

**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:** 13 March 2026

**Language:** English

**Classification:** Public

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**Thaçi Defence Request For an Order to the SPO Pursuant to Rule 136**

**with Confidential Annexes 1 and 2**

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## I. INTRODUCTION

1. The Defence for Mr Hashim Thaçi (the “Defence”) hereby requests that the Trial Panel issue an Order to the Specialist Prosecutor’s Office (“SPO”) pursuant to Rule 136 of the Rules,<sup>1</sup> ordering the SPO not to make evidentiary disclosures to the Trial Panel except in exceptional circumstances and on showing of good cause.

## II. BACKGROUND

2. On 18 February 2026, the Trial Panel closed the case pursuant to Rule 136, and expressly stated that “pursuant to Rule 136, *no further submissions or evidence* may be made to the Panel at this stage, unless in exceptional circumstances and on showing of good cause. This, of course, does not include matters that must be regularly reviewed, such as detention.”<sup>2</sup>
3. On 4 March 2026, the SPO disclosed Disclosure Package 1850, a package containing three items purportedly subject to Rule 103.<sup>3</sup> The Defence wrote to the SPO that same day, requesting clarification as to whether the SPO is copying the Trial Panel on such disclosures. The SPO responded that, “[c]onsistent with the Framework Decision on Disclosure of Evidence and Related Matters (F00099, paras 49-50, 99(a)), all Rule 102-103 materials are disclosed/accessible to the Panel through Legal Workflow.”<sup>4</sup>
4. On 10 March 2026, the SPO disclosed Disclosure Package 1851, a package containing two items purportedly subject to Rule 103.
5. On 11 March 2026, the SPO filed F03695, annexing a supplemental Rule 102(3)

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

<sup>2</sup> T-260218, at p.29238 (emphasis added).

<sup>3</sup> See Annex 1.

<sup>4</sup> See Annex 2.

notice.<sup>5</sup> The Defence understands that if any Defence team requests any of the materials in the supplemental Rule 102(3) notice, the SPO intends to provide that material to the Panel through Legal Workflow.

### III. APPLICABLE LAW

6. Rule 136 states:

1) After the closing statements, the Presiding Judge shall declare that the case is closed.

(2) At this stage, *no further submissions may be made to the Panel*, unless in exceptional circumstances and on showing of good cause.

(3) At this stage, *the Panel may not receive further submissions or hear evidence*, unless exceptional circumstances require otherwise.<sup>6</sup>

### IV. SUBMISSIONS

7. Good cause and exceptional circumstances justify the filing of this Motion, namely the need to enforce the terms of Rule 136 during the Trial Panel's deliberations.

8. Rule 136 is unambiguous: when the proceedings were closed on 18 February 2026, *no further submissions may be made to the Panel*, and the *Panel may not receive further submissions or hear evidence*, unless exceptional circumstances require otherwise.

9. The Trial Panel itself instructed the Parties on 18 February 2026 that *no further submissions or evidence* may be made at this stage, consistent with the plain terms of Rule 136.

10. Rule 136 is clear that the Parties are not allowed to make additional *submissions* or provide additional *evidence*. However, for the avoidance of doubt, the term *submissions* at the Kosovo Specialist Chambers encompasses not only

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<sup>5</sup> KSC-BC-2020-06/F03695, SPO, *Prosecution supplemental Rule 102(3) notice with confidential Annex 1*, 11 March 2026, public.

<sup>6</sup> Emphasis added.

pleadings, but also the provision of evidence to the Panel.<sup>7</sup>

11. The SPO nevertheless continues to submit evidence to the Trial Panel through Legal Workflow, without demonstrating that exceptional circumstances require such disclosure to the Panel. The SPO relies on the Pre-Trial Judge's Framework Decision on Disclosure of Evidence and Related Matters to justify its ongoing disclosure of evidence to the Panel during deliberations, but the Framework Decision has now been superseded by the terms of Rule 136.
12. Moreover, the rationale in the Framework Decision for granting access to the Pre-Trial Judge (and later the Trial Panel) to Rule 102 and Rule 103 disclosures no longer applies. The Pre-Trial Judge had found that he should be copied on such disclosures because of his "duty to take all necessary measures for the expeditious preparation of the case for trial," and "that relevant evidence, whether material to the Defence preparation or potentially exculpatory, is disclosed within the given timeframe."<sup>8</sup> These concerns no longer apply, given that the proceedings are now closed. If the SPO discloses exculpatory material that requires re-opening of the case, it is for the Defence to file a motion pursuant to Rule 136 and to demonstrate good cause and exceptional circumstances to admit that exculpatory material into evidence.

## V. CLASSIFICATION

13. The present submissions are filed as public because they do not contain any confidential information. The annexes should remain confidential as they contain *inter partes* correspondence.

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<sup>7</sup> KSC-BC-2020-04/F00461, Trial Panel I, *Decision on the Submission and Admissibility of Non-Oral Evidence*, 17 March 2023, public; KSC-BC-2020-05/F00169, Trial Panel I, *Decision on the Submission and Admissibility of Evidence*, 25 August 2021, public. Both decisions make clear that provision of evidence to a Trial Panel constitutes "submission" of the evidence.

<sup>8</sup> KSC-BC-2020-06/F00099, Pre-Trial Judge, *Framework Decision on Disclosure of Evidence and Related Matters*, 23 November 2020, public, para. 49.

**VI. CONCLUSION**

14. For the foregoing reasons, the Defence respectfully requests the Trial Panel to:

**ORDER** the SPO not to make disclosures of additional evidence to the Trial Panel, whether through Legal Workflow or otherwise, unless it can demonstrate good cause and exceptional circumstances to do so.

[Word count: 861 words]

Respectfully submitted,



**Luka Misetic**

**Counsel for Hashim Thaçi**

Friday, 13 March 2026

At New York, United States