

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 Guénaël Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 16 November 2025

Language: English

Classification: Public

URGENT Thaçi Defence Request to Amend the Exhibit List

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I. INTRODUCTION

1. In accordance with Rule 119(5) of the Rules,¹ the Defence for Mr Hashim Thaçi (“Defence”) requests authorisation to amend its Exhibit List² to add one item relevant to the evidence of 1DW-007.³ The Defence reiterates its request to be afforded flexibility in requests to amend the exhibit list,⁴ particularly in circumstances where the relevance and importance of this item has become apparent only following the testimony of 1DW-009.⁵ This request is limited in scope, allows timely and effective preparation by the other parties, is supported by good cause, and causes no prejudice to any party or participant.

2. Given 1DW-007 is scheduled to start testifying at 12pm on Monday, 17 November 2025, the Defence requests an expedited briefing schedule, or that time is allocated for oral submissions on 17 November, to ensure this matter can be resolved prior to the start of 1DW-007’s testimony.⁶ In light of the limited time available, the Defence already consulted with the SPO *inter partes*. On 16 November 2025, the SPO confirmed it would not object to the addition of this item to the Exhibit List.⁷

¹ KSC-BD-03/Rev3/2020, Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, 2 June 2020 (“Rules”).

² KSC-BC-2020-06/F03574/A01, *Annex 1 - Amended List of Exhibits*, 11 November 2025, confidential (“Exhibit List”).

³ DHT12601-DHT12603.

⁴ *See, e.g.*, KSC-BC-2020-06/F02827, *Prosecution request to amend the Exhibit List and admit items*, 13 January 2025, public, para. 6; KSC-BC-2020-06/F03045, *URGENT Prosecution request to amend the Exhibit List*, 21 March 2025, public, para. 4; KSC-BC-2020-06/F03071, Trial Panel II, *Decision on Prosecution Request to Amend the Exhibit List and Admit Items*, 1 April 2025, public, para. 12 and decisions cited therein; KSC-BC-2020-06/F03211, Trial Panel II, *Decision on Prosecution Motion for Admission of Documents concerning Murder Victims and Related Request*, 29 May 2025, confidential, para. 12, and decisions cited therein.

⁵ KSC-BC-2020-06, Transcript of 10 November 2025, Oral Order, pp. 27639-27641, noting: “The Panel recalls that the relevance and importance of certain items may become apparent to a party as the trial proceeds.”

⁶ For the same reason, this request was filed on an urgent basis.

⁷ Email from SPO to the Defence, 16 November 2025 at 12:17.

II. APPLICABLE LAW

3. Rule 119(5) of the Rules provides that the Trial Panel “may permit, upon timely notice and a showing of good cause, the amendment of the lists of witnesses and exhibits filed pursuant to paragraph (2)”.

4. Paragraph 82 of the Order on the Conduct of Proceedings⁸ requires a calling party to request amendment of its exhibit list in the following circumstances: “[i]f any of the additional material that the presenting Party wishes to use during the direct examination of the witness is not included on its exhibit list filed pursuant to Rule 102(1)(b)(iii) or Rule 104(5)(c), the Party shall apply to the Trial Panel to amend its exhibit list.”

III. SUBMISSIONS

5. The Defence seeks to add one item related to 1DW-007 to the Exhibit List, namely, an extract from the JUSTWATCH-L Archives containing a news article from 8 July 1999, titled ‘Violence flares as tolerance is tested’ (“Article”).⁹

6. This item is being promptly requested to be added to the Exhibit List after its relevance and importance to the Defence case became evident following the testimony of 1DW-009. During cross-examination of 1DW-009, the SPO represented to 1DW-009 that Exhibit P02531 notes that “the continued confrontations between KLA and Serb paramilitaries in the Mitrovice area were reported by Agim Ceku at a Joint Implementation Commission meeting in Prishtine on 5 July 1999.”¹⁰ On 15 November 2025, the Defence contacted the SPO *inter partes*, initially to request clarification regarding the source for this proposition, because Exhibit P02531 does not contain a reference to any report by General Çeku of a confrontation in Mitrovicë “between KLA

⁸ KSC-BC-2020-06/F01226/A01, Trial Panel II, *Annex 1 - Order on the Conduct of Proceedings*, 25 January 2023, public (“Order on the Conduct of Proceedings”).

⁹ DHT12601-DHT12603.

¹⁰ KSC-BC-2020-06, Transcript of 13 November 2025, p. 28063, lines 3-10.

and Serb paramilitaries.”

7. Following receipt of the requested information from the SPO regarding the alleged location for this proposition within the relevant exhibit, the Defence took steps to locate the Article. The Defence then contacted the SPO again, disputing any allegation of a reference in Exhibit P02531 to a confrontation “between the KLA and Serb paramilitaries” in Mitrovicë in early July 1999; disputing generally the existence of any confrontation in Mitrovicë between the KLA and Serb paramilitaries by reference to the Article; and requesting clarification as to whether this is the SPO’s case. The Defence also requested that, if this is the SPO case, the SPO confirm whether it would object to the addition of the Article to the Exhibit List to allow it to be used with 1DW-007. On 16 November 2025, the SPO stated the relevant reference should be read in context, its position is clear and that, while the request to amend the Exhibit List was neither timely, nor supported by good cause, the SPO would not object. Following receipt of this response, the Defence disclosed the Article in Disclosure Pack 1829 on 16 November 2025. This request is therefore timely, having been made as promptly as possible following the identification of this item’s importance to the Defence case, and to 1DW-007’s evidence.

8. The Trial Panel has previously acknowledged “the relevance and importance of certain items may become apparent to a Party as the trial proceeds”, but stated that late realisation of an item’s importance is not sufficient on its own to demonstrate good cause.¹¹ The Defence submits there is sufficient good cause to add the Article to the Exhibit List. The Article is directly relevant to a core issue in these proceedings, namely the temporal scope of the armed conflict. The Article is particularly relevant to the forthcoming evidence of 1DW-007, as he is uniquely placed to provide

¹¹ KSC-BC-2020-06/F01785, Trial Panel II, *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).

contextualising evidence through his role with NATO and his knowledge of the situation on the ground in Kosovo during the relevant period. The Article is therefore important to contextualise and support 1DW-007's anticipated evidence regarding this topic. Accordingly, the Article is of sufficient relevance and importance to justify addition to the Exhibit List.¹²

9. Finally, no undue prejudice would result from adding the Article to the Exhibit List. The request is limited in size and scope, with the Article totalling only three pages. The Article also relates to known issues in these proceedings, and known aspects of the Defence case regarding the temporal scope of the conflict. In any event, the parties and participants will also have sufficient time to prepare, and will also have the opportunity to cross-examine 1DW-007 on the Article. Finally, the SPO has indicated it does not object to the addition of the Article to the Exhibit List.

IV. CONCLUSION AND RELIEF SOUGHT

10. For the foregoing reasons, the Defence requests the Trial Panel authorise:
- (i) an expedited briefing schedule to facilitate a decision before the testimony of 1DW-007; and
 - (ii) the amendment of the Exhibit List to include the Article.

[Word count: 1,225 words]

¹² See, e.g., KSC-BC-2020-06/F01739RED, Trial Panel II, *Public Redacted Version of Decision on Prosecution Request to Amend the Exhibit List (F01728)*, 24 August 2023, para. 9.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Luka Misetic', is centered on the page.

Luka Misetic

Counsel for Hashim Thaçi

Sunday, 16 November 2025

At The Hague, The Netherlands