



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: 4 November 2025

Language: English

Classification: Public

**Decision on the Thaçi Defence Sixth Notification of Additional Witness
Information and Related Requests (F03534)**

Specialist Prosecutor

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TRIAL PANEL II ("Panel"), pursuant to Articles 21, 40(2) and (6), and 58 of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 104(5)(c), 107, 116(1) and (4), 119(2) and (5), 138, and 154 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 2 September 2025, the Panel ordered the Defence for Hashim Thaçi ("Thaçi Defence") to, *inter alia*, provide the witness summaries or statements for the remaining witnesses and to file any remaining Rule 107 motions as soon as possible but no later than three weeks in advance of the relevant witness's anticipated testimony.¹
2. On 22 October 2025, further to a prior notification of witness changes and related matters,² the Thaçi Defence filed a notification of witness information concerning witness 1DW-007 ("Request").³
3. On 28 October 2025, following an order for an expedited briefing schedule,⁴ the Specialist Prosecutor's Office ("SPO") responded to the Request.⁵

¹ F03435, Panel, *Further Order on the Scheduling of the Defence Case*, 2 September 2025 ("Order of 2 September 2025"), paras 10, 15, 35(a) and (b).

² F03516, Specialist Counsel, *Thaçi Defence Notification of Witness Changes*, 10 October 2025.

³ F03534, Specialist Counsel, *Thaçi Defence Sixth Notification of Additional Witness Information and Related Requests*, 22 October 2025, with Annexes 1-3 confidential.

⁴ CRSPD926, *Email from Trial Panel to Parties Participants Re Expedited Briefing Schedule for F03534*, 22 October 2025.

⁵ F03544, Specialist Prosecutor, *Prosecution Response to 'Thaçi Defence Sixth Notification of Additional Witness Information and Related Requests' (F03534)* ("SPO Response"), 27 October 2025, with Annex 1, confidential.

4. The Defence teams for Rexhep Selimi, Jakup Krasniqi, and Kadri Veseli (“Selimi Defence”, “Krasniqi Defence”, and “Veseli Defence”, respectively) responded on 29 October 2025.⁶

5. On 31 October 2025, upon order of the Panel,⁷ the Thaçi Defence submitted an amended exhibit list.⁸

II. SUBMISSIONS

6. The Thaçi Defence submits that, after receiving clearance from the relevant authorities (“Rule 107 Provider”) authorising the testimony of 1DW-007,⁹ it has disclosed the witness’s statement (“1DW-007’s Statement”)¹⁰ and provided the information required by Rule 119(2)¹¹ and paragraph 74 of the Order on the Conduct of Proceedings.¹²

7. The Thaçi Defence therefore requests that the Panel: (i) authorise the addition of 1DW-007’s Statement to the Exhibit List;¹³ and (ii) admit 1DW-007’s Statement pursuant to Rules 138 and 154.¹⁴ The Thaçi Defence also requests that the Panel adopt certain necessary and proportionate measures pursuant to Rule 107 to

⁶ F03548, Specialist Counsel, *Selimi Defence Response to Thaci Defence Sixth Notification of Additional Witness Information and Related Requests* (F03534) (“Selimi Response”), 29 October 2025; F03549, Specialist Counsel, *Krasniqi Defence Response to ‘Thaçi Defence Sixth Notification of Additional Witness Information and Related Requests’* (F03534) (“Krasniqi Response”), 29 October 2025; F03550, Specialist Counsel, *Veseli Defence Response to “Thaci Defence Sixth Notification of Additional Witness Information and Related Requests”* (F03534) (“Veseli Response”), 29 October 2025, confidential, with Annex 1, confidential.

⁷ F03546, Panel, *Decision on Thaçi Defence Further Request to Amend the Exhibit List*, 28 October 2025, para. 23(b).

⁸ F03553, Specialist Counsel, *Thaçi Defence Submission of Amended Exhibit List*, 31 October 2025, with Annex 1, confidential. The Panel refers to the 31 October 2025 exhibit list as the “Exhibit List”.

⁹ Request, paras 1, 4.

¹⁰ Request, para. 5. The Panel notes that 1DW-007’s Statement has been disclosed under ERN: DHT12546-DHT12556 in Disclosure Package 1810, *see* Request, para. 5 and footnote 2.

¹¹ Request, para. 5; Annex 1 to the Request.

¹² Request, para. 5; Annex 2 to the Request.

¹³ Request, paras 1(iii); 7-9, 21(iii).

¹⁴ Request, paras 1(iii), 10-14, 21(iv).

facilitate 1DW-007's in-court testimony.¹⁵ In addition, the Thaçi Defence requests that the Panel add 21 November 2025 to the calendar for the next evidentiary block from 17 to 20 November 2025,¹⁶ as it intends to call 1DW-007 as its last witness in that week.¹⁷

8. The Thaçi Defence further indicates that, with the Request, it has completed its obligation to file all relevant motions no later than three weeks in advance of this witness's anticipated testimony,¹⁸ and requests that the Panel takes note of it.¹⁹

9. The SPO responds that it does not object, in principle, the Request and provides its estimate for cross-examination.²⁰

10. The Defence teams for the other Accused respond that they do not object the Request and provide their respective estimates for cross-examination of 1DW-007.²¹

III. APPLICABLE LAW

11. The Panel incorporates by reference the applicable law as set out in the Panel's previous decisions on: (i) amending the exhibit list;²² (ii) Rule 107

¹⁵ Request, paras 1(iv), 15-20, 21(v).

¹⁶ Request, paras 2, 21(ii).

¹⁷ Request, para. 2.

¹⁸ Request, para. 3.

¹⁹ Request, para. 21(i).

²⁰ SPO Response, para. 7; Annex 1 to the SPO Response, p. 2.

²¹ Selimi Response, para. 1; Krasniqi Response, para. 2; and (iii) Annex 1 to Veseli Response.

²² 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); F02167, Panel, *Decision on Prosecution Request to Amend the Exhibit List* (F02099), 7 March 2024, confidential, para. 10 (a public redacted version was issued on the same day, F02167/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, para. 11.

measures;²³ and (iii) admission of evidence under Rule 154.²⁴

IV. DISCUSSION

A. REQUEST TO AMEND THE EXHIBIT LIST

12. The Thaçi Defence requests leave to add 1DW-007's Statement to its Exhibit List.²⁵ The Thaçi Defence submits that the request is timely, as it was made promptly after it received clearance from the Rule 107 Provider for 1DW-007's testimony, and disclosed the witness's statement to the Parties and participants.²⁶ The Thaçi Defence also submits that there is good cause to add this material to the Exhibit List as it contains evidence that is probative and relevant to issues in these proceedings.²⁷ In addition, the Thaçi Defence submits that there is no prejudice caused by the addition of 1DW-007's Statement to the Exhibit List as the request is in line with the Panel's approach regarding similar matters in these proceedings.²⁸

13. The SPO and the other Defence teams do not object to the request for amendment of the Exhibit List.²⁹

14. Regarding the issue of timeliness, the Panel notes the Thaçi Defence submission that the request was made as promptly as possible after the Rule 107 Provider authorised the witness to testify, following which the Thaçi Defence took

²³ F03468, Panel, *Decision on Thaçi Defence Request for Rule 107 Measures for Witnesses 1DW-003, 1DW-004, 1DW-005 and 1DW-006* ("Rule 107 Decision of 12 September 2025"), 12 September 2025, confidential, paras 12-17.

²⁴ F01380, Panel, *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, F01380/RED).

²⁵ *See above*, para. 6.

²⁶ Request, para. 7.

²⁷ Request, para. 8.

²⁸ Request, para. 9.

²⁹ SPO Response, paras 1, 3, 7; Selimi Response, para. 3; Krasniqi Response, para. 1; Veseli Response, para. 3.

steps to reconfirm the witness's availability and to have 1DW-007's Statement signed, which it then promptly disclosed to the Parties and participants.³⁰ The Thaçi Defence made the Request the day after that disclosure.³¹ The Panel further notes that the Request was made three weeks before the witness's scheduled testimony, in line with the Panel's instructions.³² Accordingly, the Panel is satisfied that the Thaçi Defence has provided timely notice in respect of 1DW-007's Statement.

15. With regard to good cause, *prima facie* relevance and sufficient importance, 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.³³ In the present case, the Thaçi Defence requests the addition of 1DW-007's Statement to the Exhibit List together with its admission under Rule 154, so that it can use that statement during 1DW-007's testimony.³⁴ In this respect, the Panel also notes the Thaçi Defence's assertion that 1DW-007's Statement relates to contextual evidence and evidence which may be exculpatory.³⁵ In addition, the Panel notes that the SPO and the other Defence Teams do not object to the addition of 1DW-007's Statement to the Exhibit List.³⁶ The Panel is therefore satisfied that there is good cause to amend the Exhibit List to add 1DW-007's Statement, and this statement is *prima facie* relevant and sufficiently important to justify its late addition thereto.

16. With regard to prejudice, the Panel notes that: (i) the Request was filed shortly after 1DW-007's Statement was disclosed to the Parties and participants;³⁷

³⁰ Request, para. 7.

³¹ Disclosure 1810, 21 October 2025, *contra* SPO Response, 22 October 2025.

³² Order of 2 September 2025, paras 10, 35(a).

³³ See F03457, Panel, *Decision on Thaçi Defence Request to Amend the Exhibit List*, 10 September 2025, para. 12.

³⁴ Request, para. 8.

³⁵ Request, paras 8-9, 12

³⁶ See *above*, para. 13.

³⁷ See *above*, para. 14.

(ii) 1DW-007's Statement is limited in size, amounting to 11 pages;³⁸ and (iii) the Request was filed before 1DW-007's scheduled testimony.³⁹ No prejudice is therefore caused to the other Parties and participants by adding 1DW-007's Statement to the Exhibit List.

17. In light of the above, the Panel grants leave to add 1DW-007's Statement to the Exhibit List. The Panel orders the Thaçi Defence to file its amended Exhibit List no later than **Tuesday, 11 November 2025**.

B. REQUEST FOR ADMISSION OF RULE 154 EVIDENCE

18. The Thaçi Defence requests the admission of 1DW-007's Statement⁴⁰ pursuant to Rules 138 and 154.⁴¹ The Thaçi Defence submits that 1DW-007's Statement meets the specific requirements for admission under Rules 138 and 154,⁴² as it is relevant,⁴³ *prima facie* authentic and reliable,⁴⁴ and has a probative value which is not outweighed by the prejudicial impact of its admission.⁴⁵ The Thaçi Defence does not tender any associated exhibits to 1DW-007's Statement.⁴⁶

19. The SPO responds that it does not object the admission of 1DW-007's Statement, provided that the requirements for admission under Rule 154 are met.⁴⁷ The SPO, however, submits that 1DW-007's Statement contains

³⁸ DHT12546-DHT12556.

³⁹ *See above*, para. 14.

⁴⁰ DHT12546-DHT12556, *see above* footnote 11.

⁴¹ *See above*, para. 6.

⁴² Request, para. 6, *referring to* Annex 3 to the Request.

⁴³ Request, paras 10-12.

⁴⁴ Request, para. 13.

⁴⁵ Request, para. 14.

⁴⁶ The Panel notes that the Thaçi Defence submits that it does not tender 1D00241 and 1D00389 as associated exhibits (*see* DHT12546-DHT12556, paras 29-30) as they were already admitted into evidence in these proceedings (*see* Request, para. 5, footnote 12). The Panel notes that, in addition to these two exhibits, Annex 3 to the Request also contains two additional associated exhibits (*see* DHT12546-DHT12556, paras 36-37), which the Thaçi Defence does not tender for admission, notably 1D00096, already admitted in these proceedings, and DHT10293 (*see* Annex 3 to the Request).

⁴⁷ SPO Response, paras 1, 4, 7.

opinion evidence going to ultimate issues, and thus the Panel should exercise caution when assessing the weight, if any, to be attributed to this statement.⁴⁸

20. The Defence teams for the other Accused respond that they do not object to the admission of 1DW-007's Statement.⁴⁹ The Selimi Defence adds in this respect that it reserves the right to object to the admission of 1DW-007's evidence in court.⁵⁰

21. Regarding relevance, the Panel notes that 1DW-007 is a former high-ranking military officer, who served in various relevant capacities from 1997 to 2000.⁵¹ The Panel notes that the Thaçi Defence intends to rely on 1DW-007's Statement with regard to: (i) NATO's efforts to implement the Holbrooke-Milošević Agreement from October 1998, and United Nations Security Council ("UNSC") Resolution 1199;⁵² (ii) NATO's air campaign against Yugoslav forces;⁵³ (iii) the deployment of NATO forces in Kosovo in compliance with the Military Technical Agreement and UNSC Resolution 1244, and NATO's efforts overseeing the demilitarisation and transformation of the Kosovo Liberation Army ("KLA");⁵⁴ (iv) the witness's awareness and understanding of the wave of violence in Kosovo in the summer of 1999;⁵⁵ and (v) the witness's interactions with the KLA and, his impressions of the KLA's command structure and understanding of Mr Thaçi's role and responsibilities.⁵⁶

22. Having reviewed 1DW-007's Statement, the Panel is satisfied that it relates to certain contextual elements and Mr Thaçi's role and authority within the KLA, as perceived by the witness. Therefore, the Panel is satisfied that 1DW-007's

⁴⁸ SPO Response, para. 4.

⁴⁹ Selimi Response, para. 2; Krasniqi Response, para. 1; Veseli Response, para. 3.

⁵⁰ Selimi Response, para. 2.

⁵¹ Request, para. 10.

⁵² DHT12546-DHT12556, paras 8-16.

⁵³ DHT12546-DHT12556, paras 20-23.

⁵⁴ DHT12546-DHT12556, paras 27-31.

⁵⁵ DHT12546-DHT12556, paras 32-52.

⁵⁶ DHT12546-DHT12556, paras 32-52.

Statement is relevant to certain facts and circumstances material to the charges in the indictment.⁵⁷

23. Regarding *prima facie* authenticity and reliability, the Panel notes that 1DW-007's Statement: (i) is signed and dated;⁵⁸ (ii) provides the names of the participants present during the interview, including representatives of the Rule 107 Provider;⁵⁹ (iii) includes 1DW-007's personal details; and (iv) contains a declaration by the witness confirming that the statement is true, accurate, and was given voluntarily.⁶⁰ The Panel is therefore satisfied of the *prima facie* authenticity and reliability of 1DW-007's Statement.

24. Regarding probative value, the Panel has taken note of the SPO's submission that 1DW-007's Statement contains opinion evidence going to ultimate issues of this case.⁶¹ The Panel observes however that opinion evidence has been elicited repeatedly in this trial by every Party and that the Panel has not treated it as being *per se* inadmissible.⁶² The Panel will treat such evidence with particular caution when assessing its weight and probative value and consideration will be given, in particular, to the existence and nature of the basis on which such opinion is founded, and to the presence of any reliable corroboration for it.⁶³ Moreover, the Panel is mindful that opinion evidence may not be used to establish "ultimate issues",⁶⁴ which is the prerogative of the Panel.⁶⁵ Also, the SPO will be in a position to question the witness in respect of any aspect of his evidence with which issue is being taken. Accordingly, and considering its relevance and *prima facie*

⁵⁷ F00999/A01, Specialist Prosecutor, *Annex 1 to Submission of Confirmed Amended Indictment*, 30 September 2022, confidential (a public lesser redacted version was filed on 27 February 2023, F01323/A01), paras 16-57.

⁵⁸ DHT12546-DHT12556, p. 11.

⁵⁹ DHT12546-DHT12556, p. 1.

⁶⁰ DHT12546-DHT12556, p. 11.

⁶¹ *See above*, para. 19.

⁶² Transcript of Hearing, 5 September 2023 ("5 September 2023 Transcript"), p. 7280, lines 11-13.

⁶³ 5 September 2023 Transcript, p. 7280, lines 23-25.

⁶⁴ 5 September 2023 Transcript, p. 7280, lines 18-22.

⁶⁵ 5 September 2023 Transcript, p. 7280, lines 21-22.

authenticity and reliability, the Panel is satisfied that 1DW-007's Statement has probative value that is not outweighed by any prejudicial effect.

25. Regarding suitability for admission pursuant to Rule 154, the Panel is satisfied that the admission of 1DW-007's Statement would contribute to the expeditiousness of the proceedings as it is only 11 pages long, and the Thaçi Defence anticipates its direct examination to last no more than three hours.⁶⁶ In addition, the Panel is satisfied that the admission of 1DW-007's Statement would cause no prejudice to the other Parties and participants as they: (i) will have the opportunity to cross-examine the witness; and (ii) do not object to the Request.⁶⁷

26. For these reasons, the Panel finds that 1DW-007's Statement is suitable for admission pursuant to Rules 138(1) and 154 once the requirements of Rule 154(a)-(c) are met.

C. REQUEST FOR RULE 107 MEASURES

27. The Thaçi Defence requests certain in-court measures, upon which the Rule 107 Provider has conditioned the testimony of 1DW-007.⁶⁸ The Thaçi Defence submits that these measures are lawful and reasonable as they are consistent with and appropriate under Rule 107.⁶⁹ It also submits that these measures do not cause prejudice to the other Parties and participants,⁷⁰ and the presence of the Rule 107 Provider is conducive to the timely resolution of any matter related to the issue of the permissible scope of 1DW-007's testimony.⁷¹

28. The SPO responds that it does not object to the Rule 107 measures for 1DW-007 on the understanding that the cross-examining Parties may question the

⁶⁶ See Request, para. 14; Annex 1 to the Request, p. 1; Annex 2 to the Request, p. 1.

⁶⁷ See *above*, para. 20.

⁶⁸ See *above*, para. 6.

⁶⁹ Request, para. 19.

⁷⁰ Request, para. 19.

⁷¹ Request, para. 20.

witness on any issues: (i) arising from 1DW-007's Statement and direct examination; and (ii) relating to credibility, including on issues beyond the scope of the testimonial substance limitations outlined in the Request.⁷²

29. The Defence teams for the other Accused do not object to the Rule 107 measures.⁷³

30. The Panel recalls that: (i) Rule 107 applies *mutatis mutandis* to information in the custody or control of the Defence;⁷⁴ and (ii) therefore, it must assess whether the measures requested by the Thaçi Defence are necessary and proportionate and whether, pursuant to Rule 107(5), the cross-examining Parties' right to challenge the evidence remains unaffected.⁷⁵

31. The Panel notes that 1DW-007 was previously employed by the Rule 107 Provider,⁷⁶ and has been conditionally authorised to testify in these proceedings, based on the content of his statement, and subject to certain measures.⁷⁷ These measures are the following: (i) the scope of the witness's testimony is limited to defined topics such as his involvement in Kosovo in 1998 and 1999, as reflected in the witness's statement, the witness's observations of and involvement in the Rambouillet Conference, its aftermath, and the roles of the KLA and Mr Thaçi, KLA demilitarisation after the war, the witness's meetings and conversations with Mr Thaçi, his knowledge of the structure and organisation of the KLA, his observations of Mr Thaçi's level of control over the KLA, his impressions of the command and control of the KLA, his awareness of acts of violence within Kosovo by Serb forces and Kosovar Albanians, and his views on the ability of the KLA, its

⁷² SPO Response, paras 1, 5, 6.

⁷³ See *above*, para. 10.

⁷⁴ Rule 107 Decision of 12 September 2025, para. 17.

⁷⁵ Rule 107 Decision of 12 September 2025, para. 17.

⁷⁶ Request, para. 10; Annex 1 to the Request, para. 1; Annex 2 to the Request, para. 1.

⁷⁷ The Panel notes the Thaçi Defence's indication that the evidence of 1DW-007 was initially provided to it by the Rule 107 Provider on a confidential basis, and for lead and background purposes only, on the understanding that Rule 107 would apply. See Request, para. 15.

commanders, and Mr Thaçi to prevent and control acts of violence (“First Measure”);⁷⁸ (ii) the scope of cross-examination is limited to the scope of direct examination, as well as to issues regarding the credibility of the witness (“Second Measure”);⁷⁹ (iii) the witness may decline to answer questions on the grounds of confidentiality (“Third Measure”);⁸⁰ (iv) representatives of the Rule 107 Provider are authorised to be present during the witness’s testimony (“Fourth Measure”);⁸¹ and (v) the witness is not authorised to testify, either on direct or cross-examination, about any matters or for any purpose other than those specified in the First, Second and Third Measures (“Fifth Measure” and collectively “Measures”).⁸²

32. As regards the First, Second, Third and Fifth Measures, which relate to the content or scope of the witness’s testimony, the Panel notes that, pursuant to Rule 107(3) and (4), it may neither compel a witness to answer questions relating to the information or its origin if the witness declines to answer on grounds of confidentiality, nor order the production of additional evidence, beyond that authorised by the Rule 107 Provider.⁸³ The Panel recalls that the *raison d’être* of Rule 107 is to “create an incentive for such cooperation by permitting the sharing of information on a confidential basis and by guaranteeing information providers that the confidentiality of the information they offer and of the information’s sources will be protected”.⁸⁴ The Panel also notes that 1DW-007’s Statement is relevant to these proceedings and could assist the Panel in establishing facts and circumstances relevant to this case.⁸⁵ For these reasons, the Panel is satisfied that the First, Second, Third and Fifth Measures are consistent with, and are

⁷⁸ Request, paras 16, 21(v)(a).

⁷⁹ Request, paras 17(i), 21(v)(b).

⁸⁰ Request, paras 17(ii), 21(v)(c).

⁸¹ Request, paras 17(iii), 21(v)(c).

⁸² Request, para. 18.

⁸³ Rule 107 Decision of 12 September 2025, para. 21.

⁸⁴ Rule 107 Decision of 12 September 2025, para. 21 with further references.

⁸⁵ Request, paras 10, 15; Annexes 1 and 2 to the Request.

appropriate means of giving effect to, Rule 107(3)-(5). The Panel is therefore satisfied that the First, Second, Third and Fifth Measures are necessary.

33. As regards the proportionality of the First, Second, Third and Fifth Measures, the Panel observes that the Measures expressly provide that the Parties may cross-examine 1DW-007 on any matters related to credibility.⁸⁶ The Panel also considers that the limitations imposed by the Rule 107 Provider effectively safeguard the interests of the Rule 107 Provider and are compatible with the rights and interests of the cross-examining Parties. Should any issue arise regarding the permissible scope of questioning of the witness, representatives of the Rule 107 Provider will be present in court to raise such matters with the Panel.⁸⁷ For these reasons, the Panel is satisfied that the limitations on the scope of the 1DW-007's testimony proposed by the Rule 107 Provider will not undermine the cross-examining Parties' right to challenge his evidence. The Panel is therefore also satisfied that the First, Second, Third and Fifth Measures are proportionate.

34. Regarding the Fourth Measure, the Panel observes that the Thaçi Defence may not be sufficiently informed to identify questions where the sensitive interests of the Rule 107 Provider might be adversely affected. The presence in the courtroom of representatives of the Rule 107 Provider is therefore required to enable those representatives to identify any such issues or to raise matters with the Panel where an issue of confidentiality or other concerns might require the intervention of the Panel. The Panel finds that no less restrictive measures would sufficiently address the security concerns associated with the proposed evidence of 1DW-007. The Panel is therefore satisfied that the Fourth Measure is necessary.

35. As regards the proportionality of the Fourth Measure, the Panel notes that the other Parties and participants do not object to the presence of the representatives of the Rule 107 Provider during 1DW-007's testimony. The Panel finds that the

⁸⁶ Request, para. 17(i). *See also* SPO Response, para. 3.

⁸⁷ *See below*, paras 34-35.

presence of the representatives of the Rule 107 Provider may be conducive to resolving any matters relating to the scope of permissible questioning or the use of documents with the witness. The Panel also finds that the Fourth Measure effectively safeguards the interests of the Rule 107 Provider and is compatible with the rights of the cross-examining Parties. The Panel is therefore satisfied that the Fourth Measure is proportionate.

36. For these reasons, the Panel authorises the Measures.

D. REQUEST FOR 21 NOVEMBER 2025 HEARING DAY

37. The *Thaçi* Defence requests that the Panel adds 21 November 2025 to the days already reserved by the Panel for hearings from 17 to 20 November 2025.⁸⁸

38. The Panel was informed that 1DW-007's will only be able to commence his testimony in the afternoon of 18 November 2025 or the morning of 19 November 2025.⁸⁹ Having reviewed the Parties' estimates for this witness's testimony,⁹⁰ the Panel considers it appropriate to reserve one extra hearing day, 21 November 2025, to complete 1DW-007's testimony, and directs the Registry to make the necessary arrangements to that effect. The Panel notes, however, that, to date, the Parties' examinations of Defence witnesses have lasted less than initially estimated. The Panel also notes, once again, that the *Thaçi* Defence has repeatedly failed to comply with the Panel's order that witnesses should be called in succession and without gaps in the schedule. As a result of the *Thaçi* Defence failure to adhere to this practice, weeks of court hearings have had to be cancelled. Despite the above, and in order to ensure the prompt and effective closure of the

⁸⁸ *See above*, para. 6.

⁸⁹ Request, para. 2.

⁹⁰ The Panel notes that: (i) the *Thaçi* Defence estimates its direct examination to last up to three hours (*see above*, para. 25); (ii) the SPO estimates its cross-examination to last up to four hours (*see* Annex 1 to SPO Response, p. 2); (iii) the Selimi Defence estimates its cross-examination to last up to 30 minutes (*see* Selimi Response, para. 1); (iv) the Krasniqi Defence estimates its cross-examination to last up to 45 minutes (*see* Krasniqi Response, para. 2; and (v) the Veseli Defence estimates its cross-examination to last up to 30 minutes (*see* Annex 1 to Veseli Response).

Defence case, the Panel will schedule 21 November 2025 as a prospective sitting day. However, the Parties should endeavour to finish the questioning of 1DW-007 before that date and to keep questioning exclusively to issues truly relevant to this case.

E. WITNESS NOTIFICATION

39. The Thaçi Defence requests that the Panel takes note of the witness notification,⁹¹ and the Panel hereby does so.

F. CLASSIFICATION

40. The Panel notes that the Veseli Defence has filed its response to the Request and its annex, filings F03550 and F03550/A01, as confidential, and it does not oppose to them being reclassified as public.⁹² The SPO and the other Defence Teams have submitted their respective filings as public.

41. The Panel orders the Registrar to reclassify filings F03550 and F03550/A01 as public.

V. DISPOSITION

42. For these reasons, the Panel hereby:

- a) **GRANTS** the Request;
- b) **TAKES NOTE** of the witness notification;
- c) **GRANTS** the Thaçi Defence leave to amend its Exhibit List and **ORDERS** it to file such amended Exhibit List no later than **Tuesday, 11 November 2025**;
- d) **FINDS** 1DW-007's Statement appropriate for admission subject to the

⁹¹ See *above*, para. 8.

⁹² Veseli Response, para. 4.

- fulfilment of the requirements of Rule 154(a)-(c);
- e) **AUTHORISES** the Measures;
 - f) **ORDERS** the Taçi Defence to notify the Rule 107 Provider of the ruling of the Panel in respect of the Measures;
 - g) **ORDERS** the Registry to provide to the Rule 107 Provider the present decision;
 - h) **DIRECTS** the Registry to add 21 November 2025 to the court calendar as a tentative hearing day; and
 - i) **ORDERS** the Registry to reclassify filing F03550 and F03550/A01 as public.



Judge Charles L. Smith, III
Presiding Judge

Dated this Tuesday, 4 November 2025

At The Hague, the Netherlands.