



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: 28 October 2025

Language: English

Classification: Public

Decision on Thaçi Defence Further Request to Amend the Exhibit List

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TRIAL PANEL II (“Panel”), pursuant to Articles 21 and 40(2) and (6)(h) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rule 119(5), of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 21 July 2025, further to an order of the Panel,¹ the Defence for Hashim Thaçi (“Thaçi Defence”) submitted its exhibit list.² It further submitted revised exhibit lists on 15 August 2025 and 15 September 2025 (“Exhibit List”).³
2. On 17 October 2025, Thaçi Defence submitted a further request to amend its Exhibit List to add four items related to the evidence of 1DW-008 and 1DW-009 (“Request”) and a request for an expedited briefing schedule for the Request.⁴
3. On 20 October 2025, following an order for an expedited briefing schedule,⁵ the Specialist Prosecutor’s Office (“SPO”) responded that it does not object to the Request.⁶

¹ F03302, Panel, *Decision on Joint Defence Request for a Variation of the Schedule*, 2 July 2025, para. 25.

² F03357, Specialist Counsel, *Thaçi Defence Submission of Witness and Exhibit Lists*, 21 July 2025, confidential, with Annexes 1-2, confidential and *ex parte*, and Annexes 3-4, confidential (a public redacted version was filed on 22 July 2025, F03357/RED).

³ F03473, Specialist Counsel, *Thaçi Defence Submission of Amended Exhibit List*, 15 September 2025, with Annex 1, confidential; F03402, Specialist Counsel, *Thaçi Defence Submission of Revised Exhibit List*, 15 August 2025, with Annex 1, confidential.

⁴ F03529, Specialist Counsel, *Thaçi Defence Further Request to Amend the Exhibit List*, 17 October 2025, confidential, paras 1-2, 14(i)-(ii).

⁵ CRSPD920, Panel, *Email from Trial Panel II to the Parties and Participants Regarding Expediting Briefing Schedule for F03529*, 17 October 2025, confidential.

⁶ CRSPD920, Specialist Prosecutor, *SPO Response Regarding Expediting Briefing Schedule for F03529*, 20 October 2025, confidential (“SPO Response”).

4. On 21 October 2025, the Panel granted a prior *Thaçi* Defence request for leave to amend the Exhibit List,⁷ and ordered it to submit its amended Exhibit List by no later than Friday, 31 October 2025 (“Decision F03532”).⁸

II. SUBMISSIONS

5. The *Thaçi* Defence seeks leave to add two items related to the evidence of 1DW-008⁹ and two items related to the evidence of 1DW-009¹⁰ to the Exhibit List (“1DW-008’s Items”; and “1DW-009’s Items”, respectively) (“Requested Additions”).¹¹

6. Regarding the request to add 1DW-008’s Items to the Exhibit List, the *Thaçi* Defence submits that the request is timely, as it was filed promptly after it had obtained and disclosed the relevant material.¹² The *Thaçi* Defence also submits that there is good cause to add this material to the Exhibit List, given that it contains evidence that is probative and relevant to issues in these proceedings.¹³ In addition, the *Thaçi* Defence submits that there is no prejudice caused by the addition of 1DW-008’s Items to the Exhibit List, since another English version is already on the Exhibit List filed on 21 July 2025, and the Parties and participants will have the possibility to cross-examine the witness with sufficient notice.¹⁴

7. Regarding the request to add 1DW-009’s Items to the Exhibit List, the *Thaçi* Defence submits that the request is timely as, although it could have been made earlier, it was filed at this point in time because the relevance and

⁷ F03505, Specialist Counsel, *Thaçi* Defence Fifth Notification of Additional Witness Information and Related Requests, 3 October 2025, paras 1, 12-14, 22(ii), with Annexes 1-2, confidential.

⁸ F03532, Panel, *Decision on the Thaçi Defence Fifth Notification of Additional Witness Information and Related Requests (F03505)*, 21 October 2025, para. 19.

⁹ DHT12206-DHT12372; DHT12373-DHT12545.

¹⁰ DHT12174-DHT12200; DHT12201-DHT12205.

¹¹ Request, para. 1, footnote 3.

¹² Request, para. 6.

¹³ Request, para. 7.

¹⁴ Request, para. 8.

importance of 1DW-009's Items only became evident during the preparation of the witness's testimony.¹⁵ The Thaçi Defence also submits that there is good cause to add the material to the Exhibit List as it relates to a core issue in the proceedings of this case, namely the temporal scope of the armed conflict.¹⁶ In addition, the Thaçi Defence submits that no prejudice is caused to the Parties and participants by the addition of 1DW-009's Items to the Exhibit List, as they are limited in size, relate to known aspects of the Thaçi Defence case, and the Parties and participants will have the possibility to cross-examine the witness with sufficient notice of these items.¹⁷

8. The SPO does not object to the Request.¹⁸

III. APPLICABLE LAW

9. Pursuant to Rule 119(5), the Panel may permit, upon timely notice and a showing of good cause, the amendment of the lists of exhibits filed pursuant to Rule 119(2). The Panel incorporates by reference the applicable law as set out in the Panel's previous decisions on amending the exhibit list.¹⁹

¹⁵ Request, para. 10.

¹⁶ Request, para. 11.

¹⁷ Request, para. 12.

¹⁸ *See above*, para. 3.

¹⁹ *See, in particular*, F01995, Panel, *Decision on Prosecution Request to Amend the Exhibit List*, 8 December 2023, confidential, para. 9 (a public redacted version was issued on the same day, F01995/RED); F02501, Panel, *Decision on Prosecution Request to Amend the Exhibit List (F02279) and on Thaçi Defence Motion for Exclusion of Materials in Limine*, 22 August 2024, confidential, para. 23 (a public redacted version was issued on 20 December 2024, F02501/RED); F03457, Panel, *Decision on Thaçi Defence Request to Amend the Exhibit List* ("10 September 2025 Decision"), 10 September 2025, para. 11.

IV. DISCUSSION

10. The Panel recalls that the primary purpose of the Exhibit List is to give notice to the SPO and the other Parties and participants of the documents the Thaçi Defence intends to use during its case.²⁰

A. 1DW-008'S ITEMS

11. The Panel notes that 1DW-008's Items consist of the English and Albanian versions of an interview with 1DW-008 published by Zëri.²¹

12. Regarding the issue of timeliness, the Panel notes that the Thaçi Defence disclosed a digital version of the interview in English, which only contained the substantive text, and was added to its Exhibit List on 21 July 2025.²² The Panel also notes that: (i) on 7 October 2025, the SPO requested information about the publication details of the interview from the Thaçi Defence, and inquired whether the Thaçi Defence was in possession of its Albanian version; and (ii) in response, the Thaçi Defence obtained 1DW-008's Items on 9 and 11 October 2025, which it then disclosed to the Parties and participants on 13 October 2025.²³ Noting that the Request was made four days later, the Panel is satisfied that the Thaçi Defence made the Request promptly after it obtained and disclosed the items. Accordingly, the Panel is satisfied that the Thaçi Defence has provided timely notice in respect of 1DW-008's Items.

13. With regard to good cause, *prima facie* relevance and sufficient importance, the Panel notes that: (i) 1DW-008's Items relate to the witness's experiences in Kosovo throughout 1998 and 1999, the role of the United States of America in Kosovo, as well as the witness's interactions with the Kosovo Liberation Army, particularly with Mr Thaçi;²⁴ (ii) these matters materially overlap with those

²⁰ See 10 September 2025 Decision, para. 12.

²¹ Request, para. 5. See DHT12206-DHT12372; DHT12373-DHT12545, respectively.

²² Request, paras 6, 8. See Disclosure Package 1729 (DHT09232-DHT09350); Exhibit List, Item 1245.

²³ Request, para. 6. See Disclosure Package 1805.

²⁴ see DHT12206-DHT12372; DHT12373-DHT12545.

arising from the summaries of the interviews of 1DW-008 with the Thaçi Defence, which the Panel authorised to be added to the Exhibit List;²⁵ and (iii) extracts of the previously disclosed version of the interview have been put to witnesses, who confirmed them to be accurate and relevant, and were admitted into evidence.²⁶ The Panel considers that 1DW-008's Items are *prima facie* relevant to the charges in the indictment.²⁷ Therefore, the Panel is satisfied that there is good cause to amend the Exhibit List to add 1DW-008's Items, and that they are *prima facie* relevant and sufficiently important to justify their late addition to the Exhibit List.

14. With regard to prejudice, the Panel notes that: (i) the Request was filed shortly after the Thaçi Defence obtained and disclosed 1DW-008's Items to the Parties and participants;²⁸ (ii) the Parties and participants were on notice of this material, as another version of the interview had already been disclosed to them on 21 July 2025 and added to the Exhibit List on the same day;²⁹ and (iii) 1DW-008's Items do not materially differ from the previous version of the interview.³⁰ Moreover, the Panel considers that: (i) the Parties and participants will have the possibility to cross-examine the witness on these items, and will have sufficient time to prepare; and (ii) the SPO does not object to the addition of 1DW-008's Items to the Exhibit List. Accordingly, the Panel is satisfied that no prejudice is caused to the SPO, the other Defence teams and Victims' Counsel by adding 1DW-008's Items to the Exhibit List.

15. In light of the above, the Panel grants leave to add 1DW-008's Items to the Exhibit List.

²⁵ See Decision F03532, paras 28-30. See ERN: DHT12160-DHT12169.

²⁶ Transcript of Hearing, 17 September 2025, p. 26824, line 23, to p. 26826, line 16, referring to DHT09232-DHT09350, pp. DHT09318-DHT09320, being admitted as 1D00374.

²⁷ See F00999/A01, Specialist Prosecutor, *Annex 1 to Submission of Confirmed Amended Indictment* ("Indictment"), 30 September 2022, confidential (a public lesser redacted version was filed on 27 February 2023, F01323/A01), paras 18-20, 21-27, 29-30.

²⁸ See above, para. 12.

²⁹ See above, paras 12.

³⁰ See DHT09232-DHT09350; DHT12206-DHT12372; DHT12373-DHT12545.

B. 1DW-009'S ITEMS

16. The Panel notes that 1DW-009's Items consist of an Official Gazette of the Federal Republic of Yugoslavia dated 25 June 1999, containing various decrees lifting the state of war, as well as a partial English translation of the same.³¹

17. Regarding the issue of timeliness, the Panel notes the Thaçi Defence's submission that, while 1DW-009's Items could have been added to the Exhibit List earlier, it was only during the preparation of 1DW-009's testimony that their relevance and importance became evident to the Thaçi Defence.³² The Panel also notes that the Thaçi Defence, after that discovery, sought to locate the official versions of the decrees, and prepare a translation, which was finalised and disclosed on 13 October 2025.³³ Noting that the Request was made four days later, the Panel is satisfied that the Thaçi Defence made its request in respect of 1DW-009's Items promptly after it had obtained and disclosed them. Accordingly, and recalling that the Panel has previously allowed a certain degree of flexibility when an item has acquired greater significance,³⁴ the Panel is satisfied that the Thaçi Defence has provided timely notice in respect of 1DW-009's Items.

18. With regard to good cause, *prima facie* relevance and sufficient importance the Panel recalls its prior findings that, while the relevance and importance of certain items may become apparent to a Party as the trial proceeds, that late realisation is not sufficient on its own to demonstrate good cause.³⁵ In the present case, the Panel notes that 1DW-009's Items relate to: (i) the temporal scope of the armed conflict; and (ii) the forthcoming testimony of 1DW-009, particularly his role in liaising

³¹ Request, para. 9. See DHT12174-DHT12200; DHT12201-DHT12205, respectively.

³² See *above*, para. 7.

³³ Request, para. 10. See Disclosure Package 1805.

³⁴ See *e.g.*, F01995, Panel, *Decision on Prosecution Request to Amend the Exhibit List (F01844)*, 8 December 2023, confidential, paras 15-16 (a public redacted version was issued on 8 December 2023, F01995/RED).

³⁵ See F01785, Panel, *Decision on Prosecution Requests to Amend the Exhibit List (F01689 and F01747)*, 12 September 2023, confidential, para. 72 (a public redacted version was filed on 10 November 2023, F01785/RED).

with the Serbian authorities, including regarding the instruments and processes to end the conflict.³⁶ The Panel considers that the items are *prima facie* relevant to the contextual elements in the indictment.³⁷ Therefore, the Panel is satisfied that there is good cause to amend the Exhibit List to add 1DW-009's Items, and that they are *prima facie* relevant and sufficiently important to justify their late addition to the Exhibit List.

19. With regard to prejudice, the Panel notes that: (i) 1DW-009's Items are limited in size; and (ii) the Thiçi Defence intends to use only approximately five pages of the partial English translation of the decrees.³⁸ The Panel also notes that the proposed items go to known matters of these proceedings and of the Thiçi Defence's case therein.³⁹ Moreover, the Panel takes note that: (i) the Parties and participants will have the possibility to cross-examine the witness on these items, and will have sufficient time to prepare; and (ii) the SPO does not object to the addition of 1DW-009's Items to the Exhibit List. Accordingly, the Panel is satisfied that no prejudice is caused to the SPO, the other Defence teams and Victims' Counsel by adding 1DW-009's Items to the Exhibit List.

20. In light of the above, the Panel grants leave to add 1DW-009's Items to the Exhibit List.

C. FILING OF THE AMENDED EXHIBIT LIST

21. In Decision F03532, the Panel ordered the Thiçi Defence to submit an amended Exhibit List by no later than Friday, 31 October 2025.⁴⁰ Seeing the limited scope of the present decision, the Panel orders the Thiçi Defence to file a revised Exhibit List by **Friday, 31 October 2025**.

³⁶ See DHT02881-DHT02893, p. DHT02889.

³⁷ Indictment, paras 14-15, 16-30.

³⁸ Request, para. 12.

³⁹ See *above*, para. 18.

⁴⁰ See *above*, para. 4.

V. CLASSIFICATION

22. The Panel notes that: (i) the Request was filed confidentially, as it contains confidential information about witnesses whose identities are not public at this point in time; and (ii) the Thaçi Defence requests that it be reclassified as public following commencement of the testimony of the last witness.⁴¹ Therefore, the Panel instructs the Registrar to reclassify the Request as public **one week following commencement of the testimony of the last witness.**

VI. DISPOSITION

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

- a) **GRANTS** the Thaçi Defence leave to add the Requested Additions to the Exhibit List;
- b) **ORDERS** the Thaçi Defence to file an amended Exhibit List by **Friday, 31 October 2025**; and
- c) **ORDERS** the Registry to reclassify the Request as public **one week following commencement of the testimony of the last witness.**



Judge Charles L. Smith, III
Presiding Judge

Dated this Tuesday, 28 October 2025
At The Hague, the Netherlands.

⁴¹ Request, para. 13.