



**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:** 3 December 2025

**Language:** English

**Classification:** Public

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**Decision Taking Note of the Agreed Facts  
with Annex 1 (confidential) and Annex 2 (public)**

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**Specialist Prosecutor**

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**Counsel for Victims**

Simon Laws

**Counsel for Kadri Veseli**

Rodney Dixon

**Counsel for Rexhep Selimi**

Geoffrey Roberts

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**TRIAL PANEL II** (“Panel”), pursuant to Article 40(2) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 95(3), 118(4), and 156 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

## I. PROCEDURAL BACKGROUND

1. On 18 November 2022, the Specialist Prosecutor’s Office (“SPO”) provided the Pre-Trial Judge with submissions on agreed facts.<sup>1</sup>
2. On 15 February 2023, the Panel took note of the then current state of agreement between the Parties on matters of fact and law.<sup>2</sup>
3. On 26 February 2024, the Panel ordered the SPO and the Defence for Messrs Hashim Thaçi, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi (collectively, “Defence”) to engage in *inter partes* discussions with a view to identifying further areas of agreement or non-dispute in relation to allegations forming part of the crime base of this case and to report to the Panel by 25 March 2024.<sup>3</sup>
4. On 25 March 2024, pursuant to the Panel’s order, the SPO filed an updated report concerning *inter partes* discussions about agreed facts.<sup>4</sup>
5. On 13 September 2024, the SPO filed another updated report containing, in its annexes, forty-nine (49) facts upon which the Parties had sought to reach an

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<sup>1</sup> F01114, Specialist Prosecutor, *Prosecution Submission on Agreed Facts*, 18 November 2022, with Annex 1 (“Annex 1”), confidential, and Annex 2 (“Annex 2”).

<sup>2</sup> Transcript of Hearing, 15 February 2023, p. 2039, lines 2-7. *See also* Transcript of Hearing, 15 February 2023, p. 1943, line 7 to p. 1947, line 17.

<sup>3</sup> Transcript of Hearing, 26 February 2024, p. 13010, lines 1-6.

<sup>4</sup> F02199, Specialist Prosecutor, *Prosecution Report Concerning Inter Partes Discussions About Agreed Facts*, 25 March 2024, with Annex 1, confidential.

agreement, indicating which parties had, by that date, agreed to which facts (respectively, “Report”, “Annexes” and “Proposed Agreed Facts”).<sup>5</sup>

6. On 19 November 2025, upon the Panel’s query, the Parties confirmed that the Report was final and that there was no outstanding discussion in relation to agreed facts.<sup>6</sup>

## II. APPLICABLE LAW

7. Pursuant to Rule 118(4), the Presiding Judge shall take note of the points of agreement between the Parties on matters of fact and law.

8. Pursuant to Rule 156, where the Parties have submitted points of agreement on facts pursuant to Rule 95(3) and the Presiding Judge has taken note thereof pursuant to Rule 118(4), the Panel may consider such alleged facts as being proved, unless it is of the opinion that a more complete presentation of evidence on the alleged facts is necessary.

## III. DISCUSSION

9. The Panel observes that, alongside the Proposed Agreed Facts, the Annexes contain a record of the extent of agreement reached or not reached, as the case may be, in relation to certain proposed facts.<sup>7</sup>

10. Having reviewed each of the Proposed Agreed Facts, the Panel observes that not all Parties agreed to each of them. Several of the Proposed Agreed Facts do not register the approval of one or more of the Parties.<sup>8</sup> It is apparent from the wording

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<sup>5</sup> F02573, Specialist Prosecutor, *Prosecution Updated Report Concerning Agreed Facts*, 13 September 2024, with Annex 1, confidential, and Annex 2, public.

<sup>6</sup> Transcript of Hearing, 19 November 2025, p. 28326, lines 1-12.

<sup>7</sup> See Annex 1 and Annex 2.

<sup>8</sup> See Annex 1 and Annex 2, Facts 1.16, 1.16.1, 2.72, 2.73, 2.73.1, 2.75.1, 3.2, 3.3, 3.4, 3.5, 3.18, 3.31, 3.32, 3.32.1, 35.2, 35.3, 35.4, 35.5, 35.8.

of Rules 118(4) and 156 that the Panel must be satisfied that there is indeed agreement between the Parties before any fact can be noted as an agreed fact.<sup>9</sup> The Panel will therefore refrain from taking note of the Proposed Agreed Facts for which there is no unanimous agreement amongst all Parties. For this reason, the Panel declines to take note of Proposed Agreed Facts 1.16, 1.16.1, 1.25, 2.72, 2.73, 2.73.1, 2.75.1,<sup>10</sup> 3.2, 3.3, 3.4, 3.5, 3.18, 3.31, 3.32, 3.32.1, 35.2, 35.3, 35.4, 35.5, and 35.8.

11. Regarding the remainder of the Proposed Agreed Facts,<sup>11</sup> the Panel observes that the Annexes clearly register the unanimous agreement of each Party to the facts as formulated therein. Considering that each of the Defence teams and the SPO unanimously agree on the remainder of the Proposed Agreed Facts, the Panel will take note of the remaining Proposed Agreed Facts, namely Proposed Agreed Facts 1.1, 1.3, 1.12, 1.13, 1.14, 1.15, 1.17, 1.26, 1.27A, 1.27B, 1.28, 1.33, 1.41, 1.42, 1.43, 1.44, 1.48, 1.50, 1.52, 1.53, 1.58, 2.75,<sup>12</sup> 3.6, 3.17, 3.20, 3.22, 3.23, 3.27, and 1JD1, as set out in Annexes 1 and 2 to this decision.

12. Lastly, the Panel observes that Rule 118(4) vests the Panel with the discretionary power to consider an agreed fact as proven, “unless it is of the opinion that a more complete presentation of evidence on the alleged facts is necessary”.<sup>13</sup> In the present case, having reviewed the Proposed Agreed Facts set out in Annexes 1 and 2 to this decision, the Panel is satisfied that these facts do

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<sup>9</sup> See similarly ICTY, *Prosecutor v. Karadžić*, IT-95-5/18-T, Trial Chamber, [Decision on “Prosecution Response to Karadžić’s Submission of Agreed Facts and Motion for Reconsideration”](#), 26 August 2010, para. 8.

<sup>10</sup> With regard to Fact 2.75.1, the Panel observes that the Annexes do not register the agreement of all Parties to the reformulation proposed as Fact 2.75.1. The Panel will therefore not take note of the proposed reformulation. See also below footnote 13.

<sup>11</sup> See Annex 1 and Annex 2, Proposed Agreed Facts 1.1, 1.3, 1.12, 1.13, 1.14, 1.15, 1.17, 1.26, 1.27A, 1.27B, 1.28, 1.33, 1.41, 1.42, 1.43, 1.44, 1.48, 1.50, 1.52, 1.53, 1.58, 2.75, 3.6, 3.17, 3.20, 3.22, 3.23, 3.27, and 1JD1.

<sup>12</sup> With regard to Fact 2.75, the Panel notes that the Annexes register the agreement of all Parties to the formulation proposed as Fact 2.75. The Panel will therefore take note of such formulation. See also above footnote 11.

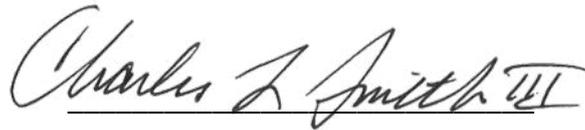
<sup>13</sup> See similarly ICC, *Prosecutor v. Banda*, ICC-02/05-03/09-121-Corr-Red, Pre-Trial Chamber I, [Corrigendum of the “Decision on the Confirmation of Charges”](#), 7 March 2011, para. 45.

not require a more complete presentation of evidence. For this reason, the Panel will consider them as being proved.

#### IV. DISPOSITION

13. Pursuant to Rules 118(4) and 156, the Panel:

- a) **TAKES NOTE** of the Proposed Agreed Facts between the SPO and the Defence which are set out in Annexes 1 and 2 to the present decision, namely Proposed Agreed Facts 1.1, 1.3, 1.12, 1.13, 1.14, 1.15, 1.17, 1.26, 1.27A, 1.27B, 1.28, 1.33, 1.41, 1.42, 1.43, 1.44, 1.48, 1.50, 1.52, 1.53, 1.58, 2.75, 3.6, 3.17, 3.20, 3.22, 3.23, 3.27, and 1JD1 (“Agreed Facts”); and
- b) **CONSIDERS** the Agreed Facts as being proved; and
- c) **DECLINES** to take note of Proposed Agreed Facts 1.16, 1.16.1, 1.25, 2.72, 2.73, 2.73.1, 2.75, 2.75.1, 3.2, 3.3, 3.4, 3.5, 3.18, 3.31, 3.32, 3.32.1, 35.2, 35.3, 35.4, 35.5, and 35.8.



**Judge Charles L. Smith, III**

**Presiding Judge**

Dated this Wednesday, 3 December 2025

At The Hague, the Netherlands.