



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA 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:** 26 November 2025

**Language:** English

**Classification:** **Public**

---

**Decision on Thaçi Request Related to W04752**

---

**Specialist Prosecutor**  
Kimberly P. West

**Counsel for Victims**  
Simon Laws

**Counsel for Hashim Thaçi**  
Luka Mišetić

**Counsel for Kadri Veseli**  
Rodney Dixon

**Counsel for Rexhep Selimi**  
Geoffrey Roberts

**Counsel for Jakup Krasniqi**  
Venkateswari Alagendra

**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 Rules 119(5), 137, 138(1), and 153-155 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 1 May 2024, the Specialist Prosecutor’s Office (“SPO”) filed a request seeking to add to its exhibit list material produced as a result of special investigative measures authorised by the Single Judge in relation to, *inter alia*, Hashim Thaçi (“Mr Thaçi”), for obstruction offences under Article 15(2) of the Law (“Obstruction Material”) (“Exhibit List Request”).<sup>1</sup>

2. Between 1 and 18 July 2024, W04752 testified before the Panel.<sup>2</sup> At the hearing of 8 July 2024 (“8 July 2024 Hearing”): (i) the Defence for Mr Thaçi (“Thaçi Defence”) tendered five (5) prior statements of W04752 (“Five Statements”),<sup>3</sup> averring that they were relevant in anticipation of potential allegations of witnesses interference by the SPO;<sup>4</sup> (ii) the SPO objected on account that it had not been allowed to question W04752 on the issue of witness interference during its direct examination and therefore the Defence should not be allowed to tender rebuttal evidence in relation to any such potential allegation;<sup>5</sup> and (iii) the Panel accordingly refused admission without prejudice of that

---

<sup>1</sup> F02279, Specialist Prosecutor, *Prosecution Request to Amend the Exhibit List*, 1 May 2024, confidential, with Annex 1, confidential (a public redacted version was filed on 6 September 2024, F02279/RED).

<sup>2</sup> Transcripts of Hearing, 1-4 July 2024, 8-11 July 2024, and 15-18 July 2024.

<sup>3</sup> The Five Statements are: (i) IT-04-84 T3154-T3255; (ii) IT-04-84bis T675-T771; (iii) IT-03-66 T6757-T6836; (iv) U016-0791-U016-0817 RED; and (v) SPOE00183317-00183342 RED.

<sup>4</sup> Transcript of Hearing, 8 July 2024, p. 17774, lines 15-23.

<sup>5</sup> Transcript of Hearing, 8 July 2024, p. 17792, lines 9-13.

material, and instructed the Thaçi Defence to tender the Five Statements if and when the issue of interference had arisen.<sup>6</sup>

3. On 22 August 2024, the Panel granted the Exhibit List Request.<sup>7</sup>

4. On 15 April 2025, the SPO filed a motion seeking, *inter alia*, admission of the Obstruction Material into evidence (“Motion F03120”).<sup>8</sup> On the same day, the SPO filed a notice pursuant to Rule 129, formally closing its case (“Rule 129 Notice”).<sup>9</sup>

5. On 29 May 2025, the Panel granted, in part, Motion F03120 (“Decision F03216”).<sup>10</sup>

6. On 12 June 2025, the Thaçi Defence filed a motion seeking admission of the Five Statements<sup>11</sup> pursuant to Rule 138 (“Motion F03254”).<sup>12</sup>

7. On 11 July 2025, the Panel denied the Motion F03254 on the grounds that the material concerned qualified as statements within the meaning and the scope of Rules 153-155, and as such could not be admitted pursuant to Rule 138, unless an agreement had been reached between the Parties (“Decision F03327”).<sup>13</sup>

8. On 11 August 2025, the Panel granted a request of the Thaçi Defence for certification to appeal the Decision F03327.<sup>14</sup>

---

<sup>6</sup> Transcript of Hearing, 8 July 2024, p. 17792, lines 24-25 to p. 17793, lines 1-3.

<sup>7</sup> 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 (a public redacted version was issued on 20 December 2024, F02501/RED).

<sup>8</sup> F03120, Specialist Prosecutor, *Prosecution Motion for Admission of Obstruction Related Materials*, 15 April 2025, public, with Annexes 1-3, confidential.

<sup>9</sup> F03121, Specialist Prosecutor, *Prosecution Notice Pursuant to Rule 129*, 15 April 2025.

<sup>10</sup> F03216, Panel, *Decision on Prosecution Motion for Admission of Obstruction Related Materials*, 29 May 2025, confidential (a public redacted version was issued on 26 August 2025, F03216/RED).

<sup>11</sup> Notably: (i) IT-04-84 T3154-T3255; (ii) IT-04-84bis T675-T771; (iii) IT-03-66 T6757-T6836; (iv) U016-0791-U016-0817 RED; and (v) SPOE00183317-00183342 RED.

<sup>12</sup> F03254, Specialist Counsel, *Thaçi Defence Request for Admission of Prior Statements of W04752*, 12 June 2025, confidential (a public redacted version was filed on 21 July 2025, F03254/RED).

<sup>13</sup> F03327, Panel, *Decision on Thaçi Defence Request for Admission of Prior Statements of W04752*, 11 July 2025, para. 20.

<sup>14</sup> F03396, Panel, *Decision on Thaçi Defence Request for Certification to Appeal the Decision on Request for Admission of Prior Statements of W04752 (“Certification Decision”)*, 11 August 2025.

9. On 10 November 2025, the Court of Appeals Panel dismissed the Thaçi Defence's appeal against the Decision F03327 ("Appeals Decision IA041/F00005").<sup>15</sup>

10. On 13 November 2025, the Thaçi Defence filed a motion for the admission of the Five Statements pursuant to Rule 153, and a related request to add W04752 to its Witness List ("Motion").<sup>16</sup>

11. On 20 November 2025, the SPO responded to the Motion ("Response").<sup>17</sup>

12. On 24 November 2025, the Thaçi Defence replied to the Response ("Reply").<sup>18</sup>

## II. SUBMISSIONS

13. The Thaçi Defence seeks: (i) authorisation to add W04752 to its Witness List; and (ii) the admission of the Five Statements pursuant to Rule 153.<sup>19</sup>

14. Regarding the addition of W04752 to the Witness List, the Thaçi Defence submits that the request is timely as it was filed shortly after the notification of the Appeals Decision IA041/F00005.<sup>20</sup> The Thaçi Defence also submits that there is good cause for the request as: (i) W04752 is a very important witness for all Parties in this case;<sup>21</sup> and (ii) the requested addition is necessary for the Thaçi Defence to be able to tender the Five Statements pursuant to Rule 153.<sup>22</sup> In addition, the Thaçi Defence submits that no prejudice is caused from the requested addition as: (i) both W04752 and his evidence are well-known to the Parties and participants;

---

<sup>15</sup> IA041/F00005, Court of Appeals Panel, *Decision on Thaçi Appeal Against Decision on Admission of W04752's Prior Statements*, 10 November 2025.

<sup>16</sup> F03576, Specialist Counsel, *Thaçi Defence Request Related to W04752*, 13 November 2025.

<sup>17</sup> F03593, Specialist Prosecutor, *Prosecution Response to F03576*, 20 November 2025.

<sup>18</sup> F03599, Specialist Counsel, *Thaçi Defence Reply to Prosecution Response to F03576*, 24 November 2025.

<sup>19</sup> Motion, paras 7, 38.

<sup>20</sup> Motion, paras 23-24, 27.

<sup>21</sup> Motion, paras 22, 24

<sup>22</sup> Motion, para. 24.

(ii) the Five Statements were put to the witness during his testimony in July 2024; and (iii) it would not cause any delay to the proceedings.<sup>23</sup>

15. Regarding admission pursuant to Rule 153, the Thaçi Defence submits that the Five Statements: (i) are relevant to address the matters arising from the Decision F03216, in particular, the consistency of W04752's evidence over the years, and thus his credibility and the reliability of his evidence;<sup>24</sup> (ii) are *prima facie* authentic and reliable;<sup>25</sup> (iii) are probative;<sup>26</sup> and (iv) have a probative value which is not outweighed by any prejudicial effect resulting from their admission.<sup>27</sup>

16. The SPO objects to the addition of W04752 to the Thaçi Defence's Witness List.<sup>28</sup> It argues that W04752: (i) is a prosecution witness; and (ii) does not need to be added to the Witness List for the Five Statements to be admitted pursuant to Rule 153.<sup>29</sup>

17. The SPO also argues that the requested admission is not justified as: (i) the relevant portions of the Five Statements which are important to the Thaçi Defence are already part of the record in this case as they were read to and affirmed by the witness during his testimony;<sup>30</sup> (ii) admission of hundreds of selective, untested portions of the Five Statements which were not read to the witness would be prejudicial to the SPO, and would be neither warranted, nor beneficial;<sup>31</sup> and (iii) it is unclear how the Five Statements would help the Panel assess the witness's credibility and the reliability of his testimony.<sup>32</sup>

---

<sup>23</sup> Motion, para. 26.

<sup>24</sup> Motion, paras 7, 30-35.

<sup>25</sup> Motion, paras 7, 29.

<sup>26</sup> Motion, paras 7, 30.

<sup>27</sup> Motion, paras 7, 36.

<sup>28</sup> Response, para. 1.

<sup>29</sup> Response, para. 2, ft. 3.

<sup>30</sup> Response, paras 3-4.

<sup>31</sup> Response, paras 3, 5.

<sup>32</sup> Response, para. 6.

18. The SPO, however, submits that, given the Panel's prior determination about the Five Statements' potential relevance, the stage of proceedings, and the potential burden on the witness were he to be recalled to appear before the Panel, the SPO would not oppose admission of the Five Statements pursuant to Rule 138 solely for comparative purposes and not for the truth of their content.<sup>33</sup>

19. The Thaçi Defence replies that, contrary to the SPO's proposition, any tendering through Rule 153 requires that the witness be included in the witness list of that tendering party.<sup>34</sup> The Thaçi Defence also reiterates its submissions about the necessity of the admission of the Five Statements.<sup>35</sup> Lastly, the Thaçi Defence submits that, like the SPO, it would not oppose to the admission of the Five Statements pursuant to Rule 138.<sup>36</sup> The Thaçi Defence underscores that this was its position since the commencement of litigation on this matter, and it is regrettable that the SPO did not seek to reach an agreement thereon before.<sup>37</sup>

### III. APPLICABLE LAW

20. The Panel incorporates by reference the applicable law as set out in its previous decisions on: (i) amending the Defence list of witnesses or exhibits;<sup>38</sup> and (ii) admission of evidence.<sup>39</sup>

---

<sup>33</sup> Response, para. 7.

<sup>34</sup> Reply, para. 2.

<sup>35</sup> Reply, para. 3.

<sup>36</sup> Reply, para. 3.

<sup>37</sup> Reply, para. 3.

<sup>38</sup> See 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.

<sup>39</sup> See amongst many, F01409, Panel, *Decision on Specialist Prosecutor's Bar Table Motion*, 31 March 2023, confidential, paras 8-13; F01904, Panel, *Decision on Prosecution Motion for Admission of Evidence Pursuant*

## IV. DISCUSSION

21. The Thaçi Defence seeks admission of the Five Statements pursuant to Rule 153 and, to that end, requests leave to add W04752 to its Witness List. The Thaçi Defence did not explain why it waited until the end of its case to apply for the admission of this material and the associated amendment of its Witness List. However, considering the fact that the Court of Appeals Panel's Decision on this matter was rendered on 10 November 2025,<sup>40</sup> the Panel will regard this motion as having been filed in timely fashion.

22. The Five Statements are statements within the meaning of Rules 153-155 and, therefore, their admission is subjected to the specific requirements set by those rules.<sup>41</sup> Furthermore, the Five Statements contain information which goes to proof of the acts and conduct of the Accused as charged in the Indictment and concern central issues in the Prosecution's case.<sup>42</sup> Accordingly, admission of such material pursuant to Rule 153 is in principle prohibited by the Rules and would circumvent the economy of the Rules.<sup>43</sup> In addition, admitting this material at this late stage in respect of the substance of its content would deny other Defence teams and the SPO a fair opportunity to question the witness on these matters. Accordingly, the Panel finds that the Five Statements are inadmissible pursuant to Rule 153.

23. Consequently, the Panel also finds that it does not need to address the request to add W04752 to the Thaçi Defence's Witness List.

24. This being said, the Panel notes that the SPO and the Thaçi Defence agree that the Five Statements could be admitted pursuant to Rule 138 for the limited

---

to Rule 153, 3 November 2023, confidential, paras 8-10, 12-13 (a public redacted version was filed on 27 November 2023, F01904/RED).

<sup>40</sup> See above, para. 9.

<sup>41</sup> Decision F03327, paras 20-21.

<sup>42</sup> See for example: (i) IT-04-84 T3154-T3255, p. 3211, lines 19-24, p. 3212, lines 5-24; (ii) IT-04-84bis T675-T771, p. 689, lines 15-17, p. 698, lines 18-20, p. 756, lines 2-11, p. 757, lines 1-7, p. 760, lines 12-14, , p. 761, lines 1-2; (iii) IT-03-66 T6757-T6836, p. 6821, lines 9-12; (iv) U016-0791-U016-0817 RED; and (v) SPOE00183317-00183342 RED, paras 15, 43.

<sup>43</sup> Decision F03327, para. 20.

purpose of evaluating the consistency of W04752's account and thus this witness's credibility.<sup>44</sup> Consistent with its prior findings,<sup>45</sup> noting the agreement of the SPO and the Thaçi Defence on that point, and absent any overriding reason to refuse admission, the Panel is prepared to admit the Five Statements as exhibits pursuant to Rule 138(1) for the sole and limited purpose of evaluating the consistency of W04752's account as part of the Panel's assessment of his credibility as a witness.

25. With respect to authenticity, the Panel is satisfied that the Five Statements consist of official statements and transcripts of W04752's testimony before another jurisdiction. They all contain several *indicia* of authenticity.<sup>46</sup> Therefore, the Panel is satisfied that the Five Statements are *prima facie* authentic.

26. With respect to probative value, the Panel notes that the Five Statements were given by the witness at different points in time. While consistency of accounts does not mean that any of those accounts is true, accurate or reliable, such consistency may be relevant to evaluating the accounts given by a witness across time and form part of the Panel's assessment of his credibility. The Panel therefore considers that the Five Statements may be relevant to its assessment of the credibility of W04752. They therefore are *prima facie* probative.

27. With respect to prejudice, the Panel notes that the Five Statements are only admitted for the limited purpose of demonstrating W04752's consistency over time and thus to inform the Panel's assessment of the credibility of W04752. The Panel further notes that the SPO does not oppose their admission pursuant to Rule 138 for that limited purpose. The Panel also considers that the other Parties

---

<sup>44</sup> See above, para. 18.

<sup>45</sup> See similarly, F01852, Panel, *Decision on Krasniqi Defence Request to Admit Additional Document Related to W02153*, 11 October 2023, para. 9; Decision F03327, paras 20-21.

<sup>46</sup> The Panel notes that they contain: (i) the witness's personal details; (ii) the date when the statements were given; (iii) the names of those present; (iv) the witness's declarations and/or acknowledgments; (v) the witness' signature; (vi) the case number and the formatting consistent with official records; (vii) a swearing-in and oath of truthfulness by the witness; and (viii) challenges and scrutinization of the statement via cross-examination.

and participants were put on sufficient notice of the Thaçi Defence's intention to tender the Five Statements, as it had already expressly sought to do so during hearings held on 8 July 2024.<sup>47</sup> The Panel notes that none of the other three Defence teams have objected to the admission of those statements. Furthermore, the Panel considers that when the Thaçi Defence put elements of the Five Statements to the witness in court, who confirmed their accuracy, it made clear the purpose for which those portions were being used,<sup>48</sup> and neither the other Defence teams nor Victims' Counsel raised objections in that respect. Accordingly, the Parties and participants had the opportunity to raise issues had they wished to do so.<sup>49</sup> The Panel is therefore satisfied that the *prima facie* probative value of the Five Statements, as described above, is not outweighed by any prejudicial effect.

28. For these reasons, the Panel finds that the Five Statements are admissible pursuant to Rule 138(1).

## V. DISPOSITION

29. For the foregoing reasons, the Panel hereby:

- a) **GRANTS** the Motion, in part;
- b) **DENIES** the Thaçi Defence leave to amend its Witness List;
- c) **DENIES** admission of the Five Statements pursuant to Rule 153;
- d) **ADMITS** into evidence pursuant to Rule 138 the Five Statements:  
(i) IT-04-84 T3154-T3255; (ii) IT-04-84bis T675-T771; (iii) IT-03-66 T6757-

---

<sup>47</sup> See above, paras 2-19.

<sup>48</sup> See Transcript of Hearing, 3 July 2024: (i) pp. 17549 and 17565 (*referring to IT-04-84 T3154-T3255*); (ii) p. 17566 (*referring to IT-04-84bis T675- T771*); (iii) pp. 17553, 17555, and 17658 (*referring to IT-03-66 T6757-T6836*); (iv) p. 17548 (*referring to U016-0791-U016-0817 RED*); and (v) pp. 17564 and 17637 (*referring to SPOE00183317-00183342 RED*).

<sup>49</sup> The Panel notes that certain portions of IT-03-66 T6757-T6836, p. 6757, line 1 to p. 6818, line 9, consist of the transcript of the testimony of witnesses other than W04752. They shall therefore be redacted or removed.

- T6836; (iv) U016-0791-U016-0817 RED; and (v) SPOE00183317-00183342 RED for the limited purpose outlined above;
- e) **ORDERS** the Thaçi Defence to disclose a new version of IT-03-66 T6757-T6836, redacting or removing the relevant portions unrelated to W04752, as identified in footnote 49, within one week of this decision; and
- f) **INSTRUCTS** the Registrar to assign exhibit numbers to the evidence listed in paragraph 29(d) with their current classification after the Thaçi Defence discloses a new version of IT-03-66 T6757-T6836, as indicated in paragraph 29(e).



---

**Judge Charles L. Smith, III**  
**Presiding Judge**

Dated this Wednesday, 26 November 2025.

At The Hague, the Netherlands.