923, Specialist Counsel, *Re: [Case 06 Order to the Thaçi Defence about the Forthcoming Evidentiary Block* ("CRSPD923"), 21 October 2025, confidential; CRSPD927, Specialist Counsel, *Case 06 Order to the Thaçi Defence about the Forthcoming Evidentiary Block* ("CRSPD927"), 22 October 2025, confidential.

11. Pursuant to Rule 9(5)(a), the Panel may, *proprio motu*, extend or reduce any time limit prescribed by the Rules or set by the Panel.

12. In its Order on the Conduct of Proceedings, the Panel ordered that:

81. It is the presenting Party's responsibility to ensure that, at the conclusion of the evidence of a witness, there is another witness ready to begin to testify. If one of the proposed witnesses is not able to testify at the scheduled time or if there is no cross-examination of a witness, or if cross-examination proceeds faster than expected, the presenting Party shall ensure that an alternative witness can be called so as to avoid any delay in the proceedings. Only those witnesses notified pursuant to paragraph 77 may be called as alternative witnesses, unless prior approval of the panel is obtained.¹⁰

That order and associated expectation were several times reiterated by this Panel.¹¹

III. DISCUSSION

13. The Panel observes that, when setting the initial deadline for the filing of the bar table motions, the Panel envisioned that the target date for the closing of the Defence cases would be Friday, 14 November 2025.¹² Recent developments have altered this estimate.

14. First, the Panel notes that several scheduled court days could not be used in the absence of a Defence witness having been made available to testify on those dates.¹³

15. As a result, and in order not to cause unnecessary delays in these proceedings, the Panel scheduled an additional week of sitting for the week starting

¹⁰ F01226/A01, Panel, *Annex 1 to Order on the Conduct of Proceedings* ("Order on the Conduct of Proceedings"), 25 January 2025, para. 81.

¹¹ See e.g. Initial Order, para. 32; Further Order, para. 35(j); Transcript of Hearing, 30 September 2025, p. 27329, line 23 to p. 27330, line 12.

¹² Further Order, para. 35(l).

¹³ Hearings on 18, 24, 29, and 30 September 2025 were either cancelled or shortened for that reason.

17 November 2025.¹⁴ On 21 October 2025, the Thaçi Defence notified the Panel that it would wish to make use of that week in respect of the testimony of 1DW-007.¹⁵

16. The Thaçi Defence also recently informed the Panel, the Parties and participants that it has no witnesses available to testify in the week commencing 27 October 2025.¹⁶ As a result, the entire scheduled sitting week had to be cancelled.

17. The Thaçi Defence further advised that its last witness is tentatively scheduled for the week of 17 November 2025.¹⁷ In addition, should the Krasniqi Defence wish to call any witnesses, and noting that it has reserved its right to do so,¹⁸ the Panel notes that they would only be heard after the completion of the presentation of evidence from the Thaçi Defence.

18. On 21 and 22 October 2025, the Thaçi Defence notified the Panel, Parties and participants that it was planning to call one specific witness as its sole witness during the week of 3 November 2025.¹⁹ There is no certainty, however, that the witness will actually be able to testify before the Panel during that week.

19. In this regard, the Panel recalls that it is the presenting Party's responsibility to ensure that, at the conclusion of the evidence of a witness, there is another witness ready to begin to testify.²⁰ If one of the proposed witnesses is not able to testify at the scheduled time or if there is no cross-examination of a witness, or if cross-examination proceeds faster than expected, the presenting Party shall ensure

¹⁴ CRSPD912, Panel, *[Case 06] Hearings the week of 17 November*, 10 October 2025, confidential.

¹⁵ See CRSPD923.

¹⁶ See CRSPD925.

¹⁷ See CRSPD923.

¹⁸ F03517, Specialist Counsel, *Second Krasniqi Defence Notification of Change to the Witness List*, 13 October 2025, confidential, para. 2.

¹⁹ CRSPD923; CRSPD927.

²⁰ Order on the Conduct of Proceedings, para. 81.

that an alternative witness can be called so as to avoid any delay in the proceedings.²¹

20. In light of the above, the envisioned target date considered when setting the initial deadline for filing the bar table motions is unlikely to be met and could result in further delays in the completion of these proceedings.

21. The Panel recalls that it previously found it necessary to set a deadline by which any bar table motions should be filed to ensure a timely completion of the proceedings.²² The Panel further recalls that any additional time granted to the Thaçi and Krasniqi Defence to prepare, or to present their case, should not prejudice the right of other defendants, and the interests of victims, to trial without undue delay.²³

22. The Panel observes that the delays currently occurring in the presentation of the Thaçi Defence's case are impacting the prompt and effective completion of the case and, by the same token, the rights of those involved to a trial without undue delay. It calls for the Panel to take additional steps to facilitate the fair and expeditious conduct of proceedings in accordance with Article 40(2) and Rule 9(5)(a).

23. For these reasons, and to avoid any further delay in the subsequent stages of the proceedings as well as to preserve the right of other defendants and the interests of victims, the Panel amends the Further Order and revises the deadline for the filing of any remaining bar table motions by the Defence to **Monday, 3 November 2025 at 16:00 hours**. The Panel further orders that any responses thereto be filed by **Monday, 10 November 2025 at 16:00 hours**. No replies will be entertained.

²¹ Order on the Conduct of Proceedings, para. 81.

²² Further Order, para. 22. *See also* Order on the Conduct of Proceedings, para. 60.

²³ *See* Initial Order, para. 37.

24. The Panel notes that, should the Defence demonstrate good cause for the filing of any residual bar table motions after 3 November 2025, the Panel will give it due consideration to avoid any prejudice to the Defence.

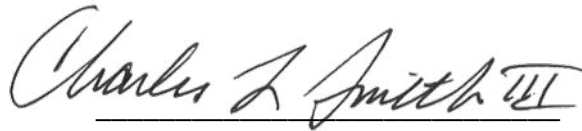
25. The Panel further orders the Thaçi Defence to explore all reasonable avenues to ensure that proposed witnesses are available for each and all scheduled sitting days. In particular, the Thaçi Defence shall investigate the possibility of bringing the testimony of 1DW-009, 1DW-008 and 1DW-007 forward so as to ensure that no scheduled trial day is lost to the absence of an available witness on any one day, including during the week starting on 3 November 2025. If travelling issues are causing delays, the Thaçi Defence should explore the possibility of presenting witnesses by video-link. The Panel instructs the Thaçi Defence to report back to the Panel by **Wednesday, 29 October 2025**.

IV. DISPOSITION

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

- a) **REDUCES**, *proprio motu*, the time limit previously set in the Further Order for the filing of any remaining bar table motions; and
- b) **ORDERS** the Defence to file any remaining bar table motions no later than **Monday, 3 November 2025 at 16:00 hours** and that any responses thereto be filed no later than **Monday, 10 November 2025 at 16:00 hours**; and

- c) **ORDERS** the Thaçi Defence to explore all reasonable avenues to ensure that proposed witnesses are available for each and all scheduled sitting days and to report back to the Panel by **Wednesday, 29 October 2025**.

A handwritten signature in black ink, reading "Charles L. Smith, III", is written over a horizontal line.

Judge Charles L. Smith, III

Presiding Judge

Dated this Thursday, 23 October 2025

At The Hague, the Netherlands.