



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

In: KSC-BC-2023-12
**The Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj,
Isni Kilaj, Fadil Fazliu and Hajredin Kuçi**

Before: Single Trial Judge
Judge Christopher Gosnell

Registrar: Fidelma Donlon

Date: 6 May 2026

Language: English

Classification: Public

Decision on Thaçi Defence Request for Amendment of the Exhibit List (F00889)

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THE SINGLE TRIAL JUDGE, pursuant to Article 40(2) and (6)(b) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 119(5) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"),¹ hereby issues this decision.

I. PROCEDURAL BACKGROUND

1. On 27 March 2026, the Defence for Hashim Thaçi ("Thaçi Defence") filed its lists of witnesses and exhibits² pursuant to Rule 119.³
2. On 29 April 2026, the Thaçi Defence submitted its amended list of witnesses, together with a request to amend its list of exhibits.⁴
3. On 5 May 2026, following a variation of the applicable time limits,⁵ the Specialist Prosecutor's Office ("SPO") responded.⁶

II. SUBMISSIONS

A. DEFENCE

4. The Thaçi Defence seeks leave to add three categories of items⁷ to its Exhibit List which it may wish to use during the questioning of Witness DHT-

¹ All references to "Article" and "Rule" shall be understood, unless otherwise indicated, as referring to the Law and Rules.

² KSC-BC-2023-12, F00827, Thaçi Defence, *Annex 2 to Thaçi Defence Notice and Submissions of Witness and Exhibits Lists Pursuant to Rule 119 with Confidential Annexes 1-2* ("Exhibit List"), 27 March 2026, public, with Annexes 1-2, confidential.

³ KSC-BC-2023-12, F00827, Thaçi Defence, *Thaçi Defence Notice and Submissions of Witness and Exhibits Lists Pursuant to Rule 119 with Confidential Annexes 1-2*, 27 March 2026, public, with Annexes 1-2, confidential.

⁴ KSC-BC-2023-12, F00889, Thaçi Defence, *Thaçi Defence Submission of Amended Witness List and Request to Amend Exhibits List* ("Request"), 29 April 2026, confidential, with Annexes 1-2, confidential.

⁵ KSC-BC-2023-12, CRSPD298, *Email from the Single Trial Judge to Parties re Variation of time limits F00889*, 30 April 2026, confidential.

⁶ KSC-BC-2023-12, F00898, Specialist Prosecutor, *Prosecution Response to "Thaçi Defence Submission of Amended Witness List and Request to Amend Exhibits List with Confidential Annexes 1-2"* ("Response"), 5 May 2026, confidential.

⁷ Request, paras 3, 5.

03: (i) a video concerning “relevant principles of linguistics”; (ii) three correction memoranda prepared by the Language Services Unit (“LSU”) in the context of this case; and (iii) material which may be disclosed by the SPO in the future pursuant to the Decision on Thaçi Request for Disclosure of Information Regarding Transcription/Translation Process.⁸

B. SPO

5. The SPO opposes the amendment of the Exhibit List on the basis that: the video “is a popular science presentation which has no direct application to the facts and circumstances of the present case”; the LSU correction memoranda are already part of the evidentiary record following the Order on the Further Conduct of Proceedings;⁹ and any request to add documents that have not yet been disclosed is speculative and premature.¹⁰

III. APPLICABLE LAW

6. Rule 119(5) allows a Panel to “permit, upon timely notice and a showing of good cause, the amendment of the lists of witnesses and exhibits filed pursuant to paragraph (2).” When deciding on the amendment of the exhibit list, the Panel needs to be satisfied that the proposed item is *prima facie* relevant and of sufficient importance to justify the late addition to the exhibit list and no undue prejudice is caused to the other Parties as a result.¹¹ The reasons advanced for the late addition of the items, whether the other Parties have sufficient time to prepare for their use, their volume, and whether they relate to aspects of the

⁸ KSC-BC-2023-12, F00884, Single Trial Judge, *Decision on Thaçi Request for Disclosure of Information Regarding Transcription/Translation Process* (“Decision Thaçi Request for Disclosure”), 28 April 2026, public.

⁹ KSC-BC-2023-12, F00890, Single Trial Judge, *Order on the Further Conduct of Proceedings* (“Order on the Further Conduct of Proceedings”), 29 April 2026, confidential; a public redacted version was filed on 4 May 2026.

¹⁰ Response, paras 2-4.

¹¹ KSC-BC-2020-06, F003457, Trial Panel II, *Decision on Thaçi Defence Request to Amend the Exhibit List* (“Decision F003457”), 10 September 2025, public, para. 11.

presenting Party's case that are already well-known, are all relevant criteria for assessing whether to permit the requested amendment.¹²

IV. DISCUSSION

7. The Thaçi Defence requests leave to add the requested items to its Exhibit List as they are items that "it may want to show to DHT-03 during her examination-in-chief."¹³

8. The first such item, a publicly-accessible video, is referred to in a footnote of Witness DHT-03's tendered expert report.¹⁴ The SPO received disclosure of this report on 27 March 2026 and, accordingly, has known since then that Witness DHT-03 purports to rely on this source for the content of her report.¹⁵ Given the relatively limited length of the video and the extent of notice provided prior to Witness DHT-03's appearance as a witness, no prejudice is caused. The citation of this source in Witness DHT-03's report provides, in itself, sufficient relevance for its addition to the Exhibit List, without prejudice to the separate question of whether it is sufficiently relevant to admission as evidence in this case.

9. The second category of items consists of three LSU correction memoranda to audio-recordings that have already been admitted as evidence in this case. As made clear in the Order on the Further Conduct of Proceedings, as well as previous decisions,¹⁶ the "LSU's memoranda are part of the evidentiary record, together with the audio-recordings of the visits and their corresponding

¹² See KSC-BC-2023-12, F00736, Single Trial Judge, *Decision on Prosecution Request for Amendment of the Exhibit List*, 11 February 2026, confidential, para. 8; a public redacted version was issued on 17 February 2026; Decision F003457 para. 15; KSC-BC-2020-06, F03546, Trial Panel II, *Decision on Thaçi Defence Further Request to Amend the Exhibit List*, 28 October 2025, public, para. 12.

¹³ Request, para. 3.

¹⁴ DHT1201286-01309, p. DHT1201294., fn. 12.

¹⁵ See Disclosure Package 123.

¹⁶ KSC-BC-2023-12, F00708, Single Trial Judge, *Decision on Prosecution Request for Transcription/Translation Verification Deadline*, 29 January 2026, public, para. 20(d); F00737, Single Trial Judge, *Decision on the Specialist Prosecutor's Motion for Admission of Material through the Bar Table*, 12 February 2026, confidential, para. 33.

transcripts and translations, as tendered by the SPO.”¹⁷ Accordingly, the Thaçi Defence may use these items during its direct examination of Witness DHT-03 without their addition to its Exhibit List. This request is therefore moot.

10. The third category of information sought to be added to the Exhibit List encompasses items that the Thaçi Defence believes may be disclosed by the SPO in the future on the basis of the Decision on Thaçi Request for Disclosure of Information Regarding Transcription/Translation Process.¹⁸ In the absence of any such concrete disclosure at this stage, or any specific documents upon which the relevant assessment for addition of documents to the Exhibit List can be conducted, the request is speculative and premature. This part of the Request must, therefore, be denied.

¹⁷ Order on the Further Conduct of Proceedings, para. 19.

¹⁸ Decision on Thaçi Request for Disclosure, para. 29(b).

V. DISPOSITION

11. For the above reasons, the Single Trial Judge hereby:

- a. **GRANTS** the Request in part;
- b. **AUTHORISES** the Thaçi Defence to add DHT1201624-01624 to its Exhibit List;
- c. **ORDERS** the Thaçi Defence to file its amended Exhibit List by no later than **Thursday, 7 May 2026, at 4 pm;** and
- d. **DENIES** the remainder of the Request.



Judge Christopher Gosnell
Single Trial Judge

Dated this Wednesday, 6 May 2026

At The Hague, the Netherlands.