

In: KSC-BC-2020-06
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 Guénaël Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Kadri Veseli

Date: 22 December 2025

Language: English

Classification: Public

Public Redacted Version of Veseli Defence Reply to 'Prosecution response to Veseli Defence request for certification to appeal W04760 admissibility order'

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I. INTRODUCTION

1. The Defence for Mr. Kadri Veseli (“Defence”) hereby replies to the Prosecution’s response to Veseli Defence request for certification to appeal W04760 admissibility order (“Response”).¹

II. SUBMISSIONS

2. The Prosecution submits² that the Defence Request is untimely and suggests that the Veseli Defence should have sought leave to appeal the Initial Decision³ instead. The Defence submits that this decision did not give rise to any prejudice to the Veseli Defence because it merely stated that the Thaci request to tender the entirety of his evidence was rejected. Prejudice arose from the Order of 5 December 2025, admitting the statement in full.⁴ As such, this was the properly appealable decision.
3. While the Initial Decision forms a part of the backdrop to the Defence Request, it is patently incorrect to characterize the Order as a mere formalization of that reasoning. The Defence recalls that in the Initial Decision, the Trial Panel rejected Thaci’s request for a partial tender and effectively invited the Thaci Defence to make a fresh tender. The Defence, appropriately and timeously, opposed such a tender by way of F03615.⁵ It was still open to the Panel, in light of the prejudice to Mr Veseli, to decide not to admit W04760’s evidence in full. Yet, the Trial Panel admitted the statement and in so doing, failed to address the issues of prejudice to Mr Veseli specifically that it had placed before it in

¹ F03635, *Prosecution response to Veseli Defence request for certification to appeal W04760 admissibility order*, 18 December 2025, confidential.

² *Ibid.*, para. 2.

³ F03607, *Decision on Thaçi Defence Request Pursuant to Rule 155*, 2 December 2025, confidential (“Initial Decision.”)

⁴ F03617, *Order Following the Decision on Thaçi Defence Request Pursuant to Rule 155*, 5 December 2025, confidential, para.11.

⁵ F03615, *Veseli Defence Submissions Regarding Decision F03607*, 4 December 2025, confidential.

F03615.⁶ It was thus from the Order of 5 December 2025 that prejudice arose and consequently this order from which the Defence seeks relief by way of leave to appeal. The Order was not a mere formalization of the Initial Decision, and the request was therefore not untimely.

4. With respect to the First Issue, which concerned prejudice, the Prosecution submits that the Veseli Defence “overlooks the Panel’s comments on weight which militate against any such concerns.”⁷ The Defence submits that vague allusions to the weight that may or may not be given to evidence does not provide adequate protection when that witness has falsely accused Mr Veseli of [REDACTED] and Mr Veseli has been deprived of the opportunity to cross-examine him. To suggest otherwise is to render the prejudice component of Rule 138(1) wholly redundant.
5. With respect to the Second Issue, the Defence reiterates that the text of Article 40(2) requires the Court to conduct the proceedings with full respect for the rights of accused, and that this requirement, which applies individually to each of the Accused, was not given due consideration as regards Mr Veseli, when it decided to admit the evidence of W04760. This is apparent from the fact that the principle was never invoked in respect of Mr Veseli. Indeed, aside from having been recalled generally, Article 40(2) is only referred to in relation to submissions made by Mr. Thaci. It is not enough, as the Prosecution suggests, for the Trial Panel to ‘direct’ itself to Article 40(2); it must also apply the provision correctly so as to protect Mr Veseli’s rights.⁸

⁶ *Ibid.*, paras. 2-3.

⁷ F03635, para. 5.

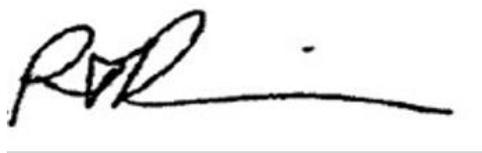
⁸ *Ibid.*, para. 7.

III. CONCLUSION

6. Consequently, for the foregoing reasons, the Defence reiterates its request for Leave to Appeal.

Word Count: 598

Respectfully submitted on Monday, 22 December 2025.



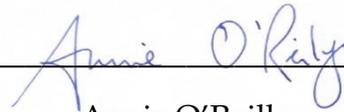
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