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SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In:	**KSC-BC-2023-12**
	Specialist Prosecutor v. Hashim Thaçi, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu, and Hajredin Kuçi
Before:	**Single Trial Judge**
	Judge Christopher Gosnell
Registrar:	Dr Fidelma Donlon
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'Prosecution Final Trial Brief with Confidential Annexes 1-10'

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I. INTRODUCTION

1. Facing trial for war crimes and crimes against humanity,[1] **Hashim THAÇI** attempted to obstruct the criminal case against him. He did so by targeting multiple witnesses for interference and violating court orders designed to protect witnesses and the integrity of the proceedings. He did so with the agreement and assistance of his chosen, loyal co-accused **Bashkim SMAKAJ**, **Isni KILAJ**, **Fadil FAZLIU**, and **Hajredin KUÇI** ('co-Accused', and including **THAÇI**, the 'Accused'). And he did so repeatedly, brazenly scheming to undermine the rule of law and thwart this tribunal's core purpose: the fair administration of justice free from the pervasive climate of interference that necessitated the tribunal's placement in The Hague.

2. The proof of **THAÇI's** and his co-Accused's criminal conduct is overwhelming. For several months in 2023, **THAÇI's** non-privileged visits to the Kosovo Specialist Chambers ('KSC') Detention Centre ('DC') were recorded pursuant to judicial order. Those audio recordings prove – unequivocally – that **THAÇI** consistently abused his DC visits to plot with and issue orders to his co-Accused and to others. His instructions were unambiguous and pervasive. **THAÇI** ordered, often in a whisper to conceal his words from detection by Detention Officers, that multiple key Case 6 witnesses be told to alter or shape their testimony to deny or minimise his culpability for the charged crimes. **THAÇI** thus leveraged his visits with his co-Accused to project power and influence outside the DC in an attempt to control and direct witness testimony to his benefit.

3. As charged in the Indictment,[2] **THAÇI** formed discrete groups with **SMAKAJ**, **KILAJ**, and **FAZLIU**, along with other uncharged group members,[3] to target specific

[1] *See Specialist Prosecutor v. Hashim Thaçi et al.*, KSC-BC-2020-06 ('Case 6'/'C6').
[2] All references to 'Indictment' refer to the Indictment in this case, unless otherwise specified. For clarity, Annex 1 to this brief contains a Table of Authorities, including all short names used herein.
[3] Per the Confirmation Decision, the SMAKAJ Group consists of THAÇI, SMAKAJ, Blerim SHALA, Artan BEHRAMI and Ismail SYLA; the KILAJ Group consists of THAÇI, KILAJ, and Vllaznim KRYEZIU; and the 'FAZLIU Group' consists of THAÇI, FAZLIU, and Fahri FAZLIU – *see* Confirmation Decision:para.184.

witnesses for interference. **THAÇI** chose the particular group members because they had knowledge of, relationships with, and access to the targeted witnesses. **THAÇI's** co-Accused and uncharged group members agreed to his interference instructions and conspired with him on how best to phrase and execute them, all the while taking steps to evade detection by the Specialist Prosecutor's Office ('SPO') and the Court.

4. In **KUÇI's** case, **THAÇI** turned not to a group but to his longtime friend, subordinate, and fellow Case 6 co-accused's Defence team member to influence several witnesses. During their one-on-one non-privileged visit in September 2023, **THAÇI** instructed **KUÇI** – a member of Kadri VESELI's Defence in Case 6 ('VESELI Defence') since at least February 2022[4] – to approach at least three different witnesses and tell each one how to testify about certain events to benefit **THAÇI**. **KUÇI** not only agreed to do as directed, he suggested how to arrange contact with targeted witnesses and how to make the instructions clear to them, all in contempt of court orders and decisions. **KUÇI** is also charged with a separate contempt count for contacting an SPO witness in April 2023 in direct contravention of a court order, just as trial in Case 6 began.

5. **THAÇI's** attempts to interfere with witness testimony were part of his broader pattern of obstructive conduct throughout the Indictment period. **THAÇI's** pattern included unlawfully revealing to his DC visitors confidential and protected witness information, and – aided and encouraged by his co-Accused in this case – violating court orders aimed at protecting SPO witnesses. **THAÇI's** purpose throughout was to obstruct Case 6 proceedings and to obstruct official persons, namely SPO and KSC officials, in performing their official duties.

[4] AF00027(Public). For clarity and ease of reference, each agreed fact ('AF'), adjudicated fact ('AdjF') and judicially-noticed record ('JN') referenced herein is referred to by an SPO-assigned short name, a complete list of which is found at Annex 2 to this filing. Where an item was both admitted as an exhibit and judicially noticed, this is noted in the annexed table.

6. The tens of hours of audio recordings of **THAÇI's** DC visits lay bare his and his co-Accused's criminal conduct. The targeting of witnesses and revelation of confidential information were not one-off or spontaneous events. **THAÇI's** instructions – captured across recording after recording – were calculated, consistent and extensive; the witnesses he (repeatedly) identified as threatening to his defence must be told to change or withdraw their most inculpatory anticipated testimony. **THAÇI** demanded that the witnesses conform their testimony to ***THAÇI's*** narrative of the Kosovo war events, including the specific roles of individuals and other entities, which was intended to minimise or eliminate altogether ***THAÇI's*** culpability for the crimes charged in Case 6 (**THAÇI's** 'Preferred Narrative').

7. That **THAÇI's** pattern of obstructive conduct repeated across the recorded visits is corroborated and confirmed by other evidence, including: witness-related documents referenced during the recorded visits and later seized from **THAÇI's** co-Accused; KSC court records; DC records; records from **THAÇI's** use of the DC's computer and printing systems; expert evidence regarding the printing of documents at the DC; and electronic evidence collected from multiple seized electronic devices, including the co-Accused's personal mobile phones and laptop computers.

8. Together, the evidence proves beyond a reasonable doubt that **THAÇI**, **SMAKAJ**, **KILAJ**, **FAZLIU**, and **KUÇI** are individually criminally responsible under Article 15(2) and Article 16(3) of the Law[5] for offences charged under the Criminal Code of the Republic of Kosovo ('KCC') Article 392 (Violating Secrecy of Proceedings), Article 393 (Contempt of Court), and/or Article 401 (Attempted Obstruction of Official Persons in Performing Official Duties).

[5] All references to 'Article(s)' or 'Art(s).' refer to the Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, unless otherwise specified.

II. EVIDENTIARY CONSIDERATIONS

A. GENERAL PRINCIPLES

9. The Law and Rules,[6] in particular Article 21(3), Rule 139 and Rule 140, regulate the standard of proof the Single Trial Judge ('STJ') must apply and guide the assessment of evidence for the purposes of judgment. These provisions reflect the jurisprudence of other courts and tribunals which, as appropriate, provide a relevant resource for the interpretation and application thereof.

1. Standard of Proof

10. The guilt of the Accused must be proven beyond a reasonable doubt.[7] Reasonable doubts must be grounded in reason.[8] Accordingly:

> The reasonable doubt standard in criminal law cannot consist in imaginary or frivolous doubt based on empathy or prejudice. It must be based on logic and common sense, and have a rational link to the evidence, lack of evidence or inconsistencies in the evidence.[9]

11. The beyond a reasonable doubt standard must be applied to the facts constituting the elements of the charged crimes and of the modes of liability, as well as to other facts upon which conviction depends.[10] The beyond reasonable doubt requirement shall not be applied to individual pieces of evidence.[11]

12. For circumstantial evidence, the standard of proof beyond reasonable doubt is only satisfied if the inference from that evidence is the only reasonable one that could be drawn from the evidence presented.[12] Circumstantial evidence shall be assessed with caution and reasoned findings shall be provided, in particular regarding the

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[6] All references to 'Rule' or 'Rules' hereinafter refer to the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, unless otherwise specified.
[7] *See* Art.21(3), Rule 140(1) and Rule 158(3).
[8] *Ongwen* TJ:para.228.
[9] *Rutaganda* AJ:para.488. *See also Ongwen* TJ:para.228.
[10] Rule 140(2); *Ongwen* TJ:para.227.
[11] Rule 140(2).
[12] Rule 140(3); *Ngirabatware* TJ:para.60.

consistency and intrinsic coherence of such evidence, where a panel bases a conviction solely or to a decisive extent on such evidence.[13]

13. A conviction may not be based solely or to a decisive extent on: (a) the statement of a witness whom the Defence had no opportunity to examine; (b) the evidence of witnesses whose identity was not disclosed to the Defence; or (c) the evidence of a person under the age of 18 or a person whose judgment has been impaired, who, in the opinion of a Panel, does not understand the meaning of the duty to speak the truth.[14] However, subject to these three exceptions, a Panel shall not impose a legal requirement that corroboration is required in order to prove any crime or criminal conduct within the jurisdiction of the KSC.[15]

2. Assessment of Evidence

14. For the purposes of a trial judgment, the Panel cannot consider evidence declared inadmissible.[16] It must assess each piece of evidence in light of the entire body of evidence admitted before it at trial and carry out a holistic evaluation of it and weighing of all the evidence taken as a whole to establish whether or not the facts at issue have been established.[17]

15. The means by which credibility is assessed differs according to the form and nature of the evidence before the trier of fact.[18] In assessing the credibility of documentary evidence, the Panel may consider, *inter alia,* the document's source, authenticity, content, and purported use.[19]

[13] Rule 139(5).
[14] Rule 140(4).
[15] Rule 139(3); *Taylor* AJ:para.78.
[16] Rule 139(1).
[17] Rule 139(2). *See also Ongwen* TJ:para.227; *Al Jadeed* AJ:para.56; *Ngirabatware* TJ:para.50.
[18] *See Al Jadeed* AJ:fn.201; *Musema* TJ:para.60.
[19] *See Musema* TJ:paras.59-60,63-67,70-72.

16. In determining the weight to be given to the testimony of a witness, a Panel shall assess the credibility of the witness and the reliability of his or her testimony.[20]

17. The assessment of the appropriate weight and credibility to be accorded to the testimony of a witness should be made on a case-by-case basis.[21] In undertaking such assessment, the Panel may consider, *inter alia*: (i) the plausibility, coherence, detail and clarity of the witness's testimony; (ii) whether and to what extent the witness is, or is not, in a position to provide certain information as well as the basis of knowledge on which a particular statement is made; (iii) the individual circumstances of the witness, including his or her role in the events in question and any motivation to lie; and (iv) the witness's demeanour when testifying in court, willingness to respond to questions, spontaneity when responding, and responses during cross-examination.[22]

18. Inconsistencies in a piece of evidence do not *per se* require a Panel to reject it as unreliable; a Panel may accept parts of a piece of evidence and reject others.[23] Minor inconsistencies commonly occur in witness testimony without rendering the testimony unreliable; it is within the Panel's discretion to evaluate any such inconsistencies, to consider whether the evidence taken as a whole is reliable and credible, and to accept or reject the fundamental features of the evidence.[24]

19. Just as for any other evidence presented, it is for the Panel to assess the reliability and probative value of expert reports and testimony.[25] Factors relevant to this assessment include the professional competence of the expert, the scope of their expertise, the methodologies used, the material at their disposal, the coherence of their

[20] Rule 139(4).
[21] *Nyiramasuhuko et al.* AJ:para.2971.
[22] *See Ongwen* TJ:paras.255-260; *Ngirabatware* TJ:para.52; *Nyiramasuhuko et al.* AJ:para.692; *Stanišić and Simatović* TJ:para.13.
[23] Rule 139(6). *See also Ngirabatware* TJ:para.53.
[24] *Ngirabatware* TJ:para.53.
[25] *Nahimana et al.* AJ:para.199.

findings with other evidence in the case, and the general relevance and reliability of their evidence in relation to the case as a whole.[26]

20. The credibility, reliability, and weight of evidence presented by an accused is assessed in the same manner as evidence presented by the prosecution.[27]

21. The Panel may rely on evidence that falls outside of the temporal scope of the charges in certain circumstances, including: (i) to clarify a given context; (ii) to establish by inference the elements, in particular the *mens rea*, of criminal conduct occurring during the material period; or (iii) to demonstrate a deliberate pattern of conduct.[28]

B. SPECIFIC CATEGORIES OF EVIDENCE

22. In addition to three credible and reliable witnesses (Witness 7, Witness 8, and Witness 9), the SPO's evidence includes: (i) audio recordings and corresponding transcripts/translations of **THAÇI's** non-privileged DC visits and calls; (ii) electronic records and documents seized by the SPO pursuant to judicial authorisation; (iii) records related to **THAÇI's** use of DC computer and printing systems, and expert evidence regarding printed documents seized from the Accused; (iv) KSC Registry records, judicially noticed records, and agreed and adjudicated facts; and (v) **KILAJ's** voluntary SPO interview. While the weight and probative value of the SPO's evidence

[26] C5 TJ:para.41; *Ayyash et al*. TJ:para.333; *Karadžić* TJ:para.19; *Ndindiliyimana et al*. TJ:para.116; *Katanga* TJ:para.94.
[27] *Ntaganda* AJ:paras.13,587.
[28] *Nahimana et al.* AJ:para.315; *Prlić et al.* Decision:p.9; *Taylor* TJ:para.101; *Case 002/01* TJ:fn.195; C6 Decision F02393:para.17.

is addressed in the relevant fact and legal analysis sections below,[29] several categories of evidence merit initial discussion here.

1. DC Visit Audio Recordings, Transcripts and Voice Attribution

23. The audio recordings of nine non-privileged visits to **THAÇI** at the DC during the Indictment period are admitted in this case ('Visit Recordings') along with their corresponding transcripts and translations ('Visit Transcripts'). Five of the recordings[30] capture **THAÇI's** meetings with his co-Accused ('Core Visits'). The remaining four recordings[31] capture **THAÇI's** visits with uncharged persons ('Pattern Visits'). Together, these visits contain evidence of **THAÇI's** broader pattern of obstructive conduct directly relevant to and corroborative of the charged offences, including his: (i) issuance of instructions on how witnesses should testify; (ii) revelation of confidential witness information; and (iii) role as the leader and organiser of the charged offences.

24. The Visit Recordings were all made and obtained pursuant to judicial authorisation and monitoring. Their provenance and authenticity are uncontested,[32] and they, and the Visit Transcripts, are reliable and accurate, including with respect to voice attribution.[33]

[29] All exhibits cited in this brief cite to the English-language version; where the original Albanian language version is relevant/contains parts not included in the English translation, the citation to the Albanian version is also provided.
[30] P00105(Confidential); P00106(Confidential); P00108(Confidential); P00109(Confidential); P00110(Confidential).
[31] P00111(Confidential); P00112(Confidential); P00113(Confidential); P00114(Confidential).
[32] *See* Response F00688:para.25 (as to the absence of an objection to the Visit Recordings' admission where 'shown to be relevant to the charges in the Indictment'); Bar Table Decision:para.50.
[33] *Contra. e.g.* Response F00688:paras.50-101.

(a) Transcripts/translations

25. The Visit Transcripts are an accurate and reliable record of the Visit Recordings. The Visit Transcripts were produced and reviewed by qualified SPO language staff,[34] in conformity with the Working Language Decision.[35] Absent any specific, substantiated allegation of error, the Visit Transcripts should be accorded full probative weight, alongside the Visit Recordings.[36]

26. The Visit Transcripts' accuracy and reliability are further demonstrated by both internal and external corroboration. Far from isolated snippets, the audio evidence comprises more than 28 hours of Visit Recordings with conversations between **THAÇI** and his visitors in which similar and often identical content – including the same words, phrases, witnesses, and topics – is repeated within and across recorded visits.[37] As further detailed below, the conversations are replete with specific facts about, *inter alia*, the targeted Case 6 witnesses and their evidence, logistical details, and consistent narratives that recur and progress from one recorded visit to the next.[38]

27. In addition to the overwhelming consistency of the words used and topics discussed by **THAÇI** across visits, the Visit Transcripts are corroborated by evidence

[34] *See* 1D00141(Confidential); 1D00142(Confidential); 1D00143(Confidential); 1D00145(Confidential); 1D00146(Confidential); 1D00147(Confidential); 1D00148(Confidential). The THAÇI Defence's suggestion that the relevant language staff might include 'SPO analysts or investigators' is unfounded (Response F00920:para.12). None of the SPO personnel – whether staff or contractor – who transcribed the Visit Recordings are analysts or investigators or police. This is clear from Notice F00906:para.3 (noting their positions as language assistants) as well as from their admitted CVs and them being assigned interpreter codes reserved for language staff and contractors. That language assistants are involved in other tasks routinely performed by language staff has no bearing on their qualifications or capacity to produce reliable transcripts. *See* Bar Table Decision:para.36, *citing Bemba et al.* AJ:para.1339 (noting that the involvement of Prosecution transcribers and translators in the production of translations 'was not in itself a reason not to take them into account'); Decision F00884:para.19 ('it is difficult to imagine discussions between transcribers and other SPO staff not intrinsically involving "hypotheses" or "analysis of evidence"').
[35] Bar Table Decision:paras.32,51-54.
[36] Reconsideration Decision:para.26; Bar Table Decision:para.36 *citing Bemba et al.* AJ:para.1339 ('it is incumbent upon the party that disputes a transcription or translation to specify the mistakes').
[37] Bar Table Decision:para.35; Reconsideration Decision:para.33. *See also* DHT-03:T.1017-1018(12-May-2026)(Open).
[38] *See* Section_III.C; Section_III.D.

that was not – and could not have been – known to the SPO or any language staff at the time of transcription.

28. To cite just one example, the transcript of **THAÇI's** recorded 22 September 2023 visit with Milaim AHMETAJ ('22 September Visit') was first disclosed to the Defence in December 2024.[39] The Visit Transcript includes **THAÇI's** repeated references to the [REDACTED] SPO interview of Case 6 witness [REDACTED][40] ('[REDACTED]'s SPO Interview'), including references to '[REDACTED]' and 'Part 3', 'questions-answers',[41] and '[REDACTED]'.[42] In November 2025, citing this information from the 22 September Visit Transcript, the SPO requested the court-assigned independent counsel ('IC') review of a document named '[REDACTED]',[43] which was printed by the sole DC printer available for detainee printing on 19 September 2023.[44] As detailed below, the review revealed that the [REDACTED] Document contains the full name '[REDACTED]', as well as summaries of his disclosed evidence in Case 6, *including a verbatim excerpt from* [REDACTED], *Part 3* of his SPO interview, and nine references to '[REDACTED]',[45] a name **THAÇI** uttered repeatedly during the 22 September Visit and which is included numerous times in [REDACTED]'s SPO Interview.[46] This sequence – the SPO transcript of a Visit Recording containing references to facts

[39] The first version of the relevant transcript (115629 220923-121435-135935-TR-AT-ET) was disclosed to the Defence in this case on 17 December 2024, after having been provided to the Single Judge pursuant to Rule 86 in June 2024 (it was disclosed to the THAÇI Defence in Case 6 on 26 January 2024). *See generally* Response F00413:para.16.
[40] Witnesses are identified by true name in this brief only where such name is relevant to their identification in other Case 12 evidence; otherwise, they are referred to only by their witness code(s). [REDACTED] is the witness code assigned to [REDACTED] in Case 6. For him and all other Case 6 witnesses without a Case 12-specific witness code, the Case 6 code is used to refer to the witness herein. For witnesses who have both a Case 6 and Case 12 witness code, both codes will be introduced at the witness's first mention herein; thereinafter the Case 12 code will be used. Exceptionally, both Case 6 and Case 12 codes for a witness are provided where useful for reviewing the underlying source material.
[41] P00113_ET(Confidential):pp.22-23,44. *See also* Section_III.C.2(c)(ii).
[42] P00113_ET(Confidential):pp.23,25,27,41-42,45-46.
[43] This is the last name, preceded by the first letter of the first name, of [REDACTED].
[44] Request F00401:paras.8-11; Request F00545:paras.9-13.
[45] P00216_ET(Confidential). *See also* Section_III.C.2(c)(ii).
[46] *See* JN.00084_ET(Confidential). *See also* Section_III.C.2(c)(ii).

unknown to the SPO at the time of transcription, with those facts then later confirmed by subsequent external investigative steps and the collection of new evidence – occurred multiple times[47] and further reinforces the Visit Transcripts' accuracy.[48]

29. Finally, and dispositively, nearly all sections of the Visit Transcripts relied upon by the SPO have been independently verified by the Registry's Language Services Unit ('LSU'), consistent with the established process for raising and resolving alleged inaccuracies in party-prepared translations and transcripts ('Verification Process').[49] The LSU verifications cover approximately 200 pages requested by the Defence and more than 25 additional pages requested by the STJ.[50] Where a Visit Transcript section has been verified, the SPO has cited to, and quoted from, the text as verified and amended by the LSU.[51]

30. The Defence challenges to the Visit Transcripts' reliability are unfounded. Despite the opportunity – available for more than a year – to present concrete challenges to the Visit Transcripts' accuracy, the Defence failed to identify specific lines or segments subject to dispute or to provide proposed corrections.[52] Instead, they claimed entire swaths of the Visit Recordings – one comprising more than fifty

[47] *See e.g.* Reply F00713:paras.13-19 (providing several illustrative examples); Section_III.C.1(a); Section_III.C.1(d).
[48] *Cf.* 1D00136(Public):p.19; DHT-03:T.954(12-May-2026)(Open).
[49] As defined in Response F00849:para.4. The Verification Process is detailed in the Verification Decision and grounded in the Working Language Decision. *See* Verification Decision:paras.9-20; Working Language Decision:para.27.
[50] *See* Annex 3, email from the Registry's CMU to the LSU and the Parties on 19 February 2026 at 12:22; Annex 3, email from the Registry's CMU to the LSU and the Parties on 10 March 2026 at 08:29; Annex 3, email from the Registry's CMU to the LSU and the Parties on 30 March 2026 at 13:19. The STJ's requests included also significant portions overlapping with Defence verification requests, including some ultimately withdrawn by the Defence. For the sake of completeness, all transcript verification requests/withdrawals are included in Annex 3.
[51] For clarity, all citations herein to LSU-verified portions of the Visit Transcripts contain the page citation to the SPO transcript *and* to the corresponding LSU verification memorandum verifying the cited page(s).
[52] The primary exception to this, which demonstrates the Defence knew how to challenge the accuracy of a specific portion of a transcript when it wanted to, is the SMAKAJ Defence's challenge to specific lines of the 7 October Visit transcript. *See* Smakaj PTB:paras.10-11.

minutes of discussion[53] – were wholly 'indistinct' and thus incapable of transcription without biased 'priming'.[54]

31. The claim is false and belied by the Visit Recordings themselves. Even a cursory review allows the STJ to confirm – independently or with LSU assistance – that significant portions of the audio that the Defence claimed are wholly indistinct are, in fact, either clearly audible upon first listen or discernible with close and/or multiple listens.[55] Where specific spoken words in the challenged sections are genuinely indistinct – usually because of the speaker's intentional whispering – the indiscernibility is noted in the Visit Transcripts. In this context, the generic Defence allegations about the SPO's transcription processes are disconnected from the actual audibility of the Visit Recordings and contradicted by overwhelming evidence

[53] *See* Annex 3, email from the THAÇI Defence to the Registry's CMU on 23 February 2026 at 16:22 (requesting the verification of several segments from the 3 September Visit, including a segment with more than 50 minutes of consecutive recordings totalling 51 pages of transcript); Annex 3, email from the THAÇI Defence to the Registry's CMU on 11 February 2026 at 17:13 (requesting the verification of several segments from the 6 October Visit, including a block with 20 minutes of consecutive recording corresponding to 22 transcript pages, another block with 20 minutes of consecutive recording corresponding to 23 transcript pages, and another block with 21 minutes of consecutive recording corresponding 20 transcript pages); Annex 3, email from the THAÇI Defence to the Registry's CMU on 6 February 2026 at 18:02 (requesting the verification of several segments from the 2 July Visit, including a block with 15 minutes of consecutive recording corresponding to 19 transcript pages).
[54] *See* Response F00688; Request F00722; F00730/A01; F00730/A02; F00730/A03.
[55] For example, approximately 15 minutes of audio challenged as 'indistinct' by the THAÇI and KILAJ Defence are almost entirely audible with only brief whispering, including when the speakers discuss the provenance of a protected witness: P00109_ET(Confidential):pp.102-114/P00109_LSU.2(Confidential):pp.146-158/P00109_LSU.1(Confidential):pp.26,30-31/P00109(Confidential):061023-124746.wav(00:03:32-00:05:00),061023-125246.wav,061023-125746.wav,061023-130246.wav(00:00:00-00:01:22). Similarly, the vast majority of the following 14 minutes of audio challenged by THAÇI and FAZLIU Defence is clearly audible: P00105_ET(Confidential):pp.40-59/P00105_LSU.2(Confidential):pp.36-43/P00105_LSU.1(Confidential):pp.6-8,11-12,22-25/P00105(Confidential):020723-122000.wav(00:02:01-00:05:00),020723-122500.wav,020723-123000.wav,020723-123500.wav(00:00:00-00:01:59). More than seven minutes of audio, challenged by the THAÇI Defence and KUÇI Defence, is also almost entirely audible: P00106_ET(Confidential):pp.50-56/P00106_LSU.2(Confidential):pp.17-22/P00106(Confidential):030923-075909.wav(00:02:15-00:05:00),030923-080409.wav. The SPO notes that all timestamps provided in this brief cite to the specific exhibit number of the full audio recording along with the specific five-minute .wav file and the applicable time range within that segment. Where the citation references the entirety of the full five-minute .wav file, the .wav file number is included without reference to a specific time range within it.

corroborating the words as transcribed.[56] Further, the Defence's demonstrably false claim that whole sections of audio are indistinct – including where the participants speak at full volume in clear language – reveals the Defence's superficial and baselessly sweeping approach to the Verification Process and to the audio evidence generally.

32. The THAÇI Defence and SMAKAJ Defence also made and then withdrew verification requests for sections of two transcripts of Core Visits[57] and all four Pattern Visits.[58] The THAÇI Defence withdrew these verification requests – ostensibly due to their apparent dissatisfaction with the process[59] – only *after* the LSU began providing verification results for other transcripts.[60] Inexplicably, at the same time the THAÇI Defence withdrew its request for these visits, it *maintained* its then-pending verification requests for the Visit Transcript of **KUÇI's** 3 September Visit to **THAÇI** at the DC ('**3 September Visit**').[61]

33. Where the Defence withdrew or never submitted a verification request, the accuracy of the relevant Visit Transcript segments should be considered

[56] The Defence's related claim that the revision of transcripts demonstrates their unreliability has already been rejected by the STJ. *See* Bar Table Decision:para.54 ('Translations are routinely corrected and revised in complex trial proceedings involving translation and interpretation [...]'). *See also* DHT-03:T.830(11-May-2026)(Open); DHT-03:T.903-905,1017-1018(12-May-2026)(Open).
[57] *See* Annex 3, email from the THAÇI Defence to the Registry's CMU on 18 February 2026 at 08:43 (request relating to the 9 September and 7 October SMAKAJ Visit Transcripts). Significant portions of the SMAKAJ Visit Transcripts have nonetheless been verified pursuant to the instructions of the STJ. *See* Annex 3, email from the Registry's CMU to the LSU and the Parties on 19 February 2026 at 12:22; *See* Annex 3, email from the Registry's CMU to the LSU and the Parties on 10 March 2026 at 08:29; P00108_LSU(Confidential); P00110_LSU.1(Confidential); P00110_LSU.2(Confidential); P00110_LSU.3(Confidential).
[58] *See* Annex 3, email from the THAÇI Defence to the Registry's CMU on 25 February 2026 at 08:26 (request relating to the Pattern Visits).
[59] *See* Defence_Preparation_Conference:T.758-760(01-Apr-2026)(Open) (having received results from the LSU's first reviews, Counsel for THAÇI indicated that the THAÇI Defence did 'not intend to rely on the LSU work' and did not consider the verifications 'necessary' due to the LSU's methodology, while still maintaining the verification request for the 3 September Visit).
[60] *See* Annex 3, email from the THAÇI Defence to the Registry's CMU on 10 April 2026 at 09:19 (withdrawing the THAÇI and SMAKAJ request concerning transcripts from the SMAKAJ Visits and the THAÇI request concerning the Pattern Visits).
[61] *See* Annex 3, email from the THAÇI Defence to the Registry's CMU on 10 April 2026 at 09:19. *See also* Defence_Preparation_Conference:T.758-760(01-Apr-2026)(Open).

unchallenged. Further, the results of the Verification Process, which substantively reaffirmed the transcription of audio segments selected by the Defence and the STJ, constitute another indicator of the Visit Transcripts' reliability as a whole.[62]

34. The handful of third-party transcripts procured by the THAÇI Defence to challenge the SPO transcription process do not undermine the reliability of the Visit Transcripts. First, with the exception of a few lines of text, the admitted SPO transcripts of the nine unique audio segments provided to **Hysni REÇICA (DHT-01)** and/or the Eurideas firm – totalling approximately just 20 minutes of the more than 28 hours of admitted Visit Recordings[63] – have all been subject to LSU verification.[64] Against this background, differences between the Visit Transcripts and the Defence-commissioned excerpts reflect the linguistic and/or transcribing limitations of the commissioned transcribers,[65] the minuscule percentage of the total audio provided to

[62] For completeness, there is also a limited selection of transcript portions relied upon for *additional* voice attribution evidence, which have not been submitted for verification. In assessing these particular portions, the STJ can verify their accuracy himself (for example where a visit participant's name is clearly audible and useful for speaker attribution) and/or with the LSU's assistance, as necessary.

[63] DHT-01 was asked to transcribe a total of ten audio clips provided by the THAÇI Defence, two of them overlapping and several of them under a minute in duration, whereas the Eurideas firm was asked to transcribe only five audio clips. 1D00036(Confidential):paras.7-15; 1D00122(Confidential):p.DHT1201242. *See also* DHT-03:T.1017-1018(12-May-2026)(Open).

[64] With the exception of scattered lines from the 7 October SMAKAJ Visit Recordings – in respect of which the THAÇI Defence and SMAKAJ Defence did not request or withdrew their verification request – the THAÇI Defence-commissioned transcripts all pertain to Visit Recordings/Transcripts that have been verified by the LSU. *See* P00105_LSU.1(Confidential):pp.6-8; P00105_LSU.2(Confidential):pp.36,42; P00108_LSU(Confidential):pp.41-42; P00109_LSU.1(Confidential):pp.5-6,16-18; P00109_LSU.2(Confidential):pp.103-104; P00110_LSU.1(Confidential):p.2; P00110_LSU.2(Confidential):p.2; P00110_LSU.3(Confidential):pp.14-15,19.

[65] For example, none of the Eurideas transcribers' CVs mentions any knowledge of specific Albanian dialects such as Gheg or prior experience with covert recordings: 1D00127(Confidential):p.DHT1201257 (listing the translator's nationality as [REDACTED] and native language as [REDACTED], with a note that the translator's [REDACTED]); 1D00128(Confidential):p.DHT1201263 *and* 1D00126(Confidential):p.DHT1201246 (specifying the translator is [REDACTED] with Albanian background and their native languages are English and Albanian); 1D00129(Confidential):p.DHT1201264 (listing the translator's nationality and native language as Albanian, with work experience in [REDACTED]). Note also the feedback provided by Eurideas linguists that the audios are 'practically incomprehensible and spoken in a very difficult slang/dialect', 1D00126(Confidential):p.DHT1201247.

them,[66] and the limited time they were provided to conduct their work,[67] rather than a categorical conclusion about the audibility of the Visit Recordings. That the THAÇI Defence chose to tender these alternative transcripts without providing them to the LSU as part of its verification requests pertaining to the same Visit Recordings, despite being repeatedly invited to do so,[68] further diminishes their limited evidentiary value[69] and demonstrates the Defence's lack of interest in actually determining the content of the Visit Recordings.[70]

35. Moreover, despite their limitations, in multiple instances the Defence-commissioned transcripts actually *reinforce* the Visit Transcripts' accuracy. Indeed, while DHT-01 deemed inaudible certain audio segments provided to him, the Eurideas transcribers *successfully transcribed* substantial parts of the *same segments*, and

[66] *See* Reconsideration Decision:para.33 (noting that LSU transcribers 'progressively gain contextual knowledge from the many hours of recordings themselves'); DHT-03:T.1017-1018(12-May-2026)(Open).
[67] The Eurideas transcripts were produced in less than one week by three transcribers, whereas DHT-01 spent between one to seven days on each of the transcription requests with no reported peer review or assistance. *See* 1D00036(Confidential):paras.7-15; 1D00037(Confidential); 1D00038(Confidential); 1D00039(Confidential); 1D00122(Confidential):p.DHT1201242; 1D00126(Confidential):p.DHT1201245.
[68] Verification Decision:para.20(a); Reconsideration Decision:para.36; Decision F00862:paras.22-24; Decision F00894:para.47.
[69] Decision F00862:para.23 (noting that any weight assigned to DHT-01's evidence would be assessed 'in light of the extensive review and verification of the SPO's transcriptions and translations that has now been undertaken by the LSU and the existence of the process itself' and 'against the substantial portions [of the relevant transcripts] that have been verified by the LSU'); Decision F00894:para.47.
[70] In addition to providing a few isolated audio recording segments to DHT-01 and Eurideas as described above, the THAÇI Defence in late 2025 made an *ex parte* request – in violation of the procedures in the Working Language Decision – to the LSU for *re-transcription* of two segments from the 3 September Visit (P00107.3 and P00107.4) for which the SPO had already provided transcripts and translations; *see* 1D00121(Confidential). That the LSU – in the brief time allotted – was unable to furnish a re-transcription of either segment is evidence of nothing. Further, as previously detailed and as is readily verifiable by the STJ himself – any claim that these two five-minute audio recording segments are entirely inaudible or indecipherable is belied not only by the LSU's subsequent review and verification of the existing SPO transcripts through the properly, judicially-mandated verification process (*see* P00107.3_LSU.1; P00107.3_LSU.2; P00107.4_LSU.1; P00107.4_LSU.2), but also *by listening to the recordings themselves*, which contain multiple instances of clearly audible discussion - *see* P00107.3(Confidential) and P00107.4(Confidential). *See also* F00713:paras.9-10.

produced transcripts matching or overlapping with the SPO transcription of the same segment at key points.[71]

36. For example, the substantive overlap between the Visit Transcripts and those produced by Eurideas includes a segment transcribed from **KILAJ's** and Vllaznim KRYEZIU's visit to **THAÇI** on 6 October 2023 ('**6 October Visit**'), wherein **THAÇI** referred **KILAJ** to 'Page 7' of the 'Sixth Part', and told **KILAJ** it needs to be 'correct[ed]'. These details match not only (i) the SPO's (now LSU-verified) transcript of the Visit Recording during which **THAÇI** repeatedly discussed Part 6, page 7 of the prior evidence of **[REDACTED] ([REDACTED], or 'Witness 4')** in an attempt to influence Witness 4's testimony, but also (ii) the torn-up pages of Witness 4's confidential prior statements seized from **KILAJ** just weeks after the 6 October Visit.[72] As detailed further below, the torn pages seized from **KILAJ** include page 7 of Part 6 of Witness 4's [REDACTED – Statement Z] which **THAÇI** repeatedly referred to during the visit, just as transcribed by *both* the SPO and Eurideas, as shown here and in Annex 4 (emphasis in original):

SPO transcripts with LSU verification [where applicable]	**Witness DHT-01 transcript**	**Eurideas Language Experts transcript**
P00109_ET:pp.56-57/P00109_LSU.1:p.16/P00109:061023-120746.wav(00:01:16-00:01:32)	1D00039.1:p.DHT1201192	1D00131_ET:p.DHT1201271
HASHIM THAÇI: [Indiscernible] "The Sixth Part 6, Part 6" tell him -- ISNI KILAJ: [Whispers] [Indiscernible]. HASHIM THAÇI: [Whispers] Tell him, "You have to correct Part 6" [Clicking of pen heard] [Silence 00:01:22-00:01:32]	*'Unclear, inaudible'*	01:17 Speaker 1: The 6th part. The sixth part. To (*unintelligible*) the sixth part needs to be corrected. ----------
P00109_ET:p.57/P00109_LSU.1:p.16/P00109:061023-120746.wav(00:01:32-00:01:45)	1D00039.1:p.DHT1201192	1D00131_ET:p.DHT1201271

[71] For the complete comparison of the results, *see* Annex 4, which displays the results of the DHT-01 and Eurideas transcription process alongside the SPO transcription of the same material.
[72] *See* Section_III.C.1(d)(ii)c). *See also* Section_II.B.3(b)(ii).

[HASHIM THAÇI:] "Page 7" [Indiscernible] You take just this for him to correct it [Indiscernible]. You take this one because we also have more. [Noise of clothing rubbing and paper shuffling is heard]	*'Unclear, inaudible'*	01:32 Speaker 1: Page 7. 01:39 Speaker 1: Let him take this one. Just to sign this and there is no need for others.

37. Moreover, the SPO's identification of **THAÇI's** references to Part 6, page 7 in the Visit Recording occurred *before* the SPO seized the pages from **KILAJ**, and their identification in the Visit Recording *formed the basis for the search and seizure request* that resulted in the discovery of the pages.[73] There was no priming. Indeed, similar to the [REDACTED] part and page references cited above and later found to have been printed at the DC, none of these externally corroborated details about the page and part numbers of Witness 4's prior evidence was or could have been known to the SPO prior to the **KILAJ** seizure, much less to Defence-commissioned transcribers.[74]

38. Another example of the substantive overlap between the LSU-verified transcripts and the DHT-01 *and* Eurideas transcription work is shown here and in Annex 4 (emphasis and red text in original):

SPO transcripts with LSU verification [where applicable]	**Witness DHT-01 transcript**	**Eurideas Language Experts transcript**
P00105_ET:p.42/P00105_LSU.1:p.7/P00105:020723-122000.wav(00:03:26-00:04:00)	1D00039.1:pp.DHT1201191-DHT1201192	1D00130_ET:p.DHT1201269
FADIL FAZLIU: Yes, that's right. I said, "We can have a chat when I come back". He said "Done deal". He said, "When you come back, we can have a coffee". HASHIM THAÇI: "When you come [Whispers] be brief". They will call him [Whispers with an even lower tone of voice] they will call him about -- but not like this. FADIL FAZLIU: No, no. No, no just to have a coffee. No, no. Nothing like that. Never. Because I have my son,	01:14 Person 1: I said when I come, we'll talk again, he said done. When you come, come let's have coffee. 01:28 Person 2: *Unclear* 01:29 Person 1: No, no, straight to coffee, not like this ever. I have Fahri's son, he will call him, come let's have coffee. 01:37 Person 2: Like that, not you? Say you have it on the 2nd, they have it on the 2nd,	01:12: Speaker 1. That's right. I told him when I come, we'll talk. And he said OK, done. As soon as you return, come to me. 01:24: Speaker 2: And we call one (*unintelligible*).. 01:27 Speaker 1. No, no. Only at a cafe to have coffee. Not like that. Never. As I have a son, Fahri, he calls on the phone and says

[73] *See* Section_II.B.3(b)(ii); Section_II.B.4(a); Request INV/F00035:para.13.
[74] *See* 1D00124(Confidential) (THAÇI Defence instructions that Eurideas transcribers produce their transcripts without contextual information).

Fahri "Call him for me on the phone" and I will tell him "Come on when can we have a coffee?". HASHIM THAÇI: [Speak in a quiet voice] That's right. Not you. [Whispers] Tell him, "You will have two days with the Americans". They call him two days earlier, "Do you have anything to correct, do you have anything?". Tell him "Get it done then". When they show it to him two days earlier -- will he get a lawyer? FADIL FAZLIU: I don't know. HASHIM THAÇI: Because -- FADIL FAZLIU: I do not know if he has any. I think he must have one.	they'll call him. Will you correct anything? Tell him to finish it there… (*unclear*)… the 2nd and earlier, will he take a lawyer? 01:46 Person 1: I don't know. 01:47 Person 2: You don't know. 01:48 Person 1: I don't know if he has one. I believe he does.	on my behalf, come to have a coffee 01:36 Speaker 2: That's right, not directly you. Say you were given two days, they called in two days earlier. Do you have anything to amend? Just state it there and finish. When they summon you earlier, will you be getting a lawyer? 01:46: Speaker 1: I don't know! 01:47: Speaker 2: You don't know! 01:48: Speaker 1: I don't know! I believe he has one.

39. Ultimately, the Defence's challenge to the reliability of both the Visit Transcripts and the Verification Process itself depends upon the evidence of **Professor Helen FRASER (DHT-03)**, which is in pertinent parts unreliable and, even taken at its highest, inapposite to this case.[75] Apart from opining on the theoretical concept of 'priming' – which may or may not have value in analysing audio evidence and transcriptions in certain cases – the specific methodological framework demanded by DHT-03 has never been adopted by any court or other relevant authority, nor is it universally accepted within the field of forensic linguistics itself.[76] DHT-03's three-pronged 'audible', 'inaudible' and 'indistinct' categories of audibility – upon which her report and its conclusions rest – are her own creation.[77] Her criteria for how she categorises audio to each category, and the extent to which each category is amenable

[75] The concept of 'priming' is generally of limited relevance in a case like this, where the relevant transcripts pertain to hours of recording, where incriminating content is expressed repeatedly and in different ways, and where the transcripts have been open and extensively subjected to a court-mandated and independent verification process. *See* Bar Table Decision:para.35; Reconsideration Decision:paras.33-34. *See also* DHT-03:T.859-864(11-May-2026)(Open); DHT-03:T.953,1017-1018(12-May-2026)(Open).
[76] DHT-03:T.969-970,974-975,990(12-May-2026)(Open). *See also* P00227(Public):paras.128-133.
[77] DHT-03:T.774-777(11-May-2026)(Open); DHT-03:T.928(12-May-2026)(Open).

to transcription without external context or could only be transcribed with top-down priming,[78] have likewise never been adopted by any forensic linguistics organisation.[79]

40. Moreover, DHT-03's 'impressions' about the categorisation and clarity of audio evidence in this case[80] – premised on her 'limited' review of less than three percent of the Visit Recordings[81] – are marred by severe methodological issues. DHT-03 was unable to provide any meaningful detail on even the most basic parameters of her assessment, including the material she received and relied upon for her report and its repeated revisions based on undisclosed communications with the THAÇI Defence.[82] Worse still, given her lack of *any* Albanian language proficiency or assistance,[83] DHT-03's categorical conclusion that the Visit Transcripts 'must' have been influenced by top-down priming aligning with the SPO's case[84] depended exclusively upon artificial intelligence ('AI') transcription tools.[85] Her analysis was wholly inconsistent with the professional standards binding upon her work, as evidenced by: (i) her agreeing to undertake casework concerning audio in a language in which she has no linguistic competence[86] – even after she herself requested professional *human* language assistance and was denied it,[87] a fact entirely absent from her report and Defence preparation note – and conducting her work without any peer review;[88] (ii) her

[78] 1D00136(Public):p.8; P00233(Public):para.14; DHT-03:T.774-777(11-May-2026)(Open).
[79] DHT-03:T.927-929(12-May-2026)(Open).
[80] 1D00136(Public):p.17; P00233(Public):para.27; DHT-03:T.921-928,959-964(12-May-2026)(Open).
[81] DHT-03:T.790(11-May-2026)(Open); DHT-03:T.902-903,906,916-919(12-May-2026)(Open).
[82] DHT-03:T.897-902,909-910,914-919,974,1008(12-May-2026)(Open).
[83] 1D00136(Public):p.17 ('The samples feature multiple speakers using a language that I understand to be Albanian, which I do not speak and would not have recognised independently.'); P00233(Public):para.27.
[84] 1D00136(Public):pp.17-18, 21-22.
[85] 1D00136(Public):pp.17-18 ('Since I do not speak the language and have no access to skilled Albanian listeners, I assessed the intelligibility of the audio by running it through an AI transcription tool.'); DHT-03:T.877-878,881-883(11-May-2026)(Open); DHT-03:T.921-928,959-964(12-May-2026)(Open).
[86] P00231(Public):pp.SPOE00412778-SPOE00412779 ('This includes […] ensuring that the professional only accepts cases that fall within their area of expertise and professional qualifications.'); P00232(Public):p.SPOE00412795(paras.2.3-2.4); DHT-03:T.958-959(12-May-2026)(Open).
[87] DHT-03:T.792(11-May-2026)(Open); DHT-03:T.925(12-May-2026)(Open). *See also* P00232(Public):p.SPOE00412796(para.3.9).
[88] P00232(Public):p.SPOE00412796(para. 3.9); DHT-03:T.1005-1006(12-May-2026)(Open).

apparent lack of technical awareness concerning AI transcription and asserted indifference to its potential limitations, in particular with different Albanian dialects;[89] and (iii) her failure to appropriately record her methodology, including her inability to specify which of the confidential audio segments provided to her she had entered into the various (online and offline) AI models used.[90] These shortcomings are fatal to the integrity and reliability of DHT-03's assessment and the credibility of her conclusions as a whole.

41. Despite her express reliance upon AI transcription for her analysis of the audio recordings in her report,[91] DHT-03 attempted to minimise and deflect that reliance during her testimony, claiming she was '[n]ot fully' able to analyse the clarity of the audio segments on her own, but could 'make some judgments in that direction', notwithstanding her inability to understand or even recognise Albanian.[92] Not only is this rationalisation contradicted by the express terms of DHT-03's report,[93] but it fails to credibly explain why – had DHT-03's initial 'impressions' about the audio quality been sufficient to support her conclusions – she had requested Albanian language assistance and, in its absence, turned to AI tools to conduct her review in the first place.[94] Indeed, throughout her testimony, DHT-03 refused to concede the possibility

[89] P00231(Public):p.SPOE00412781; DHT-03:T.935-936,944-947,965-969(12-May-2026)(Private). DHT-03 sought to defend the purported reliability of her AI experiment by opining that an AI language model's word error rate for Albanian or its familiarity with different Albanian dialects would not affect its ability to transcribe audio material with dialect variations. *See* DHT-03:T.939-943(12-May-2026)(Private).
[90] P00231(Public):p.5; 1D00136(Public):p.18; DHT-03:T.880-887(11-May-2026)(Private); DHT-03:T.929-934,944-947,965-969(12-May-2026)(Private).
[91] 1D00136(Public):p.18.
[92] DHT-03:T.877-878,881-883(11-May-2026)(Open); DHT-03:T.920-928,959-964(12-May-2026)(Open). *See also* DHT-03:T.1015(12-May-2026)(Open).
[93] 1D00136(Public):pp.17-18.
[94] DHT-03:T.927-928(12-May-2026)(Open) ('Q. And so why did you run it through an AI model and describe half a page of your doing that? A. Because I thought it would be helpful. Q. To whom? A. To the Court. To me, in the first place.'); P00233(Public):paras.27-28.

of counterfactual evidence or internal limitations within her opinion, revealing a bias towards her pre-determined views regardless of their alignment with the evidence.[95]

42. These limitations caused DHT-03's conclusions to be inherently incomplete, visibly partisan, and often self-contradictory. For instance, her assertion that the inclusion of non-verbal sounds in the Visit Transcripts was impermissibly subjective was shown to be inconsistent with her own prior casework in which she herself used similar interpretative commentary.[96] DHT-03 also summarily attributed variations among SPO-produced and Defence-commissioned transcripts to the clarity of the audio,[97] despite recognising that transcript quality and completeness could be affected by a range of factors, including transcriber aptitude.[98]

43. Finally, as noted above, there is no dispute that some of the Visit Recordings – including segments provided to DHT-03 – contain parts that are difficult to decipher, specifically due to the speakers' intentional whispering designed to make the conversation hard to hear. This reality is reflected *in the transcripts* where 'Indiscernible' is written. However, as recognised by DHT-03 and extensively demonstrated by the SPO transcription and LSU verifications, sections of the whispered portions are discernible with repeated listening by skilled transcribers possessing the appropriate language skills,[99] including conversations about specific facts and topics that directly match external evidence that was not available to the SPO at the time the audio was first transcribed.[100] Absent any information as to which parts

[95] *See e.g.* DHT-03:T.940-941,1006-1009(12-May-2026)(Private). This was also reflected in DHT-03's posture regarding other courts' prior assessment that her evidence was 'to a degree evangelistic', a characterisation she summarily rejected as 'wrong'. *See* DHT-03:T.974-976,979-987,990-992,1002(12-May-2026)(Open); P00227(Public):para.128.
[96] DHT-03:T.868-872(11-May-2026)(Open); DHT-03:T.892-984(12-May-2026)(Open).
[97] DHT-03:T.804-806(11-May-2026)(Open); DHT-03:T.1015-1016(12-May-2026)(Open); P00233(Public):para.28.
[98] P00233(Public):paras.29-38.
[99] 1D00136(Public):p.17 ('My impression, as a non-speaker of Albanian, is that the quality ranges from unclear to indistinct, […]. In some sections the voices are loud enough that I would expect the content to be mostly intelligible to skilled listeners familiar with the language.'). *See also* DHT-03:T.804-805,875-877(11-May-2026)(Open).
[100] *See also* 1D00136(Public):p.19.

of the audio segments DHT-03 categorised as 'unclear' versus 'indistinct' – based on her own 'impressions' as a non-Albanian speaker or her opaque AI transcription attempts – there is no way of verifying how much or *even if* her categorisations differ from the SPO transcribers' and professional LSU staff's assessment as to the discernibility of relevant passages.

44. In sum, DHT-03's evidence merits no weight in assessing the reliability of the Visit Transcripts, which are reliable, accurate, corroborated by a wealth of intrinsic and extrinsic evidence and, in nearly all key respects, verified by the LSU consistent with the court-mandated Verification Process.

(b) Voice attribution

45. The Visit Transcripts attribute each spoken line of text to a specific speaker (hereinafter 'voice attribution' or 'attribution').[101] To the extent necessary, the STJ will – consistent with established precedent[102] – conduct his own assessment of the

[101] There are a limited number of instances in which speech is attributed to an unidentified voice. *See e.g.* P00112_ET(Confidential):pp.304-305, attributing audible speech to an unidentified female who briefly speaks to THAÇI during the recorded visit time. Further, as reflected in the Visit Recordings and Visit Transcripts, there were limited instances during THAÇI's DC visits where the voices of individuals other than THAÇI and his approved visitor(s) were captured. These individuals include other DC detainees, visitors to other detainees who walked by (and sometimes entered) THAÇI's visit room during a recorded visit, and Detention Officers. To the extent such third-party voices were captured on a Visit Recording and the individual was identifiable (for example, when THAÇI *named* the third party), this is so reflected in the Visit Transcript. None of these third parties played any substantive role in the portions of the transcripts relied upon by the SPO in this case, and indeed nearly all of the third-party interactions captured in the Visit Recordings are fleeting, and most often consist of exchanging greetings. To cite just one example, during Fadil FAZLIU's 2 July 2023 visit to THAÇI detailed further below, the voices of THAÇI's son Endrit THAÇI who visited THAÇI immediately before FAZLIU (P00105_ET(Confidential):pp.5-9; P00027(Confidential):pp.125508-125509); KSC detainees Kadri VESELI (P00105_ET(Confidential):pp.5,135-137) and Salih 'Cali' MUSTAFA (P00105_ET(Confidential):pp.137-139); and another DC visitor, Tahir GJONBALAJ (P00105_ET(Confidential):pp.139-164) were all briefly captured on the Visit Recording when they, at different points, addressed THAÇI and FAZLIU.

[102] *See e.g.* Bar Table Decision:para.29(citing to the relevant International Criminal Court ('ICC') precedent where a Trial Chamber relied on the content of recordings from a detention environment for purposes of voice recognition of the accused – having received "a sufficiently large number of calls and/or voice samples in evidence […] to be able to recognise the voices of some of the Accused on any given call" – along with other relevant information on the record). *See also* Decision F00894,fn.58; *Bemba et al*. TJ:paras.216(iii),219-220,224; *Stanišić and Simatović* Decision:para.13.

transcript voice attribution and make his own determination based on the 'totality of available indicators.'[103]

46. As a threshold matter, in multiple instances the determination of voice attribution is binary. Specifically, in the one-on-one visits[104] between **THAÇI** and his scheduled visitor, the sole question is whether **THAÇI** or his visitor is the speaker. In the other visits, the voices for attribution are limited to **THAÇI's** and a confined, known set of unique visitors whose presence in the recorded visit is beyond reasonable dispute.

47. The case record is replete with independent, overlapping, and mutually reinforcing evidence upon which the STJ can rely to confirm that each transcript's voice attribution is accurate. The evidence includes: (i) **THAÇI's** voice recorded in more than 28 hours of DC visits, plus 17 recorded DC phone calls[105] and several lengthy in-court addresses,[106] all of which provide an extensive body of voice exemplars for the STJ's identification and comparison within and across each Visit Recording; (ii) additional voice exemplars for specific visitors captured on recorded DC phone calls with **THAÇI** (including **KILAJ**) and during recorded court appearances in this case; (iii) multiple instances throughout the visits where speakers identify each other by name and other readily identifiable facts; (iv) extensive statements by **THAÇI** and his visitors – including personal, professional, familial and other contextual details – further identifying each speaker and his voice; (v) seized documentary and electronic evidence directly connecting the words spoken in the Visit Recordings to each specific speaker; (vi) uncontested, overlapping Registry

[103] Bar Table Decision:para.29.
[104] For example, in THAÇI's solo visits with FAZLIU, KUÇI, and Milaim AHMETAJ.
[105] *See* Section_II.B.2.
[106] *See e.g.* Initial_Appearance_THAÇI:04:47-05:28,17:08-20:30,22:49-22:51(08-Dec-2024)(Open) https://www.youtube.com/watch?v=51hnm6MjBNY (last accessed 24 August 2026); Status_Conference:17-Dec-2024(Open) 10:50-13:15 https://www.youtube.com/watch?v=b0Uvfr220Xk (last accessed 5 May 2026); Trial_Preparation_Conference:28-Nov-2025(Open) 1:27:35-1:29:47 https://www.youtube.com/watch?v=zuBKlycWlBA (last accessed 24 August 2026).

records establishing **THAÇI's** and his visitors' presence during the recorded visits, nearly all of which are also stipulated to by the Accused;[107] and (vii) the consistency of the witness interference instructions and revelations of confidential Case 6 information across and between the Visit Recordings, all of which further identify **THAÇI** as the issuer of the instructions.

48. The summary of each DC visit in Section III_C below includes specific evidence demonstrating the accuracy of the relevant Visit Transcript's voice attribution. Additionally, for each **THAÇI** visit, Annex 10 to this filing provides an illustrative set of audio recording timestamps for the transcript attribution evidence cited in each section below.

2. DC Call Recordings

49. There are 17 admitted audio recordings of Registry-maintained non-privileged phone calls ('DC Call Recordings'), with accompanying transcripts and translations ('DC Call Transcripts').[108] Each call was made by **THAÇI** from the DC to various individuals, including multiple co-Accused and uncharged group members. Admission of the Registry logs detailing the time, date, and dialled number was

[107] *See* AF00078(Public); AF00079(Confidential); AF00081(Public); AF00082(Confidential); AF00083(Public); AF00084(Confidential); AF00085(Public).
[108] P00085(Confidential)/P00085_ET(Confidential); P00086(Confidential)/P00086_ET(Confidential); P00087(Confidential)/P00087_ET(Confidential); P00088(Confidential)/P00088_ET(Confidential); P00089(Confidential)/P00089_ET(Confidential); P00090(Confidential)/P00090_ET(Confidential); P00091(Confidential)/P00091_ET(Confidential); P00092(Confidential)/P00092_ET(Confidential); P00093(Confidential)/P00093_ET(Confidential); P00094(Confidential)/P00094_ET(Confidential); P00095(Confidential)/P00095_ET(Confidential); P00096(Confidential)/P00096_ET(Confidential); P00097(Confidential)/P00097_ET(Confidential); P00098(Confidential)/P00098_ET(Confidential); P00099(Confidential)/P00099_ET(Confidential); P00100(Confidential)/P00100_ET(Confidential); P00101(Confidential)/P00101_ET(Confidential). *See also* PD on Visits and Communications:Art.16(1).

unopposed.[109] The provenance and authenticity of the DC Call Recordings are unchallenged.[110]

50. Following admission of the DC Call Recordings and DC Call Transcripts, the THAÇI Defence identified for the first time what it claimed were 'indistinct' portions of seven of the 17 DC Call Recordings, and requested LSU verification of those transcript portions.[111] Two months later, the THAÇI Defence in an email to all Parties and the Court withdrew its request for LSU verification of the DC Call Transcripts.[112]

51. Any remaining Defence challenge to the accuracy and reliability of the DC Call Transcripts – to the extent any such challenge is cognisable – is unfounded. First, the Defence has never challenged the audibility of any part of ten of the recorded phone calls.[113] Second, the purportedly indistinct portions of the seven phone calls identified by the THAÇI Defence (nearly all of which contain inculpatory material) in their now-withdrawn verification request are clearly audible and their content discernible, which the STJ can verify himself. Indeed, *none* of the 17 DC Call Recordings is in any way indistinct; **THAÇI** knew his calls were being recorded pursuant to DC regulations, and he spoke in a clear voice throughout (at times relying on coded language, like the repeated use of 'that friend' or 'that guy', and pronouns or locations

[109] *See* F00688/A01:item 19.
[110] *See* Response F00688:para.25 (regarding the absence of an objection to the DC Call Recordings' admission where the calls are 'shown to be relevant to the charges in the Indictment'); Bar Table Decision:para.30. The Defence's initial wholesale challenge to the admissibility of the DC Call Transcripts (*see* Response F00688:paras.3,26,37-38,50-91) was rejected. *See* Bar Table Decision:paras.32-38.
[111] The THAÇI Defence made this claim in its verification request to the LSU sent to all parties and the Court – *see* Annex 3, email from the THAÇI Defence to the Registry's CMU on 18 February 2026 at 15:19. The seven recordings for which verification was sought are: (i) P00086(Confidential); (ii) P00087(Confidential); (iii) P00088(Confidential); (iv) P00090(Confidential); (v) P00091(Confidential); (vi) P00098(Confidential); (vii) P00099(Confidential).
[112] *See* Annex 3, email from the THAÇI Defence to the Registry's CMU on 17 April 2026 at 14:00.
[113] *Specifically*, P00085(Confidential); P00089(Confidential); P00092(Confidential); P00093(Confidential); P00094(Confidential); P00095(Confidential); P00096(Confidential); P00097(Confidential); P00100(Confidential); P00101(Confidential).

of origin instead of names to obfuscate the subjects of discussion).[114] Lastly, the Defence has never challenged the *translation* of any of the DC Call Transcripts.

52. Regarding the accuracy of the voice attribution in the DC Call Transcripts, there is abundant evidence confirming it.[115] Each recorded call has a corresponding log entry maintained by the Registry noting the date of the outgoing call and the phone number called by **THAÇI**.[116] Each phone number **THAÇI** called matches that of the individual identified in the transcript as the person speaking with **THAÇI**.[117] With one exception – P00098, a call during which dialled party Bekim ÇOLLAKU invited Artan BEHRAMI to join the call *in media res* at **THAÇI's** direction – the voice attribution is a binary choice between **THAÇI** and the dialled party. The answer is unambiguously clear; **THAÇI's** voice is consistently recognisable as the constant across all 17 phone calls *and* the 28 hours of the Visit Recordings. Moreover, his voice and attributed words are also identifiable *within* each DC Call Recording from the content and context of the words spoken, which repeatedly reinforce the respective identities of **THAÇI** and the dialled party.[118] This includes not just **THAÇI's** references to his ongoing trial, but also **THAÇI** and the dialled party referring to: (i) each other by name

[114] *E.g.* P00087_ET(Confidential):pp.1-2; P00091_ET(Confidential):p.4; P00092_ET(Confidential):p.3; P00094_ET(Confidential):pp.3-4; P00098_ET(Confidential):p.3.
[115] *See also* Bar Table Decision:para.29 *citing Bemba et al.* TJ:para.216(iii); *Popović et al.* AJ:paras.398-401.
[116] P00075(Confidential); P00076(Confidential); P00077(Confidential); P00078(Confidential); P00079(Confidential); P00080(Confidential); P00081(Confidential); P00082(Confidential)' P00083(Confidential); P00084(Confidential).
[117] *See generally* F00713/A02.
[118] *See, similarly, Bemba et al.* TJ:para.218 (acknowledging that 'mutually reinforcing information' can be used to confirm the accuracy of recorded communications and their corresponding logs). *See also* Bar Table Decision:para.28.

and/or title;[119] and (ii) **THAÇI's** detention versus the other party's non-detained status.[120]

3. SPO-seized Evidence

53. The admitted evidence includes the following categories of seized material: (i) records extracted from the seized electronic devices of the Accused and others; and (ii) physical documents seized from **SMAKAJ**, **KILAJ**, and **KUÇI.** All searches and seizures were lawfully conducted in the presence of independent observers and pursuant to judicial authorisation and oversight,[121] and no Defence team or other affected person has raised a Rule 43 challenge to the legality of any search in this case. With one exception,[122] the authenticity and reliability of all seized evidence is uncontested.

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[119] *See e.g.* P00087(Confidential)/P00087_ET(Confidential) (call during which THAÇI addressed Isni THAÇI as 'STILLI!' at the beginning of the call); P00095(Confidential)/P00095_ET(Confidential)/AF00018(Confidential) (3 September 2023 call during which: (i) KILAJ twice referred to THAÇI as 'President'; (ii) THAÇI said: '[t]his is Hashim, hey this is Hashim'; and (iii) KILAJ informed THAÇI that 'Vllaznim' also wanted to visit THAÇI at the DC); P00098(Confidential)/P00098_ET(Confidential) (call between THAÇI and Bekim ÇOLLAKU on 7 September 2023 during which: (i) ÇOLLAKU referred to THAÇI as 'President' twice; and (ii) ÇOLLAKU stated that he was 'at lunch with Artan and with Artur from Berlin'); P00101(Confidential)/P00101_ET(Confidential)/AF00018(Confidential) (call between THAÇI and KILAJ on 9 September 2023 during which KILAJ referred to THAÇI as 'President' and they discussed that 'Vllaznim' would join KILAJ during his upcoming visit to THAÇI at the DC).

[120] *See e.g.* P00091_ET(Confidential):p.4 (call during which THAÇI told Isni THAÇI [aka 'STILLI'] to come visit 'during the weekdays' because they need to work); P00095_ET(Confidential):p.4/ AF00018(Confidential) (call during which THAÇI called KILAJ on 3 September 2023 and urged KILAJ to visit the DC at the end of September or the beginning of October); P00098_ET(Confidential) (7 September 2023 call during which THAÇI told Bekim ÇOLLAKU to put Artan BEHRAMI on the phone while ÇOLLAKU and BEHRAMI were at lunch, and BEHRAMI noted 'our super team, will leave tomorrow. Ismail [SYLA] will bring Kisharek apples', and specified the group consisted of 'I, Isa, Bashkim, and Blera').

[121] *E.g.* Report INV/F00055; Report INV/F00056; Report F00096.

[122] SMAKAJ has challenged his possession of the SMAKAJ Document and its seizure from his personal vehicle on 30 October 2023. *See* Smakaj PTB:para.12 (claiming SMAKAJ 'had never seen AAOR4213NL (the 'Smakaj Document', as labelled by the SPO) before it was produced before him by an anonymous SPO officer'). *See also* Response F00688:para.110 (stating 'Mr Smakaj does not accept that the [SMAKAJ Document] was located in his car and has stated through his Pre-Trial Brief that he never saw it before these proceedings. Neither is it accepted that the photographs were taken during the 30 October 2023 search at Mr Smakaj's residence, or that they show "where the SPO located and

(a) Admitted records from seized electronic devices

54. The seized electronic devices from which evidence has been admitted in this case include: (i) mobile phones of multiple Accused,[123] uncharged group members,[124] and targeted witnesses;[125] and (ii) laptop computers of **KILAJ** ('KILAJ MacBook'),[126] and **SMAKAJ** ('SMAKAJ Laptop').[127]

55. All seized electronic devices were forensically copied by the Netherlands Forensic Institute ('NFI') as detailed in multiple admitted NFI reports,[128] and/or Witness 9's testimony.[129] Witness 9 analysed the forensic copies, extracted relevant material, and created exhibits which have been tendered and admitted.[130] Witness 9 provided credible, uncontested evidence detailing how each admitted exhibit was

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seized" the ten-page document'); Opening_Statements:T.315-317(27-Feb-2026)(Open) (claiming that SMAKAJ 'has never seen' the SMAKAJ Document before and that the SPO may have obtained the SMAKAJ Document 'through a detention officer, and that if it was ever in the car belonging to Mr. Smakaj, it was put there by the SPO solely to attribute it to him'). In addition to evidence in this and the subsequent section related to the printing of the SMAKAJ Document, additional evidence linking SMAKAJ to the SMAKAJ Document is addressed in Section_III.C.1(c).

[123] On 30 October 2023, the SPO seized SMAKAJ's iPhone XR (A50186339). On 12 September 2023, the SPO seized FAZLIU's Samsung SM-A725F (B30976409). On 2 November 2023, the SPO seized KILAJ's iPhone 12 Pro Max (B30976345). On 7 March 2024, the SPO seized KUÇI's iPhone 12 (B30976354). On 5 December 2024, the SPO seized KUÇI's iPhone 12 (E215442).

[124] On 17 April 2024, the SPO seized Fahri FAZLIU's iPhone 14 Pro Max (E232398)('Fahri FAZLIU Phone'). On 17 November 2023, the SPO seized Vllaznim KRYEZIU's Google Pixel 7 Pro (E215623).

[125] On 12 September 2023, the SPO seized Witness 1's iPhone 13 Pro (A50186037). On 1 November 2023, the SPO seized Witness 2's iPhone 11 (A50186042).

[126] On 2 November 2023, the SPO seized KILAJ's MacBook Pro (P03121605).

[127] On 30 October 2023, the SPO seized SMAKAJ's Lenovo ThinkPad (P03119798).

[128] P00116(Confidential); P00117(Confidential); P00118(Confidential); P00119(Confidential); P00120(Confidential); P00121(Confidential); P00122(Confidential); P00212(Confidential).

[129] P00175(Confidential):paras.2-4; P00202(Confidential):paras.2-4.

[130] P00115(Confidential); P00174(Confidential); P00178(Confidential); P00179(Confidential); P00180(Confidential); P00181(Confidential); P00182(Confidential); P00183(Confidential); P00184(Confidential); P00185(Confidential); P00186(Confidential); P00187(Confidential); P00188(Confidential); P00189(Confidential); P00190(Confidential); P00191(Confidential); P00192(Confidential); P00193(Confidential); P00194(Confidential); P00195(Confidential); P00196(Confidential); P00197(Confidential); P00198(Confidential); P00199(Confidential); P00200(Confidential); P00201(Confidential); P00203(Confidential); P00204(Confidential); P00205(Confidential); P00206(Confidential); P00207(Confidential); P00208(Confidential); P00209(Confidential); P00210(Confidential); P00211(Confidential); 1D00032(Confidential); 1D00033(Confidential); 1D00034(Confidential); 3D00005(Confidential). English translations of these items were also tendered and admitted where appropriate.

extracted from each seized device and verified.[131] The Defence tendered additional extracted records from several seized mobile phones, upon which the SPO also relies.[132]

56. Given **KUÇI's** former membership on the VESELI Defence team and related potential attorney-client issues, **KUÇI's** seized mobile phones were transmitted directly into the custody of the KSC Registry, transferred to the NFI, and further examined by the IC. A total of 8 items extracted from **KUÇI's** devices were provided to the SPO by the NFI or IC, and have been admitted into evidence.[133]

57. In sum, each record extracted from the seized electronic devices, tendered by the Parties and admitted by the STJ, is reliable and should be afforded full weight.

(b) Admitted seized documents

58. In addition to electronic devices, the **SMAKAJ**, **KILAJ**, and **KUÇI** searches resulted in the seizure of physical documents now admitted in evidence.[134]

(i) The SMAKAJ Document

59. During the 30 October 2023 **SMAKAJ** search and seizure ('SMAKAJ Search'),[135] the SPO seized from the front console of **SMAKAJ's** vehicle an envelope containing a ten-page (five double-sided physical pages) printed document ('SMAKAJ Document').[136] The SMAKAJ Document contains printed text in red, bold and capital letters, as well as: (i) hand-applied blue and green highlighting; (ii) handwritten page

[131] Witness_9:T.663-716(04-Mar-2026)(Open); Witness_9:T.726-727(05-Mar-2026)(Open). *See also* Witness 9's official notes regarding the admitted electronic evidence: P00175(Confidential); P00176(Confidential); P00177(Confidential); P00202(Confidential).
[132] *E.g.* 1D00032(Confidential); 1D00033(Confidential); 1D00034(Confidential); 3D00005(Confidential).
[133] P00212(Confidential); P00213_ET(Confidential); P00214(Confidential); P00219(Confidential); P00220(Confidential); P00221(Confidential); P00222(Confidential); P00223(Confidential).
[134] For SMAKAJ: P00125_ET/P00125(Confidential). For KILAJ: P00002(Confidential); P00003_ET/P00003(Confidential), P00004_ET/P00004(Confidential), P00005_ET(Confidential)/P00005(Confidential), and P00006_ET(Confidential)/P00006(Confidential); P00123(Confidential). For KUÇI: P00127(Confidential).
[135] AF00087(Public).
[136] P00125_ET(Confidential)/P00125(Confidential). *See also* P00126(Confidential).

numbers; and (iii) other handwriting including underlining and the letter "B" written in multiple blank spaces.

60. The evidence proves that **THAÇI** printed or directed/requested the printing of the SMAKAJ Document at the DC immediately before his 7 October 2023 visit with **SMAKAJ** and Artan BEHRAMI ('**7 October Visit**'), and that SMAKAJ took the document from the DC. More specifically, and as detailed further below: (i) DC printing records show that the digital version of the SMAKAJ Document seized from **SMAKAJ's** car was printed at the DC just hours before the 7 October Visit using the only printer available to KSC detainees for printing; (ii) multiple electronic versions (including the exact copy) of the SMAKAJ Document, assessed by the IC as a 'working document', were found on **THAÇI's** computer located inside his DC cell; (iii) log files on **THAÇI's** computer indicate the file's presence on a CD-ROM – a tool required for detainees to print documents at the DC – on 5 October 2023; (iv) Witness 8's expert evidence corroborates the DC printing records and independently confirms that the SMAKAJ Document was printed at the DC using the only printer available to KSC detainees for printing; and (v) **THAÇI** and **SMAKAJ** discussed parts of the SMAKAJ Document during the 7 October Visit when targeting SPO witness **Bislim ZYRAPI (W04752, or 'Witness 2')** for interference.

61. At the time the SPO seized the SMAKAJ Document from **SMAKAJ's** car, the vehicle was parked inside his basement garage in Prishtinë/Priština. Contemporaneous photos of the SMAKAJ Search show the document inside **SMAKAJ's** vehicle[137] as well as the vehicle's license plate.[138] The license plate matches the registration information in **SMAKAJ's** name and photos of the vehicle, all as extracted from **SMAKAJ's** personal phone.[139]

[137] *Compare e.g.* P00126(Confidential):pp.6-7 *with* P00125(Confidential):pp.SPOE00344953-SPOE00344954.
[138] P00126(Confidential) – *see* the vehicle with [REDACTED] logo at pp.1,8, and license plate [REDACTED] at p.8.
[139] P00185(Confidential):p.3.

(ii) The Seized Witness 4 Material and other documents

62. Three days later, on 2 November 2023, during the search and seizure of **KILAJ's** residence ('KILAJ Search')[140] the SPO seized from inside a trash bag by **KILAJ's** front door torn-up pages of two different Case 6-disclosed confidential statements of Witness 4 ('Seized Witness 4 Material') – with handwritten notes and hand-applied blue highlighting and underlining. Specifically, the Albanian-language documents consisted of: (i) the complete RED2 version of Witness 4's [REDACTED – Statement Y] ('Witness 4's [REDACTED – Statement Y]'); and pages 7 and 8 of (ii) the Revised RED2 version of Part 6 of Witness 4's [REDACTED – Statement Z] ('Part 6 of Witness 4's [REDACTED – Statement Z]').[141] The (Albanian-language) electronic versions of both Witness 4's [REDACTED – Statement Y] and Part 6 of Witness 4's [REDACTED – Statement Z] (collectively, the 'Witness 4 Statements') were disclosed by the SPO confidentially to **THAÇI** and the other Case 6 Defence teams on 30 January 2023.[142] Both were still confidential when seized from **KILAJ**.

63. The evidence proves that **THAÇI** printed or directed/requested the printing of the Seized Witness 4 Material at the DC shortly before the 6 October Visit, and that **KILAJ** took the documents from the DC. More specifically, and as detailed further below: (i) DC printing records show that in the two days immediately preceding the KILAJ Group's 6 October Visit, **THAÇI** printed the Seized Witness 4 Material using the only printer available to KSC detainees for printing; (ii) electronic versions of the Witness 4 Statements were found on **THAÇI's** computer located in his DC cell; (iii) log files on **THAÇI's** cell computer and the DC printer indicate that electronic versions of the Witness 4 Statements were present on a CD-ROM (a required step for all detainee printing at the DC);[143] (iv) Witness 8's expert evidence corroborates the DC printing

[140] AF00086(Public).
[141] P00003_ET(Confidential)/P00003(Confidential).
[142] *See* JN.00090(Confidential):p.1(entries KSC-BC-2020-06-051765-051770 RED2; KSC-BC-2020-06-053191-TR-AT Part 6 Revised RED2). *See also* P00172(Confidential) and P00173(Confidential):Part6.
[143] *See* Section_II.B.4(a); Section_II.B.4(d).

records and independently confirms that the Seized Witness 4 Material was printed at the DC using the only printer available to KSC detainees for printing (and the same printer used to print the SMAKAJ Document); and (v) **THAÇI** repeatedly and in detail discussed the Seized Witness 4 Material with the KILAJ Group during the 6 October Visit, including by referring multiple times to a specific part and page of the Seized Witness 4 Material that **THAÇI** demanded that Witness 4 be told to change.[144]

64. During the KILAJ Search, the SPO also seized scraps of lined paper from the pocket of a jacket belonging to **KILAJ**. The notes contain the handwritten names of multiple SPO Case 6 witnesses alongside short phrases containing apparent testimonial instructions ('KILAJ Loose Notes').[145] The SPO also seized two notebooks containing SPO witness information, including handwritten material matching confidential SPO witness summary information disclosed in Case 6 ('KILAJ Notebooks').[146]

(iii) KUÇI documents

65. During the 5 December 2024 search and seizure at **KUÇI's** residence [147] the SPO seized documents related to **KUÇI's** membership in the VESELI Defence, and to the KSC Code of Conduct and a Registry Administrative Directive on Information Asset Management.[148]

4. THAÇI Cell Computer/Printer Material

66. During the Indictment period, **THAÇI** had a single desktop computer ([REDACTED]) located in his cell, [REDACTED], in [REDACTED] of the DC ('THAÇI

[144] *See* Section_III.C.1(d)(ii)b); Section_III.C.1(d)(ii)c).
[145] P00004_ET/P00004(Confidential).
[146] This includes P00005_ET(Confidential)/P00005(Confidential) ('Black Notebook') and P00006_ET(Confidential)/P00006(Confidential) ('Brown Notebook').
[147] As previously stated, because of the potential privilege issues involved all material seized during the search was transmitted to the Registry and screened for privilege and relevance by the IC before being provided to the SPO pursuant to judicial supervision.
[148] *See* P00127(Confidential).

Cell Computer').[149] The Registry provided **THAÇI** with the computer, consistent with the Rules of Detention and other relevant Registry regulations,[150] a privilege afforded to all KSC detainees upon request in order to assist their defence preparation.[151] The THAÇI Cell Computer had two hard drives[152] and a CD-R/DVD[153] drive capable of writing/burning to CD-Rs and DVDs.[154] Furthers, pursuant to the Registry Instruction on Secure Electronic Data Sharing Between Counsel and Detainees [155] and its corresponding Agreement on the Use of Computers and Digital Media,[156] the THAÇI Cell Computer was configured to securely share electronic data with his Counsel, using (external) shared folders available to both **THAÇI** and Counsel.[157]

67. During the same period, the DC had a single printer available for detainee printing: a [REDACTED] ('DC Printer'). The DC Printer was connected to a standalone laptop ('Printing Laptop') to be used to send print jobs to the DC Printer at the time of printing. Both the DC Printer and Printing Laptop (collectively, 'DC Printer System') were located in cell [REDACTED] in [REDACTED] of the DC ('Printer Cell') during the Indictment period.[158]

68. As detailed by the Registry pursuant to judicial order, during the Indictment period both detainees and Detention Officers could operate the Printing Laptop to print documents on the DC Printer, according to the following process:

> Detainees could print data from a CD-R/DVD. Detainees can obtain CD-Rs/DVDs from their Defence team [internal citation omitted] [REDACTED]. Detainees can copy relevant data/documents on a CD-R/DVD using the desktop computer available in their cell. There is no other option for Detainees to burn CD-Rs/DVDs.

[149] P00102(Confidential):para.4.
[150] PD on Rules of Detention; PD on Visits and Communications; DC House Rules:Annex A.
[151] The THAÇI Cell Computer was distinct from [REDACTED]. [REDACTED]. *See* P00102(Confidential):para.5.
[152] P00102(Confidential):para.4.
[153] CD-Rs are also referred to as 'CD-ROMs'.
[154] P00102(Confidential):para.9.
[155] JN.00091(Confidential):pp.1-5.
[156] JN.00091(Confidential):pp.6-10.
[157] *See* JN.00091(Confidential):pp.2,6.
[158] P00102(Confidential):para.6.

> The Detainee would then take the CD-R/DVD containing the data one wishes to print with them and request a Detention Officer's assistance to print. The Detention Officer would accompany the Detainee to the cell the printer is located in, [REDACTED] and remain with the Detainee until the printing is finalised. [REDACTED]. [REDACTED]. One would thereafter select the relevant data/documents and send to print, after which the Detainee would pick up the CD-R/DVD from the Printing Laptop and the printed papers from the Subject Printer, which is located in the same cell. [REDACTED]. The procedure is for Detention Officers to then mark the occurrence in the Wing Journal.[159]

69. Following the seizure of the SMAKAJ Document and the Seized Witness 4 Material, the SPO took judicially-authorised steps to investigate the documents' provenance, including their potential ties to **THAÇI**.[160] As part of the investigation, the Single Judge ordered the preservation of the THAÇI Cell Computer and DC Printer System.[161] To safeguard against any potential violation of **THAÇI's** attorney-client privilege arising from reviewing material from the THAÇI Cell Computer, the Pre-Trial Judge ('PTJ') imposed – at the SPO's request – third party preservation, extraction, and ultimately an IC review of the responsive material ('Computer/Printer Review').[162]

(a) Witness 4-related items

(i) Witness 4's [REDACTED – Statement Z]

70. The Computer/Printer Review revealed that Part 6 of Witness 4's [REDACTED – Statement Z] – which includes the pages 7 and 8 recovered in torn pieces from **KILAJ's**

[159] P00102(Confidential):para.9.
[160] Request INV/F00064.
[161] Decision INV/F00066.
[162] Order F00221. The Registry engaged [REDACTED], a forensic firm, to execute the PTJ's order. [REDACTED] forensically copied the relevant systems, conducted targeted searches and executed additional requests. Responsive material was transferred to the Registry, and transmitted to the IC, who reviewed the material for potential privilege and relevance. By order of the PTJ, relevant material was filed on the record. [REDACTED]'s acquisition and search process is detailed in their acquisition and investigative reports, including chain of custody procedures and hash values. *See* P00128(Confidential); P00133(Confidential); P00135(Confidential); P00136(Confidential). The IC – in the role proposed / requested by the THAÇI Defence and selected and assigned by the PTJ with the approval of all Parties (*see* Submissions F00273) – meticulously detailed her process and findings (*see* P00137(Confidential); P00138(Confidential); P00215(Confidential)).

trash – was stored on the THAÇI Cell Computer as a file named KSC-BC-2020-06-053191-TR-AT Part 6 Revised RED2.pdf ('PDF File of Part 6 of Witness 4's [REDACTED – Statement Z]').[163] The PDF File of Part 6 of Witness 4's [REDACTED – Statement Z] was found in, *inter alia*, the Windows Burn folder of the THAÇI Cell Computer.[164] The presence of the file in this folder indicates that the file was prepared to be burned onto a CD-ROM or DVD.[165] The PDF File of Part 6 of Witness 4's [REDACTED – Statement Z] was created in this Burn folder at 12:10:18 on 4 October 2023.[166] THAÇI Cell Computer records indicate the presence of the PDF File of Part 6 of Witness 4's [REDACTED – Statement Z] on a CD-ROM approximately eight minutes later.[167]

71. DC Printer System records show that within 10 minutes of the CD-ROM references detailed above, Part 6 of Witness 4's [REDACTED – Statement Z] was printed by the DC Printer from the PDF File of Part 6 of Witness 4's [REDACTED –

[163] [REDACTED] identified 123 responsive files for the targeted searches for Part 6 of Witness 4's [REDACTED – Statement Z], described in the exhibits as Relevant Document #3 (P00128(Confidential):pp.10-11,25-32; P00137(Confidential):paras.5(iii),57). The files were exported and reviewed by the IC (P00128(Confidential):p.18; P00137(Confidential):paras.57-60). The IC's review confirmed all files contained Part 6 of Witness 4's [REDACTED – Statement Z] (P00137(Confidential):para.58). The files related to the Witness 4 Statements, including Part 6 of Witness 4's [REDACTED – Statement Z], were filed on the record by the Registry. *See* F00433/A02. *See also* F00433. A document with the same 'Title' as contained in this file name was disclosed to the THAÇI Defence in Case 6 on 30 January 2023, as shown in the item's Legal WorkFlow ('LWF') Description (*see also* JN.00090(Confidential):p.1(entry KSC-BC-2020-06-053191-TR-AT Part 6 Revised RED2).

[164] P00128(Confidential):p.14,para.3.2.4. Specifically, [REDACTED] identified the file KSC-BC-2020-06-053191-TR-AT Part 6 Revised RED2.pdf in the folder 'E:\[REDACTED]\AppData\Local\Microsoft\Windows\Burn\Burn'.

[165] P00128(Confidential):p.14,para.3.2.4. This folder is used by the Windows Burning Tool to temporarily store a copy of the file intended to be burned on a CD-ROM or DVD. This finding indicates that the file was prepared for burning onto a CD-ROM or DVD. However, [REDACTED] notes that the presence of a file in this folder does not indicate whether the copying process was successful or not.

[166] P00128(Confidential):p.14(Table 6); P00131(Confidential):p.1(last row).

[167] P00128(Confidential):p.14(Table 7),p.15(Table 8).

Statement Z]. Specifically, the printing occurred at 12:26 on 4 October 2023,[168] two days before the 6 October Visit by **KILAJ** and KRYEZIU.

(ii) Witness 4's [REDACTED – Statement Y]

72. The Computer/Printer Review further revealed that the THAÇI Cell Computer also contained Witness 4's [REDACTED – Statement Y], which was also seized in torn pieces from **KILAJ's** trash. Specifically, Witness 4's [REDACTED – Statement Y] was found on the THAÇI Cell Computer under, *inter alia*, the file name 'KSC-BC-2020-06-051765-051770 RED2.pdf'.[169]

73. The DC Printer System records show that Witness 4's [REDACTED – Statement Y] was printed by the DC Printer at 14:54:17 on 5 October 2023,[170] one day before **KILAJ's** 6 October Visit. The document was printed from a file named

[168] Within the 123 responsive files for Part 6 of Witness 4's [REDACTED – Statement Z], one concerned a Printer file found on the DC Printer System (P00128(Confidential):pp.10,32; P00137(Confidential):para.57). [REDACTED] identified that this Printer file corresponds to print job 00362, containing file name 'KSC-BC-2020-06-053191-TR-AT Part 6 Revised RED2.pdf', which was executed on 4 October 2023, at 12:26:06. The metadata confirmed the DC Printer's name, [REDACTED] (*see* P00128(Confidential):p.13(Table 5); P00102(Confidential):para.6; P00224(Confidential):p.1). As part of the 123 responsive files, mentioned above, the Printer file was exported and reviewed by the IC (*see* P00128(Confidential):p.18; P00137(Confidential):pp.57-60). The IC assessed that the Printer file 00362 contained an exact copy of Part 6 of Witness 4's [REDACTED – Statement Z] (P00137(Confidential):p.53(ln.7), file name 00362[1032542].pdf). *Compare* P00173_AT(Confidential):Part6(pp.1-36) *with* P00150(Confidential).

[169] [REDACTED] identified six Document files and one Deleted file from the targeted searches for Witness 4's [REDACTED – Statement Y] (P00128(Confidential):pp.10,24; P00137(Confidential):paras.5(ii),54). The files were exported and reviewed by the IC (P00128(Confidential):p.18; P00137(Confidential):paras.54-56). The IC confirmed all files to be identical copies of Witness 4's [REDACTED – Statement Y] (*see* P00137(Confidential):para.56). A document with the same 'Title' as contained in this file name was disclosed to the THAÇI Defence in Case 6 on 30 January 2023 as shown in the item's LWF Description (*see also* JN.00090(Confidential):p.1(entry KSC-BC-2020-06-051765-051770 RED2).

[170] [REDACTED]'s execution of modified, targeted searches for Witness 4's [REDACTED – Statement Y] resulted in, *inter alia*, one Printer file (P00133(Confidential):p.13,para.4.3.2,Table 4). [REDACTED] identified this Printer file corresponded to print job 00368, containing file name '([REDACTED]) KSC-BC-2020-06-051765-051770 RED2.pdf', which was executed on 5 October 2023, at 14:54:17. The metadata confirmed the DC Printer's printer name, [REDACTED] (P00133(Confidential):p.13(Table 4); P00102(Confidential):para.6; P00224(Confidential):p.1). The Printer file was exported and reviewed by the IC (P00133(Confidential):p.15; P00137(Confidential):paras.54-56). The file corresponds with Witness 4's [REDACTED – Statement Y], as filed on the case record and admitted as P00151(Confidential).

'([REDACTED]) KSC-BC-2020-06-051765-051770 RED2.pdf' ('PDF File of Witness 4's [REDACTED – Statement Y]').[171] The DC Printer System also contained a LNK file indicating the presence of the PDF File of Witness 4's [REDACTED – Statement Y] on a CD-ROM.[172] This CD-ROM's volume label and volume serial number are identical to that of a CD-ROM found in a record on the THAÇI Cell Computer in relation to the file name of the SMAKAJ Document, further discussed below.[173]

(iii) Additional Witness 4 items

74. Finally, the Computer/Printer Review further showed that the DC printing of Witness 4's [REDACTED – Statement Y] on 5 October 2023 occurred within minutes of the printing of two additional Witness 4-related documents disclosed to **THAÇI** in Case 6. Specifically, Witness 4's [REDACTED – Statement W] was printed at 14:52:01,[174] and a compilation of news articles about [REDACTED] was printed at 14:53:09.[175]

75. In total, the evidence collected from the Computer/Printer Review establishes that **THAÇI** used the DC Printer to print, or requested/directed the printing of, four different Witness 4-related documents in the two days leading up to the 6 October Visit during which **THAÇI** expressly targeted Witness 4 for interference.

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[171] P00133(Confidential):p.13(Table 4).
[172] P00133(Confidential):p.13,para.4.3.3.,Table 5. LNK files are shortcut files that serve as references to other files, which may be located on CD(s)/DVD(s) (*see* P00133(Confidential):p.8).
[173] *Compare* P00128(Confidential):p.34(Table 17) *with* P00133(Confidential):p.13(Table 5). The CD-ROM associated with both the SMAKAJ Document (creation timestamp 5 October 2023), and Witness 4's [REDACTED – Statement Y] bears Volume Serial Number 89BD-C51E, and Volume Label Dec 07 2022.
[174] P00133(Confidential):p.17, *see* file name '([REDACTED]) KSC-BC-2020-06-051773-051774 RED2.pdf)'; P00217(Confidential). A document with the same 'Title' as contained in this file name was disclosed to the THAÇI Defence in Case 6 on 30 January 2023 as shown in the item's LWF Description.
[175] P00133(Confidential):p.17, *see* file name '([REDACTED]) KSC-BC-2020-06-SPOE00126367-00126368.pdf'; P00218(Confidential). A document with the 'Title' as contained in this file name was disclosed to the THAÇI Defence in Case 6 on 30 January 2023 as shown in the item's LWF Description.

(b) SMAKAJ Document

76. Records from the DC Printer System further show seven successful print jobs responsive to the searches for the content of the SMAKAJ Document.[176] All seven print jobs were for a file named 'per avokatet' ('for lawyers'), and were printed between 7 October and 7 November 2023.[177] Additionally, THAÇI's Cell Computer contained four responsive readable files: two deleted files and two document files. One of the two document files was named 'per avokatet' and was created at 16:20:44 on 5 October 2023.[178] This is the same file name as seven print jobs printed between 7 October and 7 November 2023.

77. The IC determined that the eleven total responsive files (the seven print jobs plus the four readable files detailed above) all contained, *inter alia*, digital versions of the SMAKAJ Document, each differing slightly from one another.[179]

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[176] [REDACTED]'s execution of the targeted searches for the SMAKAJ Document resulted in a total of 48 responsive files in both the images of the DC Printer System and THAÇI's Cell Computer (P00128(Confidential):pp.10-11,21-23; P00129(Confidential)). Of those files, 11 were physically readable, seven of which were Printer files (P00137(Confidential):paras.30-31). These printer files were located in a special system directory used by Windows to store files intended for printing, also referred to as print jobs. [REDACTED] explained that a print job consists of two files. The first is an SPL-file which contains a formatted version of the document to be printed. The files that were responsive to the requested search queries were all SPL-files. The second print job file is an SHD-file, which contains metadata related to the print job, such as the name of the printer, and the file name of the document being printed (P00128(Confidential):p.13,para.3.2.3). [REDACTED] identified, *inter alia*, print job 00369, a print job of a file with file name 'per avokatet' (P00128(Confidential):p.13(Table 5). [REDACTED] noted the SHD-file did not contain a file extension, but did contain the value 'Microsoft Word' (P00128(Confidential):p.13,fn.24). *See also* P00224(Confidential):p.1.
[177] P00128(Confidential):p.13(Table 5).
[178] P00128(Confidential):p.10; P00129(Confidential); P00137(Confidential):para.31.
[179] P00137(Confidential):para.35. The IC reported that '[t]he 11 Responsive Files, as assessed, are slightly different from one another and appear to constitute a working document that evolved over time. They also slightly vary in format as the colour font or size changes from one document to another and the use of bold font or underline font vary. This observation is consistent with the conclusion of the [REDACTED] Report, which indicates that the document was sent to the printer on multiple occasions'. All 11 files were exported and reviewed by the IC to identify, within those files, any copies and/or versions of the SMAKAJ Document (P00128(Confidential):p.18; P00137(Confidential)). The IC assessed the documents to contain extracts that are: (a) potentially privileged information and, accordingly, should not be made accessible to the SPO without redactions; (b) potentially relevant to the Amended Confirmed Indictment and potentially outside the

78. The 'per avokatet' file name was also identified on the THAÇI Cell Computer in relation to the presence on a CD-ROM on 5 October 2023, at 16:23:30, one minute after the document file 'per avokatet' was originally created.[180] The volume serial number and volume label of this CD-ROM are identical to the CD associated with Witness 4's [REDACTED – Statement Y].

79. Two days later, on 7 October 2023, at 10:02:40, the same morning **SMAKAJ** and Artan BEHRAMI returned to visit **THAÇI** at the DC, the first of the seven print jobs was executed on the DC Printer. This printed 'per avokatet' file contained within it the 10 pages that are identical to the content of the SMAKAJ Document.[181] The matching 10 pages include the identical typed content, as well as text and typeface characteristics, such as bold font types, capitalisation and text colour as the SMAKAJ Document seized from SMAKAJ's car. The only discernible difference between the SMAKAJ Document and the Digital SMAKAJ Document is that the SMAKAJ

scope of privilege; (c) non privileged and possibly irrelevant; and (d) a direct match or partially correspond to the SMAKAJ Document (P00137(Confidential):para.34). Ultimately, following the IC's privilege review, the SPO received only the unredacted extracts of these documents that were found to directly or partially match the SMAKAJ Document, and thus not subject to legal privilege (P00138(Confidential); P00139(Confidential); P00140(Confidential); P00141(Confidential); P00142(Confidential); P00143(Confidential); P00144(Confidential); P00145(Confidential); P00146(Confidential); P00147(Confidential); P00148(Confidential); P00149(Confidential)). *See also* P00215_ET.1(Confidential); P00215_ET.2(Confidential); P00215_ET.3(Confidential).

[180] [REDACTED] identified log entries in the Windows Event Log of the THAÇI Cell Computer indicating the presence of the file associated with the SMAKAJ Document, 'per avokatet', on a CD-ROM, with, *inter alia*, a timestamp of 5 October 2023, at 16:23:30 (P00128(Confidential):p.14(Table 7). Further, digital traces were identified in LNK files, indicating the presence of this file on a CD-ROM with, *inter alia*, a creation timestamp of 5 October 2023, at 16:23:30 (P00128(Confidential):p.15(Table 8). These traces also identify the Volume Serial Number and the Volume Label of the CD-ROM, including for one of the files, Volume Serial Number 89BD-C51E, and Volume Label Dec 07 2022 (P00128(Confidential):p.34). As noted above, this Volume Serial Number and Volume Label are identical to the CD-ROM associated with the LNK file identified on the DC Printer System in relation to Witness 4's [REDACTED – Statement Y] (P00133(Confidential):p.13).

[181] The SPO's detailed comparison of the eleven unredacted extracts (identified by the IC as directly or partially matching the SMAKAJ Document) against the SMAKAJ Document confirmed that, as reported by the IC (*see* P00137(Confidential):PDF_p.36), Printer file 00369 (P00139(Confidential)) contained 10 pages (pages 7-16 of the full Printer file) which are identical to the SMAKAJ Document *Compare* P00139(Confidential):pp.8-17 *with* P00125(Confidential). This identical digital version ('Digital SMAKAJ Document') found within Printer file 00369 was the *only* exact match to the content of the SMAKAJ Document in the eleven responsive files.

Document contains post-printing handwritten notes, underlining and coloured highlights not present in the (digitally-recovered, pre-printing) Digital SMAKAJ Document.

(c) [REDACTED] Document

80. The Computer/Printer Review further revealed that an Albanian-language document containing portions of [REDACTED]'s anticipated Case 6 evidence was printed by the DC Printer on 19 September 2023 ('[REDACTED] Document'). The [REDACTED] Document[182] contains *verbatim* excerpts of the Albanian version of [REDACTED]'s SPO Interview,[183] which was disclosed confidentially to **THAÇI** and other Case 6 accused on 30 January 2023.[184] The [REDACTED] Document was printed at the DC on the morning of 19 September 2023,[185] three days prior to **THAÇI's** recorded 22 September Visit with Milaim AHMETAJ. During that visit, as detailed below, **THAÇI** discussed (with the clearly audible sound of paper being used) [REDACTED]'s prior evidence in detail, including the excerpted parts of [REDACTED]'s SPO Interview contained in the [REDACTED] Document, all while directing AHMETAJ to influence [REDACTED]'s upcoming Case 6 testimony.[186]

(d) Witness 8

81. Witness 8 is a certified forensic expert at the NFI,[187] with extensive qualifications, training, and experience in, *inter alia*, microdot analysis.[188] Witness 8 described

[182] P00216(Confidential).
[183] Compare P00216(Confidential)(entries with '054769-TR-AT') *with* JN.00084_AT(Confidential):Part3(pp.11,23),Part4(pp.41,44,50).
[184] JN.00090(Confidential):p.1(entries with '054769-TR-AT').
[185] [REDACTED]'s examination revealed that at 11:39:06 on 19 September 2023, the print job containing the [REDACTED] Document (print job 342) was executed. The metadata of the print job confirmed the DC Printer's name, [REDACTED]. *See* P00133(Confidential):p.17(Table 7).
[186] *See* Section_III.C.2(c)(ii).
[187] P00235(Confidential); Witness_8:T.496-505(03-Mar-2026)(Open).
[188] P00235(Confidential):p.127830; Witness_8:T.502,507-510,597(03-Mar-2026)(Private); Witness_8:T.619(04-Mar-2026)(Private). *See also* Decision F00949:para.30.

microdots as a feature [REDACTED],[189] which can be [REDACTED] compared to verify whether different printed documents originate from the same printer.[190] Witness 8 further testified that, based on his professional knowledge and training [REDACTED],[191] and, conversely, [REDACTED]: '[REDACTED].'[192]

82. Pursuant to SPO requests,[193] Witness 8 examined three documents for the presence of microdots:[194] (i) three pages of the SMAKAJ Document[195] seized from **SMAKAJ**;[196] (ii) several torn pieces from the pages of Seized Witness 4 Material[197] seized from **KILAJ**;[198] and (iii) a high-resolution colour-printed test page printed by the DC Printer[199] provided to the SPO for testing pursuant to judicial authorisation.[200] Having observed that [REDACTED],[201] Witness 8 concluded that it is '*exceedingly more likely*' that all three documents were printed by the same individual printer as opposed to different printers.[202]

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[189] P00234(Confidential):p.118302; Witness_8:T.507(03-Mar-2026)(Private). *See also* Witness_8:T.575,577-579(03-Mar-2026)(Private).
[190] Witness_8:T.528-535(03-Mar-2026)(Private). *See also* Witness_8:T.594-595(03-Mar-2026)(Private); Witness_8:T.635-639,643,646(04-Mar-2026)(Private).
[191] Witness_8:T.536-537,551-552,586-587(03-Mar-2026)(Private).
[192] Witness_8:T.551-552(03-Mar-2026)(Private). *See also* Witness_8:T.536,560,579,586-589(03-Mar-2026)(Private) ('[REDACTED].'); Witness_8:T.606-609(04-Mar-2026)(Private); P00234(Confidential):pp.118302-118303.
[193] P00236_ET(Confidential); P00237_ET(Confidential); P00238_ET(Confidential).
[194] P00234(Confidential):p.118301; Witness_8:T.517-534(03-Mar-2026)(Private).
[195] Witness 8 explained that the selection of examined pages was premised on [REDACTED]. To confirm this [REDACTED]. [REDACTED]. P00234(Confidential):p.118302; Witness_8:T.524-525,532-534(03-Mar-2026)(Private). *See also* Witness_8:T.545-549(03-Mar-2026)(Private).
[196] P00240(Confidential); P00125(Confidential); P00125_ET(Confidential); Witness_8:T.523-525,532-534(03-Mar-2026)(Private). *See* Section_II.B.3(b)(i).
[197] Witness 8 explained that the torn pieces chosen for examination were selected based on their suitability [REDACTED]. *See* Witness_8:T.518-523(03-Mar-2026)(Private).
[198] P00239(Confidential); P00003_ET(Confidential)/P00003(Confidential); Witness_8:T.518-523(03-Mar-2026)(Private). *See* Section_II.B.3(b)(ii).
[199] P00241(Confidential); Witness_8:T.526-528,531-532(03-Mar-2026)(Private). *See also* Section_II.B.4.
[200] Decision INV/F00057:paras.20-22; Report INV/F00104:paras.9-11.
[201] P00234(Confidential):p.118302; Witness_8:T.528-535,578-579(03-Mar-2026)(Private) (Witness 8 also noting that [REDACTED]). *See also* Witness_8:T.640-641(04-Mar-2026)(Private).
[202] P00234(Confidential):p.118304; Witness_8:T.536-537(03-Mar-2026)(Private). [REDACTED]. Witness_8:T.536-537,586-588(03-Mar-2026)(Private); Witness_8:T.628-632(04-Mar-2026)(Private). *See also* Witness_8:T.603-604,611-616,628-632(04-Mar-2026)(Private).

83. Despite being the subject of extensive litigation and Defence challenges, Witness 8's inability to discuss certain[203] confidential aspects of microdot analysis has minimal, if any, bearing on the probative value of his evidence. As previously confirmed by the Appeals Panel, Witness 8's methodology bears several dispositive indicia of reliability.[204] Witness 8 described at length the general steps and methods of interpretation he used to [REDACTED] the examined documents,[205] and confirmed that his work followed industry standards and internal NFI protocols applicable to microdot analysis.[206] This included independent peer review by a second qualified NFI examiner, who reviewed Witness 8's observations without access to his interpretation or ultimate findings and reached the same conclusion as Witness 8.[207] More broadly, Witness 8's methodology is validated by the NFI, a reputable, impartial, and reliable forensic institution,[208] and utilises techniques [REDACTED],[209] including [REDACTED].[210] The Appeals Panel has also confirmed that the Defence was able to extensively question Witness 8 on his qualifications, methods, conclusions,

[203] Noting also that only some, not all, of the questions which Witness 8 was unable to answer due to confidentiality restrictions – comprising less than 10 percent of the over 250 questions posed on cross-examination – have been deemed to have any relevance to the analysis performed in this case. *See* Expert Appeal Decision:para.85 and fn.242, *citing* Witness_8:T.551(ln.20)-552(ln.2),571(lns.14-18),573(lns.20-23),575(ln.25)-576(ln.1)(03-Mar-2026)(Private); Witness_8:T.646(lns.3-8),651(ln.23)-652(ln.5)(04-Mar-2026)(Private). Notably, none of the questions cited as potentially relevant by the Appeals Panel relates to the [REDACTED].
[204] Expert Appeal Decision:para.34. *See also* Decision F00949:paras.28-30.
[205] In particular, Witness 8 explained that he [REDACTED]. *E.g.* Witness_8:T.528-536,575-579,594-596(03-Mar-2026)(Private); Witness_8:T.627-646(04-Mar-2026)(Private); P00234(Confidential):p.118302. Witness 8 further confirmed that the [REDACTED] – *see* Witness_8:T.560(03-Mar-2026)(Private); Witness_8:T.653(04-Mar-2026)(Private).
[206] Witness_8:T.502-504(03-Mar-2026)(Open); Witness_8:T.516-517,538(03-Mar-2026)(Private).
[207] Witness_8:T.504,516-517,538,586-587(03-Mar-2026)(Private); Witness_8:T.634,637-638,654(04-Mar-2026)(Private).
[208] Witness_8:Witness_8:T.496-500(03-Mar-2026)(Open); Witness_8:T.507-510(03-Mar-2026)(Private); Witness_8:T.648(04-Mar-2026)(Open). *See* Expert Appeal Decision:para.34. *Similarly, Karadžić* TJ:para.5568.
[209] Witness_8:T.509,551-552(03-Mar-2026)(Private).
[210] Witness_8:T.509-510,551-552(03-Mar-2026)(Private) (Witness 8 stating that [REDACTED]); P00235(Confidential):p.127830. *See* Expert Appeal Decision:para.34.

and overall credibility,[211] and had the 'not-illusory' opportunity to call its own expert,[212] including any of the three individuals whose reports they cite.

84. In this context, any purported impact that confidentiality restrictions may have on the probative value of Witness 8's evidence must be evaluated in light of the nature of the expert evidence[213] and against the record as a whole, including in terms of the expert evidence's relevance to and consistency with other evidence in the case.[214]

85. In this regard, Witness 8's evidence simply provides *additional* corroborative support to already overwhelming evidence proving that the SMAKAJ Document and the Seized Witness 4 Material were printed by the DC Printer and provided to **SMAKAJ** and **KILAJ** by **THAÇI**.[215] In particular, as detailed above, the connection between the seized SMAKAJ Document and the DC Printer is independently demonstrated by: (i) the Computer/Printer Review showing that several files containing different iterations of the SMAKAJ Document were found on the THAÇI Cell Computer and in the DC Printer System, including the file containing the Digital SMAKAJ Document;[216] and (ii) DC Printer System records showing that the Digital SMAKAJ Document was printed by the DC Printer on 7 October 2023, hours before the SMAKAJ Group visit.[217] And, as detailed below, during this visit **THAÇI** gave **SMAKAJ** detailed instructions for how Witness 2 should testify that correspond to

[211] Expert Appeal Decision:paras.59,92. *E.g.* Witness_8:T.558-560,583-588,596-597(03-Mar-2026)(Private); Witness_8:T.602-616,618-624,627-639,639-644,653-654(04-Mar-2026)(Private).
[212] Expert Appeal Decision:para.92.
[213] Noting that expert evidence 'by its inherent nature […] involves the offering of an opinion based not only on specific facts and sources, but also the application of the expert's general knowledge gained through the development of his or her expertise': Expert Appeal Decision:para.54 (in the context of evaluating Witness 8's proposition that [REDACTED]). *See also* Decision F00949:para.31.
[214] *See e.g. Karadžić* TJ:para.19, fn.35 ('In weighing the evidence from expert witnesses, the Chamber has, in particular, considered corroboratory evidence of a different nature.'); *Ntaganda* TJ:para.276.
[215] *See also* Witness_8:T.628-631(04-Mar-2026)(Private).
[216] *See* Section_II.B.4(b).
[217] *See* Section_II.B.4(b).

the content of the SMAKAJ Document, including handwritten post-printing annotations marking information relevant to Witness 2's evidence with the letter 'B'.[218]

86. Similarly, Witness 8's conclusion linking the Seized Witness 4 Material recovered from **KILAJ's** trash to the DC Printer is independently corroborated and confirmed by: (i) the Computer/Printer Review showing that complete electronic versions of the Seized Witness 4 Material were found on the THAÇI Cell Computer, including in the Windows Burn folder used for preparing documents to be burned onto a CD-ROM or DVD for printing on the DC Printer;[219] (ii) the DC Printer System records showing that the Part 6 of Witness 4's [REDACTED – Statement Z] was printed from a file matching the electronic version found on the THAÇI Cell Computer on the DC Printer on 4 October 2023, two days before **KILAJ's** 6 October Visit;[220] (iii) the DC Printer System records showing that Witness 4's [REDACTED – Statement Y] was printed from a file matching the electronic version found on the THAÇI Cell Computer on the DC Printer on 5 October 2023, the day before **KILAJ's** 6 October Visit; [221] and (iv) the fact that during the 6 October Visit, **THAÇI** repeatedly referred to discrete details of the Seized Witness 4 Material, including pinpointing the page and line of the content he demanded that Witness 4 'correct'.[222]

87. No counter-expert was called in response to Witness 8. Instead, the THAÇI Defence elected to challenge only the scope of the confidentiality restrictions invoked by tendering three reports concerning microdot analysis from unrelated civil proceedings in the United States ('Unrelated Reports').[223] These reports purport to show that other forensic examiners *assumed* to be bound by confidentiality restrictions

[218] *See* Section_III.C.1(c)(iv)b).
[219] *See* Section_II.B.4(a).
[220] The Computer/Printer Review also indicated that Part 6 of Witness 4's [REDACTED – Statement Z] was printed within half an hour of the matching file PDF File of Part 6 of Witness 4's [REDACTED – Statement Z] being created in the Windows Burn folder of the THAÇI Cell Computer. *See* Section_II.B.4(a)(i).
[221] *See* Section_II.B.4(a)(ii).
[222] P00109_ET(Confidential):pp.56-57/P00109_LSU.1(Confidential):p.16; Section_III.C.1(d)(ii)c).
[223] 1D00149(Public); 1D00150(Public); 1D00151(Public).

similar to those applicable to Witness 8 have publicly disclosed certain information about microdots.[224]

88. The comparison invited by these reports is uncompelling and has no relation to Witness 8's evidence or his credibility. Not only is it fundamentally irrelevant what confidentiality restrictions individuals with no connection to the present case or to the NFI assert or abide by, but using such unrelated material to test the validity of asserted confidentiality restrictions is an inappropriate metric for evaluating witness credibility.[225] This is particularly so in the present context, where neither the Unrelated Reports – nor the alleged credibility issues they purportedly raise – were put to Witness 8 or introduced through their respective authors, preventing the claimed contradictions from being explained, substantiated, or tested.[226] As such, any comparison between the confidentiality restrictions invoked by Witness 8 and the contents of the Unrelated Reports is entirely hypothetical and inconclusive. Conversely, given that the confidentiality restrictions are invoked through Witness 8's

[224] Decision F00966:para.18.
[225] Noting that assertions of confidentiality under Rule 107 and Rule 211 are generally made at the discretion of the information provider, and reliance, even in part, on Witness 8's inability to answer questions related to the source and nature of the confidential information as a basis of prejudice would be 'improper and inconsistent' with the Rules: Expert Appeal Decision:para.86 and fn.254; *also Karadžić* AJ:para.263 (noting that the equivalent International Criminal Tribunal for the Former Yugoslavia ('ICTY') Rule 70 'does not place a burden on those providing information under this rule to substantiate their concerns'). Moreover, where Rule 107 (or, *mutatis mutandis*, Rule 211) is triggered, panels may conduct a 'limited' inquiry to determine the applicability of those protections, including by requesting confirmation from the information provider: Expert Appeal Decision:para.86, fn.249 and authorities cited; *also Milošević* Appeal Decision:para.31 (noting that, in case of doubt, a trial chamber 'should give the information provider an opportunity to be heard on the question'). In this context, assessing a witness's credibility based on their (in)ability to describe the scope of asserted confidentiality, or evaluating the validity of such assertions based on how other unrelated persons have disclosed information in unrelated contexts, would in effect dispute the NFI's assertion of confidentiality and impermissibly circumvent the protections afforded by Rule 107 and Rule 211. *Compare* Expert Appeal Decision:fn.84 (noting that assessment of methodology may include a consideration of the *impact* of any confidentiality restrictions on the witness's evidence – with no mention that the *basis* of those restrictions could properly have such relevance).
[226] *See Abd-Al-Rahman* TJ:paras.199-201; *Kajelijeli* AJ:para.26. *See also* Decision F00966:para.17 (noting that, given the stage at which the Unrelated Reports were admitted, the truth-value of propositions contained therein 'cannot, as such, be adequately reviewed and tested').

employment with the NFI,[227] the proper benchmark is that the level of detail and substantiation provided by Witness 8 is consistent with reports he has previously given in Dutch proceedings on behalf of the NFI.[228]

89. In addition to being improperly speculative, any parallel drawn between Witness 8's testimony and the Unrelated Reports would also be ill-considered in substance. The authors of the Unrelated Reports all appear to have provided their respective reports as independent paid experts outside of any official capacity,[229] and none has been shown to be in a civil service position comparable to Witness 8, or to have received or attended the same trainings.[230] Further, even assuming that the authors would be subject to or compliant with the same or similar confidentiality restrictions as Witness 8, 1D00150 specifically indicates that [REDACTED], including [REDACTED], while also noting that [REDACTED].[231] To this end, the STJ has already found that the Unrelated Reports suggest [REDACTED],[232] which is [REDACTED].[233]

90. Nor is the microdot information disclosed in the Unrelated Reports materially comparable to Witness 8's analysis. The information in the Unrelated Reports mainly concerns [REDACTED],[234] neither of which is relevant[235] to – let alone undermining of

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[227] *See* Expert Appeal Decision:paras.84-85. *See also* Witness_8:T.627(04-Mar-2026)(Private); P00235(Confidential):p.127830.
[228] Witness_8:T.655(04-Mar-2026)(Private).
[229] 1D00149(Public):paras.1-3; 1D00150(Public):paras.1-3; 1D00151(Public):paras.1-3.
[230] In particular, only the author of 1D00149(Public) was serving in an official capacity at the operative time, and even so was retained to provide his report through private practice: 1D00149(Public):paras.1-3. By contrast, the authors of 1D00150(Public) and 1D00151(Public) were not civil servants or government officials at the time of their reports, and the author of 1D00150(Public) expressly based his analysis on information and tools available on public websites due to his lack of access: 1D00150(Public):paras.25,32; 1D00151(Public):para.3.
[231] 1D00150(Public):paras.[REDACTED].
[232] Decision F00825:para.36.
[233] *E.g.* Witness_8:T.558,580(03-Mar-2026)(Private); Witness_8:T.649(04-Mar-2026)(Private).
[234] 1D00149(Public):paras.[REDACTED]; 1D00150(Public):para.[REDACTED]; 1D00151(Public):para.[REDACTED].
[235] While the Appeals Panel noted that some of the questions Witness 8 was unable to answer could be relevant, the questions so identified pertain primarily to Witness 8's evidence concerning the [REDACTED]. *See* Expert Appeal Decision:para.85 and fn.242, *citing* Witness_8:T.551(ln.20)-552(ln.2),571(lns.14-18),573(lns.20-23),575(ln.25)-576(ln.1)(03-Mar-2026)(Private);

– the [REDACTED] comparative microdot analysis Witness 8 performed in this case.[236] Additionally, the Unrelated Reports all concern the analysis of Xerox brand printers,[237] for which at least some [REDACTED].[238] Conversely, there is no indication that similar information [REDACTED], is public or disclosable, or even exists.[239]

91. Accordingly, nothing in the Unrelated Reports contradicts the confidentiality restrictions invoked by Witness 8 or otherwise undermines his evidence, which is credible, compelling, and, most importantly, corroborative of an already overwhelming body of evidence that the SMAKAJ Document and the Seized Witness 4 Material were all printed at the DC by **THAÇI** or at his direction/request and then used by **THAÇI** to target witnesses for interference during the **SMAKAJ** and **KILAJ** visits, respectively. The STJ should therefore accord Witness 8's evidence commensurate weight, as an added component of the broader record proving **THAÇI's** transmission of confidential information and instructions for witness interference to **SMAKAJ** and **KILAJ** during the 6 October and 7 October Visits.

5. Judicially Noticed Records, Agreed and Adjudicated Facts

92. Pursuant to Rule 157(1), the STJ has taken judicial notice of the following three categories of Case 6 records: (i) 'Procedural Facts' based on characterisations of decisions, transcripts, orders, requests, and other filings; (ii) 'Procedural Filings' consisting of decisions, orders, motions, requests, submissions, and other filings; and (iii) 'Record and Disclosure Filings' consisting of transcripts, filings, and other records related to the testimony of certain Case 6 witnesses.[240] As detailed in Decision F00740,

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Witness_8:T.646(lns.3-8),651(ln.23)-652(ln.5)(04-Mar-2026)(Private). *Compare e.g.* Witness_8:T.550(ln.22)-551(ln.13),555(lns.4-11),558(lns.3-8)(03-March-2026)(Private). *See also* Expert Appeal Decision:para.54.

[236] *E.g.* Witness_8:T.584-586,595-596(03-Mar-2026)(Private); Witness_8:T.609(04-Mar-2026)(Private).

[237] 1D00149(Public):paras.41-51; 1D00150(Public):para.32; 1D00151(Public):para.25.

[238] *See* 1D00150(Public):paras.[REDACTED]; 1D00149(Public):[REDACTED].

[239] *Compare* Witness_8:T.556-557,574-575,577-579(03-Mar-2026)(Private); Witness_8:T.609,646,649(04-Mar-2026)(Private).

[240] *See generally* Decision F00740.

this allowed for notice to be taken of the existence of facts of common knowledge, including that the content was previously submitted, presented, heard, or filed, *without* recognising the 'truth-value' of their contents.[241]

93. Additionally, pursuant to Rule 95(3), the SPO and the Defence agreed *inter partes* to a total of 161 Agreed Facts, all notified to the STJ. Lastly, pursuant to Rule 157(2), which permits the recognition of an adjudicated fact from a prior proceeding as presumptively proven, the STJ has taken judicial notice of the fact that: 'There is a prevalent climate of witness intimidation in Kosovo, in particular in respect of investigations/prosecutions of crimes attributed to ex-KLA members'.[242]

94. As explained in the introduction to this brief, Annex 2 contains a list of all 259 such records and facts, with the SPO-assigned short names for ease of reference.

6. SPO November 2023 Interview of KILAJ

95. The SPO conducted a knowing and voluntary suspect interview of **KILAJ** following the KILAJ Search. The content of the recorded interview is unchallenged by the Defence and is admitted as P00001. As detailed in Section III.C.1(d)(iv) below, the interview is probative of **KILAJ's** criminal conduct, intent, and the charged actions of the KILAJ Group more broadly.

[241] *See* Decision F00740:paras.14,18,28. Similarly, and even though the items were tendered via the bar table by the THAÇI Defence, public records from Case 6 were admitted into evidence under Rule 138 not 'for the truth of their content or for the correctness of any legal proposition advanced therein, but rather to establish the existence, content, and, as applicable, public status of these records in Case 06.' Decision F00894:para.17.
[242] *See* Decision F00706:para.20(b); AdjF00001(Public).

III. STATEMENT OF FACTS

A. RELEVANT CASE 6 LEGAL REGIME

96. The obstruction of justice and related offences charged in this case are distinct from **THAÇI's** Case 6 charges. However, the Accused's conduct in this case arose out of – and indeed attempted to undermine – Case 6 proceedings, judicial orders, and disclosed evidence. The operative background is thus briefly recounted here.

97. On 26 October 2020, the Case 6 PTJ confirmed an indictment charging **THAÇI** and three others with war crimes and crimes against humanity allegedly committed from at least March 1998 through September 1999 in several locations across Kosovo and Northern Albania ('Case 6 Indictment').[243] If convicted of the charges in Case 6, **THAÇI** faces a potential maximum sentence of life imprisonment, a fact he has known since the Case 6 Indictment.[244]

98. On 5 November 2020, **THAÇI** was arrested pursuant to the Case 6 charges and transferred to the DC.[245] He remained detained throughout the Indictment period in this case.[246] While detained, **THAÇI** was afforded both privileged and non-privileged visits, telephone calls, and correspondence.[247] He also had access to designated equipment to facilitate his participation in preparing his defence, including to his own computer in his cell, with the ability to print documents with DC staff assistance.[248]

99. As Case 6 commenced, the court imposed a series of procedures related to the disclosure of witness information. In particular as related to this case, from the end of 2020 through August 2021, the Case 6 PTJ granted in-court protective measures to SPO witnesses: (i) [REDACTED], [REDACTED] (Witness 4), [REDACTED], [REDACTED]

[243] JN.00001(Confidential).
[244] *See* Art.44(1).
[245] JN.00002(Confidential).
[246] *See* C6 Decision F03718.
[247] PD on Visits and Communications:Art.4(1).
[248] PD on Rules of Detention:Rule 26.

(Witness 6), [REDACTED];[249] (ii) [REDACTED];[250] (iii) [REDACTED], [REDACTED];[251] and (iv) [REDACTED], [REDACTED], and [REDACTED].[252] In imposing these protective measures, the court relied not just on the 'general climate of witness interference and intimidation prevailing in Kosovo', but also found objectively justifiable risks to the witnesses and/or their family members based on, *inter alia*, the fact that they were anticipated to provide highly incriminating evidence against one or more of the Case 6 accused.[253]

100. On 22 October 2021, the SPO filed its preliminary witness list,[254] followed two months later by its confidential Pre-Trial Brief ('Confidential Case 6 PTB'), including its list of witnesses and exhibits ('Confidential Case 6 Rule 95 List').[255] By that time, December 2021, the listed Case 6 SPO witnesses included the following of relevance to this case: [REDACTED], W01453, [REDACTED] (Witness 3), [REDACTED], [REDACTED] (Witness 4), [REDACTED], [REDACTED], W03825, [REDACTED] (Witness 6), [REDACTED], W03885, [REDACTED], W04018, [REDACTED], [REDACTED], [REDACTED], [REDACTED], W04278, W04290 (Witness 5), [REDACTED], W04401, W04403, W04408, [REDACTED], [REDACTED], W04745, W04746 (Witness 1), W04752 (Witness 2), W04758, [REDACTED], and [REDACTED].[256] In addition to witness pseudonym codes, Confidential Case 6 Rule 95 List included detailed summaries of the anticipated testimony of SPO witnesses pursuant to Rule 95.[257]

101. The identities of the witnesses granted protective measures in the form of delayed disclosure – including [REDACTED], [REDACTED], [REDACTED] (Witness

[249] JN.00015_ET(Confidential):para.132(d),(h),(l),(q); JN.00014(Confidential):pp.2-3.
[250] JN.00016(Confidential):para.76(b),(g).
[251] JN.00017(Confidential):para.148(c),(e),(i).
[252] JN.00018(Confidential):para.93(m).
[253] *E.g.* JN.00015_ET(Confidential):paras.30-98. *See also* AdjF00001(Public).
[254] *See* JN.00019(Confidential).
[255] *See* JN.00020(Confidential).
[256] JN.00020(Confidential):pp.3-4,6-9,11-13,15-18.
[257] *See* JN.00020(Confidential).

4), [REDACTED], [REDACTED], [REDACTED] (Witness 6), [REDACTED], [REDACTED], [REDACTED], and [REDACTED] – were not disclosed to the Defence at this point[258] and, in any event, each individual's status as a witness in Case 6 remained confidential to the public.[259]

102. On 24 June 2022, the Case 6 PTJ issued the Case 6 Protocol regulating the handling of confidential information and contact with witnesses of the opposing party during investigations and prior to testimony.[260] The Case 6 Protocol established a general obligation for Parties and participants in Case 6 not to: (i) disclose any confidential documents or information to third parties, unless such disclosure was directly and specifically necessary for the preparation and presentation of their case; (with the term 'third parties' intended to include 'any person except a Party or participant in these proceedings, or a Judge or staff member of the Court authorized to have access to the information in question');[261] (ii) disclose the identity of a witness to a third party unless it was directly and specifically necessary for the presentation of their case, and not to reveal to third parties that any protected witness is involved with the activities of the KSC/SPO or the nature of such involvement;[262] and (iii) contact witnesses of another Party or participants outside of its terms.[263]

103. The Case 6 Protocol was later expanded to include all contacts with witnesses of the opposing party, including post-testimony.[264] In doing so, the Case 6 Panel recalled

[258] JN.00020(Confidential):pp.3,6-9.
[259] *See* JN.00020(Confidential); *Specialist Prosecutor v. Thaçi et al*., KSC-BC-2020-06, Trial Hearing, 11 April 2023, pp.2441-2442 (Open) ('…the Panel notes that the list of SPO witnesses is currently classified as confidential. Therefore, the fact that an individual is a prospective SPO witness is confidential, even when such an individual is not a protected witness.').
[260] JN.00021_ET(Confidential)('Case 6 Protocol'):para.212.
[261] JN.00021_ET(Confidential):para.212(I)(a),para.212(I)(c)(fn.297).
[262] JN.00021_ET(Confidential):para.212(I)(e),(f).
[263] JN.00021_ET(Confidential):para.212(II).
[264] JN.00022(Confidential):para.26(b)-(c)(emphasis added) ('ORDERS that the Contact Protocol shall apply *throughout the present proceedings*, including where an opposing Party or participant wishes to interview a witness of another Party or participant *who has already testified in the present trial, or whose prior statement has been admitted pursuant to Rule 153 or 155*; […] ORDERS the Parties and participants to comply with the Contact Protocol in relation *to all contacts with Opposing Party Witnesses*; […]').

the prevailing climate of witness interference and intimidation and its obligation to protect the safety and well-being of victims and witnesses, and found that 'the risk of interference cannot be entirely eliminated, even after the witness has testified'.[265] The Case 6 Protocol was upheld on appeal on 27 December 2022,[266] and then incorporated in the Case 6 Order on the Conduct of Proceedings.[267]

104. On 18 July 2022, the SPO notified a corrected and lesser redacted version of its witness list.[268] This lesser redacted version included some witness names that were previously withheld and additional details of their anticipated testimony.[269] Four months later, on 18 November 2022, the SPO filed its provisional list of the first 40 witnesses to be called at trial which included, among others, W01453, [REDACTED], [REDACTED], [REDACTED] (Witness 4), [REDACTED], [REDACTED], [REDACTED], [REDACTED], W04018, [REDACTED], W04290 (Witness 5), W04401, W04408, W04746 (Witness 1), and W04752 (Witness 2).[270] On 18 January 2023, Trial Panel II, scheduled trial to commence on 1 March 2023.[271]

105. On 30 January 2023, the SPO disclosed the identities of more than 70 protected witnesses who had previously been the subject of delayed disclosure to the Case 6 Defence.[272] On 1 February 2023, the SPO filed its list of the first 12 witnesses to testify, including [REDACTED], W04290 (Witness 5) and W04746 (Witness 1).[273] Following a brief postponement, the SPO's case opened on 3 April 2023.[274]

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[265] *See* JN.00022(Confidential):paras.19-20.
[266] JN.00005_ET(Confidential).
[267] *See* JN.00025_ET(Confidential):para.71.
[268] JN.00023(Confidential).
[269] Regarding [REDACTED] and [REDACTED], *compare* JN.00020(Confidential):pp.3,7,100-101,197 *with* JN.00023(Confidential):pp.3,7,99-100,192.
[270] JN.00024.2(Confidential).
[271] JN.00006(Confidential).
[272] *See* P00168(Confidential):para.4; JN.00007(Confidential):paras.4-5.
[273] JN.00026.1(Confidential); JN.00026.2(Confidential).
[274] JN.00008_ET(Confidential).

B. APPLICABLE DC RULES AND REGULATIONS

106. Throughout the Indictment period, publicly-available Registry and KSC-promulgated rules and regulations governed non-privileged visits to detainees, including **THAÇI**.[275] The regulations require, *inter alia*, advance approval by the Chief Detention Officer for non-privileged visitors, who must submit a completed and signed application form ('Visitor Application') to the Detention Management Unit ('DMU') for consideration.[276] Each Visitor Application[277] requires an undertaking by the visitor in which they agree: (i) to abide by applicable rules and regulations;[278] and (ii) not to engage in any behaviour that could, *inter alia*, disturb the safety, security and good order in the DC or be harmful to the prevention of disorder or crime, including disclosing any information that could compromise the administration of justice or otherwise undermine the authority and mandate of the KSC ('Visitor Undertaking').[279]

107. Once a Visitor Application was approved, the DMU sent a visit confirmation email to the visitor who requested the visit which contained a reminder of the rules governing visits, including the prohibition on visitors directly exchanging *any item* with a detainee during a visit without the explicit prior approval.[280] Finally, all non-

[275] *E.g.* Art.34(12) and Art.41; Rule 23(7); PD on Visits and Communications.
[276] *See* PD on Visits and Communications:Arts.11-12. *See also* Art.10(4) (which requires that the Chief Detention Officer keep a log of all visitors, including the name of the Detainee, the name and address of the visitor, and the time and date of the visit).
[277] *See* PD on Visits and Communications:Art.11(3)-(4) (which holds that a Visitor Application must: (i) indicate the date of the proposed visit; (ii) be accompanied by a copy of the prospective visitor's passport; and (iii) provide sufficient information regarding the visitor's pre-existing relationship to the Detainee).
[278] Including the PD on Rules of Detention, the PD on Visits and Communications, Visiting Procedures, and all other rules and regulations governing visits with detainees in the DC.
[279] *E.g.* P00023_ET(Confidential)/P00023(Confidential):pp.SPOE00363355-SPOE00363356.
[280] P00035_ET(Confidential)/P00035(Confidential). *See also* PD on Visits and Communications:Art.14(2). Certain restrictions upon THAÇI's detention conditions were put in place after the visits by his co-Accused in this case. *See* C6 Decision F01936; C6 Decision F01977.

privileged visits were to be conducted within the sight and hearing of Detention Officers.[281]

108. Regarding non-privileged phone calls, **THAÇI** was free to make outgoing calls from the DC and could receive incoming calls only in exceptional circumstances and upon approval.[282] The rules further mandated the passive monitoring of phone conversations on the non-privileged line through digital recording without simultaneous listening.[283] Similar to the log for visits, a log of all incoming and outgoing phone calls was maintained, including the name of the detainee, the telephone number called (or, calling, if incoming), and the date and time of the call.[284]

C. RECORDED DC VISITS

109. Just as trial in Case 6 began, the SPO received information that at least one Case 6 witness had been approached and pressured to change or withdraw their anticipated testimony, and that the approach may have emanated from a visit to the DC.[285] The SPO began investigating and obtained judicial authorisation to covertly record non-privileged DC visits to **THAÇI** and certain other Case 6 accused for a limited period, beginning in May 2023.

110. Beginning with **FAZLIU's** 2 July 2023 visit to **THAÇI** at the DC ('**2 July Visit**'), the Visit Recordings quickly revealed **THAÇI's** use of non-privileged visits to target witnesses for interference in an attempt to obstruct his trial. Although necessarily comprising only a small sample of his overall visits, each admitted Visit Recording demonstrates **THAÇI's** consistent pattern of attempted interference and obstructive

[281] PD on Visits and Communications:Art.15(1).
[282] PD on Visits and Communications:Art.16(1).
[283] PD on Visits and Communications:Art.17(1).
[284] PD on Visits and Communications:Art.16(4).
[285] *See* Decision INV/F00007.

conduct as well as his role as the leader and organiser of that conduct, all as charged in the Indictment.[286]

1. Core Visits

(a) 2 July Visit (FAZLIU Group)

111. The FAZLIU Group charges in the Indictment arise from events before, during, and immediately after **FAZLIU's** recorded 2 July Visit to **THAÇI**. As detailed below, during the visit **THAÇI** targeted for interference the upcoming testimony of insider witness **Rrustem 'Remi' MUSTAFA** (**W04746**, or **'Witness 1'**) and revealed confidential information of multiple witnesses.

(i) Voice attribution

112. The 2 July Visit transcript's voice attribution is accurate and readily verifiable from abundant evidence intrinsic and extrinsic to the Visit Recording. There is no dispute that **FAZLIU** visited **THAÇI** – alone – on 2 July 2023,[287] and that P00105 contains the audio recording of the entire visit. Multiple Registry records[288] and extractions from the seized phones of Witness 1, **FAZLIU** and Fahri FAZLIU[289] further confirm the visit. The sole question is thus which voice in the recording belongs to **THAÇI** and which to **FAZLIU**.

113. The answer is clear, accurately reflected in the Visit Transcript, and verifiable by the STJ. As detailed above, **THAÇI's** voice is identifiable from the 28 hours of admitted DC Visit Recordings, 17 recorded DC phone calls, and from his recorded statements

[286] *See* Indictment:paras.8-23,26.
[287] AF00078(Public).
[288] P00021_ET(Confidential)/P00021(Confidential); P00022_ET(Confidential); P00023_ET(Confidential)/P00023(Confidential); P00024_ET(Confidential)/P00024(Confidential); P00025(Confidential); P00026(Confidential); P00027(Confidential):p.125509; P00028(Confidential):p.125394.
[289] *See* P00178_ET(Confidential); P00197_ET(Confidential):pp.2,4-5. *Compare* P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36 *with* P00180_ET(Confidential):p.3.

in court.[290] Additionally, the Visit Recording contains repeated references to **THAÇI's** name and former political positions,[291] as when **THAÇI** stated, 'I do not miss being a President, because I am fulfilled. I was prime minister, I was president -- […] – the independence, Rambouillet, and whatever fucking else, I was fed up with it'.[292] Throughout the 2 July Visit **THAÇI** also discussed issues specific to him, including his detention conditions and daily activities,[293] at one point telling **FAZLIU** 'in fact, we are in detention [...] [w]e are detained',[294] and his views on the progression of Case 6.[295]

114. **FAZLIU** too is identifiable by comparing the 2 July Visit Recording to his recorded statements in court,[296] and by references throughout the Visit Transcript to, *inter alia*: (i) his name;[297] (ii) his son Fahri FAZLIU and other family members;[298] (iii) other verifiable biographical details, such as his residence and profession;[299] and (iv) recent events outside of confinement (and thus impossible for **THAÇI** to have

[290] *See* Section II.B.1(b).
[291] *See* P00105_ET(Confidential):pp.8,96-97,98-99; P00105_ET(Confidential):p.101/P00105_LSU.2(Confidential):p.49; P00105_ET(Confidential):pp.157-158,160.
[292] P00105_ET(Confidential):p.99.
[293] P00105_ET(Confidential):pp.12-13,23,26,71,96-97,100,116,124,125-126,134,143.
[294] P00105_ET(Confidential):p.12.
[295] P00105_ET(Confidential):pp.27-32/P00105_LSU.2(Confidential):pp.11-14; P00105_ET(Confidential):pp.33-34,94,100; P00105_ET(Confidential):p.123/P00105_LSU.2(Confidential):p.56. *See also* Section_III.C.1(a)(iv).
[296] Initial_Appearance_FAZLIU:05:38-07:23(08-Dec-2024)(Open) https://www.youtube.com/watch?v=AXNbJKRZ0ww (last accessed 24 August 2026).
[297] P00105_ET(Confidential):p.4 ('FADIL FAZLIU: How are you doing? Did he tell you that I am Fadil FAZLIU?'); P00105_ET(Confidential):pp.6-7,12,15,18,22,35,64,85,88,94,95,98-99,103,125,127,137.
[298] P00105_ET(Confidential):pp.4,7,34,36; P00105_ET(Confidential):p.42/P00105_LSU.1(Confidential):p.7; P00105_ET(Confidential):p.52/P00105_LSU.1(Confidential):p.24; P00105_ET(Confidential):p.61/P00105_LSU.2(Confidential):pp.45-46; P00105_ET(Confidential):pp.107,110; P00105_ET(Confidential):p.117/P00105_LSU.2(Confidential):p.51.
[299] P00105_ET(Confidential):pp.6-7,118. *Compare also* P00105_ET(Confidential):pp.6-7 *with* P00194_ET(Confidential):p.2(ln.13) (wherein it is confirmed that FAZLIU lives in [REDACTED]).

participated in while detained), such as applying for a visa[300] and meeting various people at liberty,[301] including Witness 1.[302]

115. Finally, and in particular in the Visit Transcript sections targeting Witness 1 and revealing confidential Case 6 information,[303] it is obvious from the words spoken that the voice issuing directions to instruct Witness 1 how to testify to help his defence in Case 6 is **THAÇI's**, and that **FAZLIU** is the one agreeing to do so with his son Fahri's assistance. Further, multiple statements attributed to **FAZLIU** during these key portions of the transcript are confirmed, *inter alia*, by evidence seized from **FAZLIU's** and Fahri FAZLIU's phones *after the visit took place*, including text confirmations of the meeting between Witness 1, **FAZLIU** and Fahri FAZLIU before the 2 July Visit, and by **FAZLIU's** plan to use his son to set up a follow-up meeting immediately after the 2 July Visit.

116. Each of these factors alone is sufficient to identify and attribute **THAÇI's** and **FAZLIU's** voices – as they are attributed in the Visit Transcript.[304] Together, they constitute overwhelming proof.[305]

(ii) Case 6 disclosures relevant to Witness 1

117. The SPO's 21 December 2021 witness list provided to the Case 6 Defence identified Witness 1 as an SPO witness.[306] He was assigned witness code W04746 and was anticipated to testify without protective measures.[307] The Case 6 accused were notified that Witness 1, also known as 'Remi', the Commander of the Llap Operational

[300] P00105_ET(Confidential):pp.10-11.
[301] P00105_ET(Confidential):pp.24-25,120.
[302] P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36; P00105_ET(Confidential):p.52/P00105_LSU.1(Confidential):p.24; P00105_ET(Confidential):p.56/P00105_LSU.2(Confidential):p.41.
[303] *See also* Section_III.C.1(a)(iv).
[304] *See similarly Bemba et al*. AJ:paras.1338-1339; *Bemba et al*. TJ:paras.216(iii),219-220,224.
[305] *See also* Annex 10.
[306] AF00030(Public); JN.00020(Confidential):pp.15,466-468. *See also* JN.00023(Confidential):pp.16,428-430; JN.00028(Confidential):pp.15,460-462.
[307] AF00031(Public); P00168(Confidential):pp.118243,118245.

Zone in 1998-1999, was expected to testify about the following topics of relevance to this case: (i) events in his area of responsibility, including the military police and intelligence service; (ii) the structure and organisation of the KLA General Staff from the summer of 1998, and its contacts with the Operational Zones; (iii) the issuing of communiqués with 'warnings' against collaborators by the General Staff; and (iv) the role of Adem DEMAÇI.[308]

118. On 18 November 2022, Witness 1 was listed among the first 40 SPO witnesses to testify in Case 6.[309] On 1 February 2023, the SPO filed its list of the first 12 witnesses to be called at trial. The list included Witness 1, estimated his direct examination would last twelve hours, and identified the exhibits intended to be used during his testimony.[310]

119. On 24 May 2023, the SPO informed the Case 6 Defence via *inter partes* correspondence that Witness 1 would testify in July 2023.[311]

120. On 8 June 2023, **FAZLIU** submitted a Visitor Application to the KSC Registry requesting to visit **THAÇI** at the DC on 2 July 2023, which was approved on 14 June 2023.[312] **FAZLIU's** application included a fully executed Visitor Undertaking in which **FAZLIU** acknowledged his understanding of and agreed to follow the rules governing DC visits.[313]

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[308] P00170(Confidential):pp.125824-125826. *See* JN.00090(Confidential):pp.1-2,5(all entries for 'W04746' and 'MUSTAFA') for the disclosure dates of Witness 1's prior statements, underpinning this witness summary, to THAÇI Defence: Witness 1's SPO interview (JN.00052(Confidential)) was disclosed on 12 December 2020; his prior statements from the Latif GASHI case were disclosed on 15 February 2021 (JN.00054(Confidential)), 21 June 2021 (JN.00053_AT(Confidential)), 18 August 2021 (JN.00055(Confidential)) and 31 January 2023 (JN.00053_ET(Confidential)).
[309] JN.00024.1(Confidential); JN.00024.2(Confidential):p.6.
[310] JN.00026.1(Confidential); JN.00026.2(Confidential):pp.15-18. *See also* JN.00027(Confidential):p.2.
[311] P00167(Confidential):p.118207.
[312] P00021_ET(Confidential)/P00021(Confidential); P00024_ET(Confidential)/P00024(Confidential); P00023_ET(Confidential)/P00023(Confidential); P00022_ET(Confidential).
[313] P00021(Confidential):pp.SPOE00363893-SPOE00363894.

121. Witness 1 was also included in the SPO's 9 June 2023 updated witness list.[314] On 21 June 2023, the SPO confirmed to the Case 6 Defence that Witness 1 would be called as the second witness during the July 2023 hearing block.[315] Witness 1 ultimately testified in Case 6 from 11-18 July 2023.[316]

(iii) FAZLIUs' 29 June meeting with Witness 1

122. On 26 June 2023, **FAZLIU's** son Fahri FAZLIU[317] messaged Witness 1 via WhatsApp asking to meet him and **FAZLIU** around the Route 66 diner in their neighbourhood in Prishtinë/Priština.[318] Witness 1 responded that he was unable to meet because he was in Kavajë, and the men agreed to meet once Witness 1 returned to Prishtinë/Priština.[319] Fahri FAZLIU sent Witness 1 greetings from **FAZLIU**, which Witness 1 reciprocated.[320]

123. Three days later, at approximately 09:40 on Thursday, 29 June 2023, Witness 1 messaged Fahri FAZLIU informing him that he had returned to Prishtinë/Priština and was ready to meet.[321] Fahri FAZLIU suggested meeting around Route 66, and Witness 1 indicated he was available immediately.[322] Fahri FAZLIU's phone records show that he then called **FAZLIU** twice at around 09:52.[323] Text messages exchanged between Fahri FAZLIU and Witness 1 confirm that **FAZLIU**, Fahri FAZLIU and Witness 1 met

[314] JN.00028(Confidential):pp.15,460-462.
[315] P00167(Confidential):p.118208 (where Witness 1 is erroneously identified with witness code W04647 instead of W04746).
[316] AF00033(Public).
[317] AF00022(Public).
[318] P00180_ET(Confidential):p.2(lns.4-5); *see also* P00194_ET(Confidential):p.2(lns.13-14); P00210(Confidential):p.4; P00175(Confidential):paras.11-12; P00196(Confidential):pp.8-12; Witness_9:T.710-712(04-Mar-2026)(Open); P00105_ET(Confidential):pp.6-7 (THAÇI introducing FAZLIU to his son Endrit THAÇI and saying, 'He lives in [REDACTED]').
[319] P00180_ET(Confidential):p.2(lns.6,8).
[320] P00180_ET(Confidential):p.2(lns.7-8).
[321] P00180_ET(Confidential):p.2(ln.9).
[322] P00180_ET(Confidential):p.2(lns.11-12).
[323] P00194_ET(Confidential):p.8(ln.135).

approximately 10 minutes later.[324] As detailed below, **FAZLIU** subsequently reported this meeting to **THAÇI** during their 2 July Visit.

124. The next day, 30 June 2023, **FAZLIU** travelled from Kosovo to The Hague via Dortmund.[325] On 1 and 2 July 2023, **FAZLIU** was in The Hague, where he took several photos in front of the DC entrance,[326] and was also scheduled to visit KSC detainee Salih 'Cali' MUSTAFA at the DC.[327]

125. Phone records from **FAZLIU's** seized mobile phone show that in the period between 26 and 29 June 2023, when Fahri FAZLIU was messaging Witness 1 to set up a meeting with **FAZLIU** and Witness 1, **FAZLIU's** phone was functioning and was used to send and receive messages and make outgoing phone calls.[328]

(iv) 2 July Visit

126. On 2 July 2023, **FAZLIU** met with **THAÇI** at the DC from approximately 13:55 to 16:00.[329] As detailed in the Visit Transcript – and as is audible from the Visit Recording itself – the visit began with **FAZLIU** entering the DC visit room where **THAÇI** was finishing a visit with his son Endrit THAÇI.[330] Endrit THAÇI and **FAZLIU** briefly exchanged greetings, during which each was identified by name.[331] The initial conversation was briefly punctuated by greetings from the corridor by Kadri VESELI[332] (also identified by name when he reappeared briefly later in the

[324] P00180_ET(Confidential):p.2(lns.18-21).
[325] AF1.00088(Public); P00197_ET(Confidential):pp.2,5. *See also* P00194_ET(Confidential):p.8(ln.141).
[326] P00198_ET(Confidential):pp.4-7.
[327] P00178_ET(Confidential):pp.2-3(lns.9,19-31).
[328] P00178_ET(Confidential):pp.3-4(lns.51-58).
[329] AF00078(Public); P00008(Confidential); P00028(Confidential); P00025(Confidential); P00026(Confidential); P00027(Confidential):p.125509; P00105_ET(Confidential).
[330] AF00007(Public); P00105_ET(Confidential):pp.1-6 (including, at p.5, THAÇI's explanation to the Detention Officer as follows: 'HASHIM THAÇI: [In English] My son here, my son, he will leave. DETENTION OFFICER: [In English] Yeah. HASHIM THAÇI: [In English] Mr. FAZLIU, he still stay.'). *See also* P00026(Confidential); P00027(Confidential):p.125508.
[331] P00105_ET(Confidential):pp.4,6-7.
[332] P00105_ET(Confidential):p.5.

visit)[333] and by **FAZLIU's** associate 'Tahir,' who had also planned to visit the DC that weekend.[334] After exchanging pleasantries, **THAÇI** and **FAZLIU** were left alone in the visit room.[335]

127. **THAÇI** and **FAZLIU** then spoke about several innocuous topics, including how **FAZLIU** obtained a visa for his visit, **THAÇI's** conditions and daily life inside the DC, and Salih 'Cali' MUSTAFA's trial and [REDACTED] in detention.[336]

128. Approximately 25 minutes into the visit, **THAÇI** and **FAZLIU** began discussing Case 6 proceedings and the evidence of multiple SPO witnesses,[337] denigrating several of them.

129. During this part of the visit, **THAÇI** revealed confidential Case 6 information to **FAZLIU**,[338] including the status of **[REDACTED] ([REDACTED])** as an SPO witness and content from his private-session testimony.[339] Specifically, and similar to the 4 August, 3 September, and 6 October Visits detailed below, **THAÇI** described the testimony of a witness from [REDACTED], deriding the witness as '[REDACTED]'.[340] **THAÇI** was referring to protected witness [REDACTED], who testified [REDACTED] as the SPO's [REDACTED] witness.[341] This is clear from, *inter alia*: (i) the reference to

[333] P00105_ET(Confidential):pp.135-137.
[334] *See* P00105_ET(Confidential):pp.8-9. *See also* P00105_ET(Confidential):pp.139-164.
[335] P00105_ET(Confidential):p.10.
[336] P00105_ET(Confidential):pp.10-27.
[337] P00105_ET(Confidential):pp.27-34/P00105_LSU.2(Confidential):pp.11-14.
[338] P00105_ET(Confidential):pp.27-32/P00105_LSU.2(Confidential):pp.11-14.
[339] AF00047(Confidential); P00105_ET(Confidential):pp.28-29/P00105_LSU.2(Confidential):p.12; JN.00020(Confidential):pp.6,163-164; JN.00023(Confidential):pp.6,161; JN.00028(Confidential):pp.5,161-162; P00168(Confidential):p.118243; P00170(Confidential):pp.125836-125837.
[340] P00105_ET(Confidential):p.28/P00105_LSU.2(Confidential):p.12/P00105(Confidential):020723-121000.wav(00:01:21-00:01:45). *See also* Section_III.D.2(b).
[341] [REDACTED]; P00168(Confidential):pp.118243,118245; P00170(Confidential):pp.125836-125837; JN.00026.2(Confidential):pp.4-5; JN.00038(Confidential); JN.00039(Confidential); JN.00040(Confidential).

[REDACTED] ;[342] (ii) [REDACTED];[343] (iii) **THAÇI's** reference to [REDACTED];[344] (iv) [REDACTED][REDACTED];[345] and (v) the link between [REDACTED].[346]

130. Shortly thereafter, **THAÇI** and **FAZLIU** had the following exchange about two more protected SPO witnesses **[REDACTED]**[347] and **[REDACTED]**.[348] They had testified on [REDACTED][349] and [REDACTED], respectively,[350] about events in [REDACTED] and in particular about [REDACTED]:

> HASHIM THAÇI: […] [REDACTED].
> FADIL FAZLIU: Stupid people!
> HASHIM THAÇI: [REDACTED].
> […]
> HASHIM THAÇI: [REDACTED].[351]

131. That **THAÇI** was discussing the Case 6 testimony of [REDACTED] and [REDACTED] is clear from the following references, which also overlap with the narrative about the same witnesses in the DC visit of **SMAKAJ**, Blerim SHALA, Artan BEHRAMI and Ismail SYLA to **THAÇI** ('**9 September Visit**'), 6 October and 7 October

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[342] *Compare* P00105_ET(Confidential):p.28/P00105_LSU.2(Confidential):p.12 *with* JN.00040(Confidential):p.[REDACTED] ('[REDACTED].') and P00155_ET(Public). *See also* P00155_ET(Confidential):p.SPOE00364213 and 1D00093(Confidential):p.DHT1200394, showing [REDACTED]; and Section_III.D.2(b) in relation to the repeated revelation of [REDACTED]'s identity across multiple DC visits and the defamatory way in which THAÇI discussed this witness.
[343] *Compare* P00105_ET(Confidential):p.28/P00105_LSU.2(Confidential):p.12 *with* JN.00038(Confidential):p.[REDACTED] ('[REDACTED].'); P00170(Confidential):pp.125836-125837.
[344] *Compare* P00105_ET(Confidential):pp.28-29/P00105_LSU.2(Confidential):p.12 ([REDACTED]) *with* JN.00038(Confidential):pp.[REDACTED]; JN.00039(Confidential):p.[REDACTED] ([REDACTED]).
[345] *Compare* P00105_ET(Confidential):p.28/P00105_LSU.2(Confidential):p.12 ([REDACTED]) *with* JN.00038(Confidential):pp.[REDACTED]. *See also* for THAÇI's reference to the same evidence, P00109_ET(Confidential):pp.19-20/P00109_LSU.2(Confidential):p.48, P00109_ET(Confidential):pp.25-26/P00109_LSU.2(Confidential):p.52.
[346] *Compare* P00105_ET(Confidential):p.28/P00105_LSU.2(Confidential):p.12 *with* JN.00038(Confidential):p.[REDACTED]. *See also* P00109_ET(Confidential):pp.21-22/P00109_LSU.2(Confidential):p.49; 1D00094_ET(Confidential).
[347] AF00051(Confidential). Of note, [REDACTED]'s first name is misspelled. For the correct spelling, *see e.g.* JN.00041_ET(Confidential):p.[REDACTED].
[348] AF00053(Confidential).
[349] [REDACTED]; JN.00041_ET(Confidential):pp.[REDACTED]; JN.00042(Confidential).
[350] [REDACTED]; JN.00043(Confidential); JN.00044(Confidential).
[351] P00105_ET(Confidential):pp.31-32/P00105_LSU.2(Confidential):p.14/P00105(Confidential):020723-121000.wav(00:04:33-00:05:00),020723-121500.wav(00:00:00-00:00:30). *See also* Section_III.D.2(b).

Visits: (i) [REDACTED] and [REDACTED] came from and/or testified about events that happened in the areas of [REDACTED];[352] (ii) [REDACTED];[353] (iii) [REDACTED] testified about [REDACTED],[354] and [REDACTED];[355] (iv) [REDACTED] was [REDACTED];[356] and (v) [REDACTED] and [REDACTED] testified about [REDACTED].[357]

132. **THAÇI** and **FAZLIU** returned to discussing Salih 'Cali' MUSTAFA, this time referring to a prior SPO interview of Fahri FAZLIU during which the SPO (i) asked questions about Fahri FAZLIU's relationship with Salih MUSTAFA and Witness 1 and (ii) showed Fahri photographs.[358] Toward the end of the discussion, **FAZLIU** recounted to **THAÇI** an anecdote related to the Fahri FAZLIU interview indicating common agreement about protecting friends from law enforcement or judicial inquiries.[359]

133. Then, approximately 32 minutes into the visit, **THAÇI** focused the discussion on Witness 1 and his imminent travel to The Hague to testify in Case 6.[360] Both men identified Witness 1, the 'first official coming',[361] by his nickname 'Remi',[362] with **FAZLIU** stating ''[b]ecause you know Remi. You know him. There is no way he doesn't know what to do.'[363] In addition to the use of his nickname, Witness 1's

[352] *E.g.* JN.00043(Confidential):pp.[REDACTED]; JN.00042(Confidential):pp.[REDACTED]; JN.00041_ET(Confidential):pp.[REDACTED].
[353] JN.00041_ET(Confidential):pp.[REDACTED]; JN.00043(Confidential):pp.[REDACTED].
[354] JN.00043(Confidential):p.[REDACTED]; JN.00044(Confidential):pp.[REDACTED].
[355] JN.00044(Confidential):pp.[REDACTED]. *See also* JN.00041_ET(Confidential):pp.[REDACTED].
[356] JN.00041_ET(Confidential):pp.[REDACTED]; JN.00044(Confidential):p.[REDACTED].
[357] JN.00044(Confidential):pp.[REDACTED]; JN.00041_ET(Confidential):pp.[REDACTED].
[358] P00105_ET(Confidential):pp.34-40. *See also* 4D00001(Confidential) and 4D00002(Confidential), associated exhibits from the SPO interview of Fahri FAZLIU and Witness_7:T.462-465(02-Mar-2026)(Open), which depict a gathering in Fadil FAZLIU's house including THAÇI and Witness 1.
[359] P00105_ET(Confidential):p.39/P00105(Confidential):020723-122000.wav(00:01:44-00:01:54).
[360] P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36.
[361] P00105_ET(Confidential):p.47/P00105_LSU.2(Confidential):p.38.
[362] P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36; AF00032(Public); P00170(Confidential):p.125824. *See also* P00105_ET(Confidential):p.47/P00105_LSU.2(Confidential):p.38.
[363] P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36.

identification is proven by multiple additional identifying factors from Case 6-disclosed materials referred to by **THAÇI**, including: (i) that Witness 1 was implicated in judicial proceedings in Kosovo for an extended period of time;[364] (ii) that Witness 1 would testify publicly;[365] (iii) that Witness 1's direct examination was estimated to last 12 hours;[366] (iv) that Witness 1 was the Llap Operational Zone Commander;[367] and (v) multiple other independently verifiable facts confirming Witness 1 as the witness under discussion, including via Witness 1's phone records.[368]

134. **FAZLIU** reported to **THAÇI** that he had met with Witness 1 at Route 66 just three days earlier, on Thursday 29 June, and that Witness 1 would be in The Hague 'the day after tomorrow,'[369] meaning Tuesday 4 July.[370] **FAZLIU** further informed **THAÇI** that during their meeting at Route 66, he had volunteered to be a conduit for

[364] *Compare* P00105_ET(Confidential):pp.52-54/P00105_LSU.1(Confidential):pp.24-25/P00105_LSU.2(Confidential):p.40 *with* JN.00055(Confidential):p.SPOE00088570; JN.00054(Confidential):pp.SPOE00119323,SPOE00119325-SPOE00119333; JN.00053_ET(Confidential):p.SPOE00121335; 1D00053(Confidential); 1D00054(Confidential); 1D00058(Confidential); 1D00062(Confidential); 1D00135(Confidential). This fact is also mentioned in other visits, *e.g.* P00108_ET(Confidential):p.127; P00112_ET(Confidential):pp.156-157, and including as a co-defendant with Latif GASHI aka 'Lata' (*see together* P00105_ET(Confidential):p.33 *with* 1D00055(Confidential); 1D00056(Confidential); 1D00057(Confidential); 1D00059(Confidential); 1D00060(Confidential); 1D00061(Confidential); 1D00004_ET(Public); 1D00081_ET(Public); 1D00102_ET(Public):p.2).

[365] *Compare* P00105_ET(Confidential):pp.52-53/P00105_LSU.1(Confidential):pp.24-25, P00105_ET(Confidential):pp.56-58/P00105_LSU.2(Confidential):pp.41-43, P00105_ET(Confidential):p.123/P00105_LSU.2(Confidential):p.57 *with* JN.00026.2(Confidential):pp.15,18.

[366] *Compare* P00105_ET(Confidential):p.43/P00105_LSU.1(Confidential):pp.7-8 *with* JN.00026.2(Confidential):p.15; JN.00028(Confidential):p.460.

[367] *Compare* P00105_ET(Confidential):pp.40-41/P00105_LSU.2(Confidential):pp.36-37/P00105_LSU.1(Confidential):pp.6-7, P00105_ET(Confidential):p.44/P00105_LSU.2(Confidential):p.37, P00105_ET(Confidential):pp.48-49/P00105_LSU.2(Confidential):pp.39-40 *with* P00170(Confidential):p.125824; *see also* 1D00003_ET(Public); 1D00004_ET(Public); 1D00007_ET(Public); 1D00008_ET(Public); 1D00009_ET(Public); 1D00080_ET(Public); 1D00053(Confidential); 1D00054(Confidential); 1D00081_ET(Public); 1D00083(Public); 1D00084_ET(Public); 1D00085_ET(Confidential); 1D00087_ET(Public); 1D00135(Confidential):p.7.

[368] *Compare e.g.* P00105_ET(Confidential):pp.40-41/P00105_LSU.2(Confidential):pp.36-37 *with* P00174(Confidential):pp.4-5; Witness_7:T.341-342(27-Feb-2026)(Open).

[369] P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36.

[370] Each of these facts as reported by FAZLIU to THAÇI is confirmed by unchallenged external evidence, including records from Witness 1's mobile phone. *See* P00180_ET(Confidential):p.2(lns.10-21); P00174(Confidential):p.4; Witness_7:T.341-342(27-Feb-2026)(Open).

messages between **THAÇI** and Witness 1.[371] Specifically, **FAZLIU** relayed to **THAÇI** that Witness 1 had stated, 'If they have any messages, they can send them and I will get it done, it is not a problem'.[372]

135. After confirming **FAZLIU's** role as go-between to Witness 1, **THAÇI** issued extensive, precise instructions to deliver to Witness 1 on how to testify.[373] Over the course of approximately fifteen minutes, **THAÇI** gave directions aimed at controlling multiple facets of Witness 1's testimony, including the substance and length of his answers, his response to being shown specific evidence, and how to handle his SPO witness preparation session.[374] In contrast to earlier and later portions of the same visit, when he spoke in a normal tone of voice,[375] **THAÇI** whispered[376] his interference instructions to **FAZLIU** in an effort to conceal his words from detection by Detention Officers.[377]

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[371] P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36.
[372] P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36.
[373] *See* P00105_ET(Confidential):pp.39-58/P00105_LSU.2(Confidential):pp.36-43/P00105_LSU.1(Confidential):pp.6-8,11-12,22-25.
[374] THAÇI's directions to FAZLIU to 'tell him [Witness 1]' his instructions are repeated more than 25 times across the 2 July Visit. *E.g.* P00105_ET(Confidential):p.43/P00105_LSU.1(Confidential):pp.7-8, P00105_ET(Confidential):pp.47-51/P00105_LSU.2(Confidential):pp.38-40/P00105_LSU.1(Confidential):pp.22-23, P00105_ET(Confidential):pp.53-56/P00105_LSU.1(Confidential):pp.24-25/P00105_LSU.2(Confidential):pp.40-41.
[375] *E.g.*P00105_ET(Confidential):pp.21-24 (discussing life in the DC), P00105_ET(Confidential):pp.81-94 (discussing politics and acquaintances), P00105_ET(Confidential):pp.133-135 (discussing THAÇI's health).
[376] *E.g.* P00105_ET(Confidential):p.47(lns.9-16)/P00105_LSU.2(Confidential):p.38/P00105(Confidential):020723-122500.wav(00:02:06-00:02:18), P00105_ET(Confidential):p.48(lns.9-10)/P00105_LSU.2(Confidential):p.39/P00105(Confidential):020723-122500.wav(00:03:28-00:03:34), P00105_ET(Confidential):pp.48(ln.19)-50(ln.9)/P00105_LSU.2(Confidential):pp.39-40/ P00105_LSU.1(Confidential):p.22/P00105(Confidential):020723-122500.wav(00:03:41-00:04:50) and compare to the change in the tone of voice in which THAÇI spoke to the Detention Officer and then to FAZLIU and an unidentified male about coffee and water at P00105_ET(Confidential):pp.47(ln.20)-48(ln.9)/P00105_LSU.2(Confidential):p.39/P00105(Confidential):020723-122500.wav(00:02:24-00:03:28), P00105_ET(Confidential):p.48(lns.11-18)/P00105_LSU.2(Confidential):p.39/P00105(Confidential):020723-122500.wav(00:03:34-00:03:40).
[377] *See generally* PD on Visits and Communications:Art.15(1). *See also e.g.* P00105_ET(Confidential):p.47/P00105_LSU.2(Confidential):pp.38-39, P00105_ET(Confidential):p.136, corroborating the proximity of Detention Officers at different times during the visit.

136. **THAÇI** focused each instruction on mitigating or eliminating his culpability for the charged offences in Case 6, consistent with his Preferred Narrative. For example, **THAÇI** instructed that Witness 1 must emphasise his own authority as the Llap Operational Zone Commander and the 'only person in charge [of the area from] the main road to Pristina', while minimising his connection to the KLA hierarchy.[378] **THAÇI** directed that Witness 1 do so by claiming that the General Staff members did not tell him anything at all,[379] and 'I never consulted them, nor did they give me any orders',[380] and that Witness 1 was 'unhappy with them because they did not help me, they did not help me neither with money or logistics, nor with weapons and I was unhappy'.[381] **THAÇI's** unambiguous intention, expressed through his instructions to be delivered to Witness 1, and explained explicitly to **FAZLIU**, was to sever the connection between Witness 1 and himself and his Case 6 co-accused/other General Staff members:

> HASHIM THAÇI: Tell him, "The aim is to connect you, to connect them, from the top down".
> FADIL FAZLIU: If they connect him, it will be bad for you.[382]

137. **THAÇI** further instructed **FAZLIU** that Witness 1 must: (i) highlight the influence of KLA political representative Adem DEMAÇI by directing that Witness 1 state that '"[t]he boss was DEMAÇI [Indiscernible], he should state it clearly, because

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[378] P00105_ET(Confidential):pp.41-45/P00105_LSU.1(Confidential):pp.6-8,11-12/P00105_LSU.2(Confidential):p.37, P00105_ET(Confidential):pp.48-51/P00105_LSU.2(Confidential):pp.39-40/P00105_LSU.1(Confidential):pp.22-23, P00105_ET(Confidential):p.53/P00105_LSU.1(Confidential):pp.24-25, P00105_ET(Confidential):pp.55-56/P00105_LSU.2(Confidential):pp.40-41, P00105_ET(Confidential):p.58/P00105_LSU.2(Confidential):pp.42-43.
[379] P00105_ET(Confidential):p.41/P00105_LSU.1(Confidential):p.7.
[380] P00105_ET(Confidential):p.50/P00105_LSU.1(Confidential):p.22. *See also* P00105_ET(Confidential):p.58/P00105_LSU.2(Confidential):p.42 ('FADIL FAZLIU: He said, "I had nothing to do with them at the time, and this is my job". HASHIM THAÇI: [Whispers] [Indiscernible] "He should be unhappy. 'Because they did not help me sufficiently. They did not meet my needs'".').
[381] P00105_ET(Confidential):p.41/P00105_LSU.1(Confidential):p.7.
[382] P00105_ET(Confidential):p.53/P00105_LSU.1(Confidential):p.25/P00105(Confidential):020723-123000.wav(00:02:35-00:02:41).

you know how it was […] Baca Adem';[383] (ii) minimise the significance of KLA communiqués as being merely propaganda;[384] (iii) emphasise his role in appointing the military police;[385] and (iv) deny the existence of the intelligence service during the war.[386]

138. **THAÇI** repeatedly instructed **FAZLIU** to tell Witness 1 to '[s]horten things'[387] and to 'be brief' in his answers to avoid 'slipping',[388] meaning giving an answer unhelpful to **THAÇI**:

> HASHIM THAÇI: [Whispers] Tell him, "Be brief be brief". Be brief. Be brief". Tell him "Do not philosophise".
> FADIL FAZLIU: Yes, not like that, but to say what –
> HASHIM THAÇI: "Be brief, 'no', 'yes', 'yes', 'no'". Tell him, "No further…" --
> FADIL FAZLIU: He said "No, I will say, I am in charge for Llap". "That's what you will say".
> HASHIM THAÇI: Yes, "And these ones did not tell me anything at all".[389]

139. **THAÇI** directed how Witness 1 must respond when shown a specific exhibit which the SPO had already noticed[390] for use during Witness 1's direct examination:

> HASHIM THAÇI: Totally. Yes, these ones. Tell him "They will also ask you about ZHITIA's book".
> FADIL FAZLIU: ZHITIA's?

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[383] P00105_ET(Confidential):p.49/P00105_LSU.1(Confidential):p.22; *see also* P00105_ET(Confidential):p.42/P00105_LSU.1(Confidential):p.7. In relation to this instruction, *see also* Section_III.D.1(b)(iv).
[384] P00105_ET(Confidential):p.50/P00105_LSU.1(Confidential):p.23 ('HASHIM THAÇI: [Whispers] the communiques were propaganda. FADIL FAZLIU: Yes.'), P00105_ET(Confidential):pp.128-130. In relation to this instruction, *see also* Section_III.D.1(b)(vi).
[385] P00105_ET(Confidential):p.50/P00105_LSU.1(Confidential):p.23.
[386] P00105_ET(Confidential):pp.50-51/P00105_LSU.1(Confidential):p23. *See also* P00108_ET(Confidential):p.212/P00108_LSU(Confidential):p.42; P00111_ET(Confidential):p.390.
[387] P00105_ET(Confidential):p.44/P00105_LSU.2(Confidential):p.37.
[388] P00105_ET(Confidential):p.43/P00105_LSU.1(Confidential):p.8.
[389] P00105_ET(Confidential):p.41/P00105_LSU.1(Confidential):pp.6-7/P00105(Confidential):020723-122000.wav(00:02:52-00:03:05). *See also* the additional references to the requisite brevity at P00105_ET(Confidential):pp.42-44/P00105_LSU.1(Confidential):pp.7-8, P00105_ET(Confidential):pp.47-48/P00105_LSU.2(Confidential):pp.38-39, P00105_ET(Confidential):p.54/P00105_LSU.1(Confidential):p.25. *See also* Section_III.D.1(b).
[390] JN.00026.2(Confidential):p.16; JN.00056(Confidential); P00225(Confidential). *See also* JN.00052(Confidential):Part2(pp.17-18).

> HASHIM THAÇI: You tell him, he can say about the book: [Whispers] "He is the author, I don't know, I did not [Indiscernible]".
> FADIL FAZLIU: It is possible to [Indiscernible].
> HASHIM THAÇI: [Whispers] He must not say - [Normal voice] because they will ask him, "Is this true or not?". "He is the author. It is not me" [Whispers] He must not say --
> FADIL FAZLIU: Yes.
> HASHIM THAÇI: [Whispers] He must not say -- I don't know if I …? "Do not -- neither deny, nor confirm it".
> FADIL FAZLIU: Yes.
> HASHIM THAÇI: "You do not need to take upon yourself someone else's responsibility".
> FADIL FAZLIU: The person who wrote it can answer about it. Yes. That's right, that's right.[391]

140. **THAÇI** leveraged his knowledge of Case 6 procedures as a tool of interference, directing that Witness 1 must make any corrections to his prior statements during his SPO witness preparation session:

> HASHIM THAÇI: [Speak in a quiet voice] That's right. Not you. [Whispers] Tell him, "You will have two days with the Americans". They call him two days earlier, "Do you have anything to correct, do you have anything?". Tell him "Get it done then". When they show it to him two days earlier -- will he get a lawyer?
> FADIL FAZLIU: I don't know.
> HASHIM THAÇI: Because --
> FADIL FAZLIU: I do not know if he has any. I think he must have one.
> HASHIM THAÇI: [Whispers] Two days earlier they will put him in there and they will tell him: "Read all the previous statements. Do you have anything to change [Indiscernible]?" Tell him, "Look, in case you have made any mistakes, change it". Tell him "Because when you enter the court room, it will be late".[392]

141. Throughout, **THAÇI** stressed the importance to his case of Witness 1 testifying as instructed. He directed **FAZLIU** to tell Witness 1, to '[l]eave here as a hero […] rather than in disgrace', and that '"[t]hey have a lot of trust in you and they can't wait

[391] P00105_ET(Confidential):p.55/P00105_LSU.2(Confidential):pp.40-41/P00105(Confidential):020723-123000.wav(00:03:43-00:04:11).
[392] P00105_ET(Confidential):pp.42-43/P00105_LSU.1(Confidential):p.7; P00105(Confidential):020723-122000.wav(00:03:46-00:04:10). In relation to this instruction, *see also* Section_III.D.1(b).

for you to come, because you are decisive and can settle this"'.[393] **THAÇI** also combined his emphasis on the importance of Witness 1 helping **THAÇI's** case – echoed by **FAZLIU** – with a warning of the potential consequences of Witness 1 failing to perform as directed, telling **FAZLIU**:

> HASHIM THAÇI: He can bring it to an end completely. [Indiscernible] [Whispers] that. If he leaves it open, /"they will bring the others/.
> FADIL FAZLIU: They will bring the others. Yes, I believe he will bring it to an end. I believe so. Hopefully.
> HASHIM THAÇI: [Normal voice] Look, he made it public himself.
> FADIL FAZLIU: Yes, he did it in [Indiscernible]
> [Overlapping speakers].
> HASHIM THAÇI: This is good. This is good. But one should know that if you do not know how to handle it, coming here will end you. There is no point returning. The man is finished, I mean as a human being... because to return and physically exist...
> FADIL FAZLIU: Yes, but that is "to live in disgrace".
> HASHIM THAÇI: That's right, that is a disgrace.
> FADIL FAZLIU: Yes.
> HASHIM THAÇI: But I think he will return and he will do well.[394]

142. While providing **FAZLIU** with instructions for how Witness 1 should testify, **THAÇI** also revealed confidential Case 6 information, including Witness 1's identity as an SPO witness,[395] Witness 1's estimated time of direct examination,[396] the fact that Witness 1 would testify publicly,[397] the use of a specific associated exhibit in Witness

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[393] P00105_ET(Confidential):p.51/P00105_LSU.1(Confidential):p.23/P00105(Confidential):020723-123000.wav(00:00:34-00:00:51). *See also* P00105_ET(Confidential):pp.53-54/P00105_LSU.1(Confidential):p.25/P00105(Confidential):020723-123000.wav(00:02:15-00:02:31).
[394] P00105_ET(Confidential):p.45/P00105_LSU.1(Confidential):pp.11-12/P00105(Confidential):020723-122500.wav(00:00:16-00:00:45).
[395] P00105_ET(Confidential):pp.39-40/P00105_LSU.2(Confidential):p.36, P00105_ET(Confidential):p.47/P00105_LSU.2(Confidential):p.38 ('[t]he first official coming is Remi.'); JN.00020(Confidential):pp.15,466-468; JN.00023(Confidential):pp.16,428-430; JN.00028(Confidential):pp.15,460-462.
[396] *Compare* P00105_ET(Confidential):p.43/P00105_LSU.1(Confidential):p.8 ('HASHIM THAÇI: [Whispers] "And", tell him, "be brief", tell him. Tell him, "Do not let them, because they have planned 12 hours" to ask him questions. He won't escape 12 hours without slipping somewhere.') *with* JN.00026.2(Confidential):p.15; JN.00028(Confidential):p.460 (indicating 12 hours as the estimated time of direct examination).
[397] *Compare* P00105_ET(Confidential):p.123/P00105_LSU.2(Confidential):p.57 ('HASHIM THAÇI: You will see it when Remi comes now. You will see it. Kadri has the best counsel in the world. FADIL

1's examination,[398] and the fact that Latif GASHI aka 'Lata' was not included in the SPO witness list.[399] While Witness 1 himself announced on 1 July 2023 that he would be called to testify, each of these facts was confidential at the time of the 2 July Visit.[400]

143. At one point, to emphasise one of the benefits that successfully interfering with Witness 1's testimony would have for **THAÇI's** case, **THAÇI** revealed confidential information about another SPO witness. Specifically, he told **FAZLIU** that if Witness 1 'does this well, [Whispers] he will stop the rest of them', including 'Lekë'.[401] 'Lekë' refers to SPO witness **Nuredin IBISHI (W04758)**,[402] which is apparent from, *inter alia*: (i) the alias used;[403] (ii) the mention of Lekë in connection with Witness 1, Commander of the Llap Operational Zone, to whom W04758 reported directly;[404] and (iii) the reference to Lekë as an upcoming SPO witness who was expected to provide

FAZLIU: Will it be in public session? HASHIM THAÇI: Yes? FADIL FAZLIU: Will it be in public session? HASHIM THAÇI: Yes, yes, yes.') *with* JN.00026.2(Confidential):pp.15,18; JN.00028(Confidential):p.460 (indicating the absence of protective measures).

[398] *Compare* P00105_ET(Confidential):p.55/P00105_LSU.2(Confidential):pp.40-41 *with* JN.00026.2(Confidential):p.16 (listing various translations of Skender ZHITIA's book among the exhibits to be used with the witness) and P00225(Confidential). *See also* JN.00052(Confidential):Part2(pp.17-18).

[399] *Compare* P00105_ET(Confidential):pp.44/P00105_LSU.2(Confidential):p.37 ('FADIL FAZLIU: Now, after him, there will be someone else who will come but he is not from our area either. He must also be a senior officer. HASHIM THAÇI: No. FADIL FAZLIU: Yes. HASHIM THAÇI: We don't have any, no, no, no. We have the list. FADIL FAZLIU: Isn't Lata included? HASHIM THAÇI: Noooo! FADIL FAZLIU: Really? HASHIM THAÇI: No one is.') *with* JN.00023(Confidential). 'Lata' is the nickname of Latif GASHI: *see* JN.00055(Confidential):p.SPOE00088558 (indicating, among the Defendants, Latif GASHI 'aka Commander "Lata"'). *See also* for similar considerations in relation to an individual called 'Ramiz', P00105_ET(Confidential):pp.45-46/P00105_LSU.1(Confidential):p.12/P00105_LSU.2(Confidential):p.37.

[400] *See* Section_IV.B.2(a)(i).

[401] P00105_ET(Confidential):p.55/P00105_LSU.2(Confidential):p.40.

[402] AF00049(Public).

[403] *Compare* P00105_ET(Confidential):p.55/P00105_LSU.2(Confidential):p.40 *with* JN.00052(Confidential):Part2(p.19) ('During the visit, the commanding structures of the zone became official: Commander of the zone, Rrustem Mustafa, Remi; deputy commander of the zone, Kadri Kastrati, Daja; commander of the 1st Brigade, Nuredin Ibishi, Leka; commander of the 2nd Brigade, Idriz Shabani, Luta'); P00169(Confidential):p.119408; P00170(Confidential):p.125824. *See also* 1D00027_ET(Public); 1D00028(Public); 1D00100(Public); 1D00101(Public); 1D00102_ET(Public):p.DHT1200269-ET.

[404] *Compare* P00105_ET(Confidential):p.55/P00105_LSU.2(Confidential):p.40 *with* P00169(Confidential):p.119408(para.4).

testimony on topics overlapping with those of Witness 1.[405] At the time of the 2 July Visit, W04758 had been notified to the Case 6 Defence as an SPO witness, but his testimony date was unknown and he was not included among the first 40 witnesses to testify.[406]

144. Throughout **THAÇI's** instructions, **FAZLIU** not only agreed to convey them to Witness 1,[407] he repeatedly provided his own concrete suggestions for how Witness 1 should testify to benefit **THAÇI**.[408] For example, when **THAÇI** said that Witness 1 should say that he was unhappy with the KLA leadership, **FAZLIU** added that Witness 1 should further say '"I did everything myself." That's right.'[409] As another example, **FAZLIU** said Witness 1 'can change it if he wants to', should '[j]ust repeat what you have and you will be fine' and that '[a]bout this area where you were, you were the person in charge'.[410] At another point, immediately after discussing how Witness 1 must respond when asked about 'ZHITIA's book' in court, **FAZLIU** amplified and sharpened **THAÇI's** instructions for Witness 1 on how to react if pressed:

> HASHIM THAÇI: [Whispers] The other thing, "When you are cornered" tell him,

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[405] *Compare* P00105_ET(Confidential):p.55/P00105_LSU.2(Confidential):p.40 *with* JN.00028(Confidential):pp.15-16,460-462,483-485; JN.00023(Confidential):pp.16,428-430,448-450.
[406] JN.00028(Confidential):pp.16,483-485; JN.00024.2(Confidential); JN.00023(Confidential):pp.16,448-450; P00169(Confidential):p.119397. *See also* AF00050(Public).
[407] *E.g.* P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36 ('HASHIM THAÇI: I can't, because he -- when will you return? FADIL FAZLIU: Tomorrow. I will find him, in fact, he was not with -- I will meet him.'), P00105_ET(Confidential):p.42/P00105_LSU.1(Confidential):p.7 ('FADIL FAZLIU: Yes, that's right. I said "We can have a chat when I come back". He said "Done deal". He said "When you come back we can have a coffee".'), P00105_ET(Confidential):p.48/P00105_LSU.2(Confidential):p.39 ('HASHIM THAÇI: "Briefly". [Whispers] He should answer briefly. [Sound of door closing] No, no, [Whispers] you know it now. FADIL FAZLIU: Yes, done deal, yes.'), P00105_ET(Confidential):p.51/P00105_LSU.1(Confidential):p.23 ('HASHIM THAÇI: [Speaks in a very quiet voice] If you speak on the phone, tell him "They have a lot of trust in you and they can't wait for you to come because you are decisive and can settle this". [Indiscernible] Tell him straight, and honestly -- FADIL FAZLIU: Yes.').
[408] *E.g.* P00105_ET(Confidential):pp.41-42/P00105_LSU.1(Confidential):pp.6-7, P00105_ET(Confidential):p.55/P00105_LSU.2(Confidential):pp.40-41.
[409] P00105_ET(Confidential):pp.41-42/P00105_LSU.1(Confidential):p.7.
[410] P00105_ET(Confidential):p.43/P00105_LSU.1(Confidential):p.8.

> "I don't know, I have no comment, I do not remember". [Normal voice] He will be told "When you are not sure...", this is it. But...
> FADIL FAZLIU: Don't talk, yes, that's right.
> HASHIM THAÇI: [Indiscernible].
> FADIL FAZLIU: I think this will get done well, without a problem. This is how it was -- because this is why I told him that I was coming to visit [Indiscernible] for the reconciliation, "my brother is coming to get it done", he said.
> HASHIM THAÇI: The aim is the Joint Criminal Enterprise [Indiscernible].
> FADIL FAZLIU: Yes. This is very idiotic. This Criminal Enterprise.[411]

145. To ensure that **FAZLIU** did not forget the instructions, **THAÇI** several times directed him – and **FAZLIU** agreed – to write down the precise instructions in real time, all while emphasising the instructions' importance, as seen here:

> HASHIM THAÇI: It is hot. [Whispers] "Be brief". Because they will not check [Indiscernible]. No, you write it down. […]
> HASHIM THAÇI: "Briefly". [Whispers] He should answer briefly. [Sound of door closing] No, no, [Whispers] you know it now.
> FADIL FAZLIU: Yes, done deal, yes.
> HASHIM THAÇI: [Whispers] "You were in charge of that area" --
> FADIL FAZLIU: Yes.
> HASHIM THAÇI: -- "[Indiscernible]", tell him, "From the main road".
> FADIL FAZLIU: The person in charge. Come on.
> HASHIM THAÇI: [Whispers] Not the person in charge, the commander.
> FADIL FAZLIU: Yes, yes, that is known, it is known. Yes.
> HASHIM THAÇI: [Whispers] "The only person in charge [Indiscernible] the main road to Pristina, nothing else apart from that", tell him "[Indiscernible] [Whispers] look what it is" [Overlapping speakers].
> FADIL FAZLIU: [Indiscernible], yes.
> HASHIM THAÇI: The other thing [Whispers even quieter] "DEMAÇI, [Indiscernible]".
> FADIL FAZLIU: With him, nothing at all. That's it.
> HASHIM THAÇI: [Whispers] "The boss was DEMAÇI [Indiscernible], he should state it clearly, because you know how it was.
> FADIL FAZLIU: That's right.
> HASHIM THAÇI: Baca Adem [Translator note: Baca -- a traditional way of respectfully addressing an older man] "[Indiscernible]" Are you writing this down?
> FADIL FAZLIU: Yes. Yes.
> HASHIM THAÇI: Because you will forget.
> FADIL FAZLIU: No, no, I will not forget it at all.

[411] P00105_ET(Confidential):p.56/P00105_LSU.2(Confidential):pp.41-42/P00105(Confidential):020723-123000.wav(00:04:29-00:05:00).

> HASHIM THAÇI: [Whispers] Baca Adem [Indiscernible] [Whispers] The other thing, --
> FADIL FAZLIU: This zone.
> HASHIM THAÇI: [Whispers] [Indiscernible]
> FADIL FAZLIU: Yes. No, no, I know about that zone there.
> HASHIM THAÇI: [Whispers] And tell him "They don't have -- these like that. They had nothing to do with it. They never told me. I never spoke to them nor did they tell me".
> FADIL FAZLIU: That's right.
> HASHIM THAÇI: Yeah, you know. "I have never" -- no no. This is very important. "I never consulted them, nor did they give me any orders".[412]

146. **THAÇI** and **FAZLIU** also discussed and agreed how to contact Witness 1 to deliver **THAÇI's** instructions while avoiding detection by the SPO/KSC.[413] Specifically, **THAÇI** warned **FAZLIU** against making direct contact with Witness 1 because the SPO routinely enquires about potential attempts to interfere with witness testimony.[414] **FAZLIU** replied that, as he had done with the 29 June meeting, he would have his son Fahri FAZLIU contact Witness 1 to set up their meeting (under the pretext of meeting about an unrelated event). **FAZLIU** also recognised the urgency of meeting with Witness 1 in order to convey **THAÇI's** instructions before it was too late, promising **THAÇI** that he would meet with Witness 1 the next day, 3 July, before Witness 1 left Kosovo on 4 July for his SPO witness preparation session:[415]

> FADIL FAZLIU: Tomorrow. I will find him, in fact, he was not with -- I will meet him.
> HASHIM THAÇI: I don't think you can --
> FADIL FAZLIU: He will travel either on the 6th or the 4th.
> HASHIM THAÇI: No, he will travel on Tuesday.
> FADIL FAZLIU: He told me on Tuesday, but someone said that in the newspaper it was on the 6th.[416]
> […]

[412] P00105_ET(Confidential):pp.48-50/P00105_LSU.2(Confidential):pp.39-40/P00105_LSU.1(Confidential):p.22/P00105(Confidential):020723-122500.wav(00:03:28-00:04:50).
[413] P00105_ET(Confidential):pp.39-42/P00105_LSU.2(Confidential):pp.36-37/P00105_LSU.1(Confidential):pp.6-7.
[414] P00105_ET(Confidential):p.51/P00105_LSU.1(Confidential):pp.23-24.
[415] P00174(Confidential):p.4; Witness_7:T.341-342(27-Feb-2026)(Open); AF7.00142(Public).
[416] P00105_ET(Confidential):pp.40-41/P00105_LSU.2(Confidential):p.36/P00105(Confidential):020723-122000.wav(00:02:39-00:02:50).

FADIL FAZLIU: Yes, that's right. I said "We can have a chat when I come back". He said "Done deal". He said "When you come back we can have a coffee".
HASHIM THAÇI: "When you come [Whispers] be brief". They will call him [Whispers with an even lower tone of voice] they will call him about -- but not like this.
FADIL FAZLIU: No, no. No, no just to have a coffee. No, no. Nothing like that. Never. Because I have my son, Fahri "Call him for me on the phone" and I will tell him "Come on when can we have a coffee?".
HASHIM THAÇI: [Speak in a quiet voice] That's right! Not you.[417]
[…]
FADIL FAZLIU: I think he will do it. Now I will --
HASHIM THAÇI: I am saying: "Honestly, I do not know anything more when I went there about what and how and why". Just like this and the rest, but [Whispers] [Indiscernible] he has the power. And he can also say because once he sits down there, they will ask him [Whispers even quieter] Has anyone called you? They always ask this I would not ask you to put yourself at risk. I would not ask you to --
FADIL FAZLIU: No, no, not on the phone at all, I will just go and have a coffee.
HASHIM THAÇI: But, even in this way, I do not know whether —
FADIL FAZLIU: Yes. I will then send my son to him. It is not a problem. I have Fahri. I will tell him "Go and talk to him". Because there is a cafe next to [REDACTED].
HASHIM THAÇI: I know, I know, but —
FADIL FAZLIU: This is how we communicated almost from the beginning before coming here. We spoke to him and told him.
HASHIM THAÇI: [Whispers] You go in person now.
FADIL FAZLIU: He said "I will go"
HASHIM THAÇI: Now [Whispers in a very quiet voice] [Indiscernible] Did you call him?
FADIL FAZLIU: Yes.
HASHIM THAÇI: And he came?
FADIL FAZLIU: Yes.
HASHIM THAÇI: Very good.
FADIL FAZLIU: I called him about a — there was a wounding incident in Pristina. A — has wounded a friend of ...
HASHIM THAÇI: Yes, about that wounding incident exactly.
FADIL FAZLIU: Yes.
HASHIM THAÇI: About that reconciliation.
FADIL FAZLIU: -- a friend of Remi's brother.
HASHIM THAÇI: Go to him [Whispers] go to him but not directly. [Normal voice] Not you directly. And tell him "You did not finish it because of that reconciliation".

[417] P00105_ET(Confidential):p.42/P00105_LSU.1(Confidential):p.7/P00105(Confidential):020723-122000.wav(00:03:25-00:03:47).

FADIL FAZLIU: Yes. That's right I was there for the reconciliation. That's right.[418]

147. Fahri FAZLIU's phone records show that on 2 July he called **FAZLIU** twice at 12:26, shortly before **FAZLIU's** visit to **THAÇI**,[419] and then video-called **FAZLIU** again twice at 21:41, hours after the visit.[420] **FAZLIU** called Fahri FAZLIU back at 21:45.[421]

(v) FAZLIUs' 3 July meeting with Witness 1 and contacts between Fahri FAZLIU and Ilmi MUSTAFA

148. Following the 2 July Visit, **FAZLIU** did what he had told **THAÇI** he would do and arranged another meeting with Witness 1, using Fahri FAZLIU as the conduit.

149. Specifically, on Monday, 3 July 2023, **FAZLIU** returned to Prishtinë/Priština.[422] Records from Witness 1's seized phone show that hours later, Fahri FAZLIU exchanged WhatsApp messages with Witness 1 to arrange a meeting between himself, **FAZLIU** and Witness 1 for 'coffee at [Route] 66' that evening around 17:40.[423] Witness 1 responded almost immediately with, 'I am here', and Fahri FAZLIU responded '[w]e'll be there in 10 minutes'.[424]

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[418] P00105_ET(Confidential):pp.51-53/P00105_LSU.1(Confidential):pp.23-24/P00105(Confidential):020723-123000.wav(00:01:04-00:02:13).
[419] P00194_ET(Confidential):p.11(ln.208). *See also* two missed calls from FAZLIU (saved as 'BABI', which translates as 'DAD') to Fahri FAZLIU at 13:02 in P00194_ET(Confidential):p.11(ln.209).
[420] P00194_ET(Confidential):p.11(ln.210).
[421] P00194_ET(Confidential):p.11(ln.211).
[422] AF1.00089(Public); P00178_ET(Confidential):p.4(ln.59).
[423] P00180_ET(Confidential):p.125706(lns.25,26,28). The reference to '66' is assessed to be a reference to the same 'Route 66' diner mentioned at P00180_ET(Confidential):p.125705(ln.11), where FAZLIU and Fahri FAZLIU previously met Witness 1 on 29 June 2023.
[424] P00180_ET(Confidential):p.125706(lns.26-28). *See also* P00195(Confidential), which shows that Fahri FAZLIU and FAZLIU were together at FAZLIU's residence on 3 July 2023 shortly before they met Witness 1. The photo from Fahri FAZLIU's phone taken at 16:44 on 3 July 2023 shows FAZLIU in his residence with [REDACTED]. The location is readily identifiable as FAZLIU's residence, matching the address provided in his DC visit application (P00024_ET(Confidential)/P00024(Confidential):p.121877), from, *inter alia*, a comparison of other digital photographs found on Fahri FAZLIU's phone. *See* P00196(Confidential):pp.1-7.

150. Records from **FAZLIU's** mobile phone show that on 3 July 2023, his phone was operational and was used to send and receive messages and make outgoing phone calls.[425]

151. Phone records further show that on 3 July 2023 at 18:16, less than an hour after the meeting between **FAZLIU**, Fahri FAZLIU and Witness 1, Fahri created a contact entry on his phone for phone number [REDACTED] under the name 'Lali Djali I Remit' (which translates to 'Lali son of Remi').[426] 'Lali' is Ilmi MUSTAFA, Witness 1's son, a fact made clear by, *inter alia*, the contact details in Witness 1's phone, the WhatsApp metadata, and the contents of WhatsApp messages exchanged between Witness 1 and Ilmi MUSTAFA.[427]

152. The next day, 4 July – the same day Witness 1 travelled to The Hague for his upcoming testimony[428] – phone number [REDACTED] messaged Fahri FAZLIU stating, 'Fahri, it's me Lali.'[429] Seconds later, Fahri FAZLIU created a second contact entry for Ilmi MUSTAFA for this new phone number, again under the contact name 'Lali Djali I Remit' (Lali son of Remi).[430] Records collected from the Fahri FAZLIU Phone show that later that same day, 4 July 2023, Fahri arranged a meeting with Ilmi MUSTAFA at Route 66.[431]

[425] P00178_ET(Confidential):p.4(lns.59-62)(showing WhatsApp messaging and calls on 3 July 2023).
[426] P00209_ET(Confidential):p.2(ln.7).
[427] *See* P00210(Confidential):p.2, showing phone number [REDACTED] saved in Witness 1's phone as 'Ilmi Babi' (translates as 'Ilmi Dad'; of related note, kinship inversion is a common linguistic feature in Albanian) and linked to User ID-Push Name 'Lali', as well as P00210(Confidential):pp.3-5, showing WhatsApp messages with attachments sent by 'Ilmi Babi' to Witness 1 containing Ilmi MUSTAFA's visa for Croatia/his passport and Witness 1's property tax bill that support Ilmi's surname and further corroborate a close relationship between the two.
[428] P00174(Confidential):pp.4-5; Witness_7:T.341-342(27-Feb-2026)(Open).
[429] P00209_ET(Confidential):p.3(ln.1) at 16:43:23.
[430] P00209_ET(Confidential):p.2(ln.8) at 16:43:51.
[431] P00209_ET(Confidential):pp.3-4(lns.3-16).

153. There is no record on the Fahri FAZLIU Phone of any contacts with either contact number for Ilmi MUSTAFA prior to 3 July 2023.[432]

154. Witness 1's witness preparation session with the SPO took place two days later, on 6 July 2023.[433]

155. During a 10 July 2023 recorded DC phone call with Bekim ÇOLLAKU, **THAÇI** referred to the anticipated start of Witness 1's testimony the next day (11 July) and praised Witness 1's behaviour, stating '[b]ut he has been good ... he has behaved very well'.[434]

(vi) Witness 1's testimony and contacts between Fahri FAZLIU and Ilmi MUSTAFA

156. Witness 1 began testifying in Case 6 on 11 July 2023, just nine days after the 2 July Visit.[435] That same day, at 18:09, after the court hearing had finished for the day, Fahri FAZLIU replied to Ilmi MUSTAFA's WhatsApp status update containing a photo of Witness 1 in court.[436] This was the only record recovered from the Fahri FAZLIU Phone showing communication between the phones that day.[437]

157. Witness 1's Case 6 testimony concluded on 18 July 2023.[438] The next day, 19 July, Fahri FAZLIU replied 'Respect!' to a second Ilmi MUSTAFA WhatsApp status update containing a photo of Witness 1.[439]

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[432] Absent evidence to the contrary in P00209_ET(Confidential):p.2.
[433] AF7.00142(Public).
[434] P00090_ET(Confidential):pp.2-3 ('BEKIM ÇOLLAKU: Okay. It will continue tomorrow, right? HASHIM THAÇI: Yes, in the morning and he is done with it. Then this bandit will begin it. BEKIM ÇOLLAKU: Okay, okay, okay. HASHIM THAÇI: It will be "Napoleon's" turn for a few days. BEKIM ÇOLLAKU: [laughs] Okay, okay. HASHIM THAÇI: How are you doing? Otherwise? BEKIM ÇOLLAKU: Well. Well. HASHIM THAÇI: But he has been good ... he has behaved very well. Okay. Hugs.'). *See also* AF00033(Public).
[435] AF00033(Public); P00157(Public); JN.00045_ET(Confidential); P00168(Confidential):p.118245.
[436] P00209_ET(Confidential):pp.4(ln.19),5(photograph).
[437] P00209_ET(Confidential):p.4. *See also* JN.00045_ET(Confidential).
[438] AF00033(Public); P00158(Public); JN.00050_ET(Confidential); P00168(Confidential):p.118245.
[439] P00209_ET(Confidential):pp.4(ln.20),6(photograph).

158. There is no record on the Fahri FAZLIU Phone of any further contact between that device and either number for Ilmi MUSTAFA until 31 October 2023.[440]

(vii) The SPO's attempted interview of Witness 1

159. As noted above, the SPO seized Witness 1's phone on 12 September 2023.[441]

160. On 18 November 2023, the SPO summoned Witness 1 for an interview about the attempt to interfere with his testimony in Case 6.[442] During the explanation of Witness 1's rights, and before any questioning, Witness 1 stated that no one had interfered with him, he had already testified before the KSC about the events of the war, and that he would decline to answer any questions.[443] When the SPO sought to clarify that the subject matter of the interview would be events of June and July 2023 and, specifically, evidence from Witness 1's phone showing attempts to contact him about his testimony, Witness 1 stated that he understood what the SPO was asking about, and that the contacts at issue continued to be his friends, and he continued to see them.[444] Witness 1 then reiterated that he declined to answer any questions.[445]

161. Witness 1's voluntary utterances to the SPO in the course of declining to answer any questions must be weighed in context of all the evidence. Specifically, Witness 1 claimed that '[n]o one has interfered regarding me, and no one can interfere' and that '*I understand what you're talking about*. You have all my contacts. They aren't important. *They continue being my friends*. I also meet them nowadays',[446] prior to being asked a question, and prior to the SPO identifying *any* individuals or phone contacts at issue. Witness 1's remarks must also be viewed in light of the evidence contemporaneous to the 2 July Visit, and in particular his two meetings with **FAZLIU** and Fahri FAZLIU

[440] P00209_ET(Confidential):p.4(lns.21-29).
[441] Request INV/F00031:para.5. *See also* Section_II.B.3(a).
[442] AF2.00090(Public).
[443] AF2.00091(Public); AF2.00092(Public); AF2.00093(Public); AF2.00094(Public); AF2.00095(Public).
[444] AF2.00096(Public).
[445] AF2.00097(Public).
[446] AF2.00094(Public); AF2.00096(Public)(emphasis added).

before and after the 2 July Visit, and his clear statement that he was ready to do **THAÇI's** bidding.[447] Witness 1's statements must also be viewed in light not just of the established climate of witness intimidation in Kosovo,[448] and of **THAÇI's** express warnings during the 2 July Visit about the potential consequences of Witness 1 not doing as directed.[449]

(viii) Deletion of messages from the Fahri FAZLIU Phone

162. As noted above, the SPO seized the Fahri FAZLIU Phone on 17 April 2024.[450] The device was in use by Fahri FAZLIU in June and July 2023,[451] and bears the same phone number ([REDACTED]) that Fahri used to send messages to Witness 1 to arrange their 29 June and 3 July 2023 meetings.[452]

163. The SPO's analysis of the Fahri FAZLIU Phone and Witness 1's seized phone revealed that Fahri FAZLIU likely deleted his June and July 2023 exchanges with Witness 1 in a (further) attempt to conceal the FAZLIU Group's attempt to interfere with Witness 1's testimony. Specifically, as detailed during Witness 9's testimony[453] and in P00199, the Fahri FAZLIU Phone has an unaccounted-for gap where the messages exchanged between Witness 1 and Fahri FAZLIU – messages which *were* recovered from Witness 1's seized phone – would otherwise be found if the messages had not been deleted from the Fahri FAZLIU Phone.

[447] P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36 ('FADIL FAZLIU: I asked him, "Do you have any messages?", he said "No". He said, "If they have any messages, they can send them and I will get it done, it is not a problem".').
[448] AdjF00001(Public).
[449] *E.g.* P00105_ET(Confidential):p.45/P00105_LSU.1(Confidential):pp.11-12.
[450] Report INV/F00122:paras.5-7,19; *see also Section* II.B.3(a).
[451] *See* P00180_ET(Confidential):pp.2-3(lns.1-29); P00194_ET(Confidential):pp.2-15(lns.1-311); P00195(Confidential):pp.2-3; P00197_ET(Confidential):p.2; P00198_ET(Confidential):p.2; P00199_ET(Confidential):pp.4-7; P00209_ET(Confidential):pp.3-4(lns.1-20).
[452] *See* P00180_ET(Confidential):pp.2-3(lns.10-29).
[453] Witness_9:T.676-679(04-Mar-2026)(Open); P00176(Confidential).

(b) 3 September Visit (KUÇI)

164. **THAÇI** and **KUÇI** are charged with contempt offences arising from **KUÇI's** 3 September Visit to **THAÇI** at the DC.[454] As detailed below, during the visit **THAÇI** targeted for interference the upcoming Case 6 testimony of **Witness 2**, **Sylejman SELIMI (W04290, or 'Witness 5')** and **[REDACTED] (Witness 6)** – taking steps to unlawfully contact the SPO witnesses in agreement with **KUÇI**. **KUÇI** is charged with a separate contempt count for contacting Witness 1 on 12 April 2023 in contravention of a court order.[455]

165. **KUÇI** was a member of the VESELI Defence in Case 6 from at least February 2022 until 29 November 2023.[456]

166. On 18 August 2023, **KUÇI** submitted a Visitor Application to the KSC Registry requesting a non-privileged visit with **THAÇI** at the DC on 3 September 2023.[457] **KUÇI's** application included a fully-executed Visitor Undertaking in which **KUÇI** acknowledged his understanding of and agreed to follow the rules governing DC visits.[458] **KUÇI** described his relationship with **THAÇI** as follows: '[w]e worked together in the party, I was deputy chairman whereas Mr. THAQI was chairman. It was the same in government, Mr. THAQI was prime minister and I was deputy prime minister and Minister of Justice'.[459] **KUÇI** further explained that he has known **THAÇI**

[454] Indictment:Count 9,Count 18.
[455] Indictment:Count 19.
[456] *See* AF00027(Public). *See also* P00127(Confidential):pp.128162,128166,128169,128171,128175-128176,128178-128179,128181,128183,128187-128188,128190-128191 (KSC forms seized from KUÇI indicating his Defence team assignment began as early as September 2021); JN.00008_ET(Confidential):p.2141 (KUÇI is mentioned as consultant among the VESELI Defence team members appearing on behalf of Mr VESELI; P00159(Confidential); P00160(Confidential); P00161(Confidential); P00162(Confidential). KUÇI's membership on the Veseli Defence team was terminated on or about 29 November 2023, after the SPO disclosed to all Case 6 accused the recorded audio of THAÇI's non-privileged DC visits, *see* P00163(Confidential).
[457] P00033_ET(Confidential)/P00033(Confidential). *See also* P00034(Confidential).
[458] *See e.g.* P00033(Confidential):p.SPOE00363942.
[459] P00033_ET(Confidential)/P00033(Confidential):p.SPOE00363941.

for almost 30 years, has very close friendly relations, and that his reason for visiting was to visit 'one of the best friends of my life'.[460]

167. On 3 September 2023, **KUÇI** visited **THAÇI** at the DC for three hours.[461]

(i) Voice attribution

168. The 3 September Visit Transcript's voice attribution is accurate and readily verifiable from abundant evidence intrinsic and extrinsic to the Visit Recording. There is no dispute that **KUÇI** visited **THAÇI** – alone – on 3 September 2023,[462] and that P00106 contains the audio recording of the entire visit.[463] Multiple Registry records[464] and extractions from **KUÇI's** seized phones[465] further confirm the visit. The sole question is thus which voice in the Visit Recording belongs to **THAÇI** and which to **KUÇI**.

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[460] P00033_ET(Confidential)/P00033(Confidential):p.SPOE00363941. *See also* AF00026(Public); P00035_ET(Confidential)/P00035(Confidential):p.SPOE00363953.
[461] AF00081(Public); P00036(Confidential); P00037(Confidential):p.124530; P00038(Confidential); P00106_ET(Confidential); P00219(Confidential):p.SPOE00409683(chat message (5173)),p.SPOE00409684(chat message (5186)). *See also* P00219(Confidential):pp.SPOE00409684-SPOE00409685, containing KUÇI's messages assessed as exchanged with his family about his [REDACTED] activities in The Netherlands, including that he was 'in a session' at 11:05 (chat message (10797)). KUÇI visited THAÇI on other occasions during the Indictment Period, most notably in an unrecorded visit on 5 June 2023: *see* P00008(Confidential); P00020(Confidential); P00019(Confidential).
[462] AF00081(Public).
[463] As previously detailed, due to the extremely low whispering therein, the SPO commissioned audio-enhancement of four five-minute segments of the 3 September Visit (*see e.g.* Reply F00713:para.10). While the Defence objections to the audio enhancement are unfounded and the enhanced audio and transcript segments are all admitted in this case (*see* Bar Table Decision:paras.52-53,88 and all exhibits including 'P00107'), the SPO in this brief relies upon and cites to only the 'unenhanced' audio and corresponding transcription. The SPO further notes that *both* the 'unenhanced' and enhanced versions of the four segments at issue were subjected to LSU verification, and that the 'unenhanced' and enhanced transcripts 'do not, in fact, differ significantly' (Bar Table Decision:para.52) and those differences bear no relevance to the charges here. For further clarity, Annex 5 to this brief matches pages of the enhanced audio transcript to the corresponding pages of the 'unenhanced' version, along with the LSU verification of each reference where applicable.
[464] P00033_ET(Confidential)/P00033(Confidential); P00034(Confidential); P00035_ET(Confidential)/P00035(Confidential); P00036(Confidential); P00037(Confidential):p.124530; P00038(Confidential).
[465] P00219(Confidential). *See also* AF00029; P00214(Confidential) (indicating KUÇI's seized mobile device was assigned, *inter alia*, the number [REDACTED]); P00222(Confidential):p.1; P00223(Confidential):p.1.

169. The answer is clear, accurately reflected in the Visit Transcript, and verifiable by the STJ. As detailed above, **THAÇI's** voice is identifiable from the hours of admitted DC Visit Recordings, his recorded DC phone calls, and from his recorded statements in court.[466] Additionally, **THAÇI** discussed his detention conditions,[467] recent compassionate release,[468] professional roles,[469] and legal counsel.[470] **THAÇI** and **KUÇI** also referred to one another by name or nickname, including **THAÇI** calling **KUÇI** 'Hajër' or 'Hajro' more than 50 times, and **KUÇI** calling **THAÇI** 'boss' more than 90 times.[471]

170. **KUÇI** is likewise identifiable from references to his family members,[472] profession,[473] and recent events outside of confinement (and thus impossible for **THAÇI** to have participated in while detained), such as attending **THAÇI's** court hearing,[474] traveling,[475] university lecturing,[476] and meeting people at liberty.[477] Multiple statements attributed to **KUÇI** during key portions of the Visit Transcript are

[466] *See* Section II.B.1(b).
[467] P00106_ET(Confidential):pp.9,13-14,49; P00106_ET(Confidential):p.53/P00106_LSU.2(Confidential):p.20.
[468] *Compare* P00106_ET(Confidential):pp.4-6 *with* Request F00140:paras.9-10.
[469] P00106_ET(Confidential):p.94/P00106_LSU.1(Confidential):pp.43,49, P00106_ET(Confidential):p.99.
[470] P00106_ET(Confidential):p.96/P00106_LSU.1(Confidential):p.50; P00106_ET(Confidential):pp.171-174,185.
[471] P00106_ET(Confidential):pp.3-6,12,14-15,17-18,20,22,25-26,37,40,43,46,49; P00106_ET(Confidential):pp.50-54/P00106_LSU.2(Confidential):pp.17-20; P00106_ET(Confidential):p.71/P00106_LSU.1(Confidential):p.31; P00106_ET(Confidential):p.75/P00106_LSU.2(Confidential):p.78; P00106_ET(Confidential):p.86/P00106_LSU.2(Confidential):p.83; P00106_ET(Confidential):p.95/P00106_LSU.1(Confidential):p.49; P00106_ET(Confidential):p.98/P00106_LSU.2(Confidential):p.88; P00106_ET(Confidential):p.101/P00106_LSU.2(Confidential):p.89; P00106_ET(Confidential):pp.110-111,118,123-124,127,131-133,135,137; P00106_ET(Confidential):p.147/P00106_LSU.2(Confidential):p.100; P00106_ET(Confidential):pp.150-151,153,155,160-161,165,167,169,171,173-174,177,181,185,191-192,195-196,199-200.
[472] P00106_ET(Confidential):pp.9-12.
[473] P00106_ET(Confidential):pp.1-2,168,203. *See also* AF00028(Public).
[474] P00106_ET(Confidential):pp.49-50.
[475] P00106_ET(Confidential):pp.20,41; P00106_ET(Confidential):pp.142-146/P00106_LSU.1(Confidential):pp.74-77.
[476] P00106_ET(Confidential):pp.167-168.
[477] P00106_ET(Confidential):pp.40-41; P00106_ET(Confidential):pp.142-146/P00106_LSU.1(Confidential):pp.74-77; P00106_ET(Confidential):pp.178-179.

also confirmed by evidence seized from **KUÇI's** phones after the visit took place, including **THAÇI's** directions to **KUÇI** to instruct a third person to collect **KUÇI** upon arrival at the Prishtinë/Priština airport.[478]

171. Finally, in those portions of the Visit Transcript where Witness 2, Witness 5 and Witness 6 were targeted for interference,[479] it is evident from the words spoken that **THAÇI** was issuing the directions and **KUÇI** was agreeing to execute them. For example, **THAÇI** addressed **KUÇI** by name when issuing the following instruction for Witness 5: 'It should be simplified, Hajro. Another thing, "Those who elected me were not in uniforms. They were volunteers from the villages". That is if he really wants to help us!'.[480] Similarly, **THAÇI** addressed **KUÇI** by name when discussing how Witness 6 should be approached: 'And Hajro, now [Indiscernible] tell him to wait there' and 'tell him, "come at [Indiscernible], come at 12.00, 12.00"', with **KUÇI** responding 'Alright!' and 'Yes, yes, yes'.[481]

172. Each of the preceding factors alone is sufficient to identify and attribute **THAÇI's** and **KUÇI's** voices.[482] Together, they constitute overwhelming proof.

(ii) Witness 5

a) Case 6 disclosures relevant to Witness 5

173. The SPO's 21 December 2021 witness list included Witness 5,[483] who was assigned witness code W04290 and was anticipated to testify without protective measures.[484] As notified to the Case 6 accused, Witness 5 was expected to testify about

[478] P00106_ET(Confidential):pp.143-146/P00106_LSU.1(Confidential):pp.75-77.
[479] *See* Section_III.C.1(b)(ii); Section_III.C.1(b)(iii); Section_III.C.1(b)(iv).
[480] P00106_ET(Confidential):p.71/P00106_LSU.1(Confidential):p.31. *See also* P00106_ET(Confidential):p.98/P00106_LSU.2(Confidential):p.88, P00106_ET(Confidential):p.101/P00106_LSU.2(Confidential):p.89.
[481] P00106_ET(Confidential):p.202/P00106_LSU.2(Confidential):pp.102-103.
[482] *See also* Annex 10.
[483] AF00041(Public); JN.00020(Confidential):pp.9,257-258. *See also* JN.00023(Confidential):pp.9,249-250; JN.00028(Confidential):pp.9,249-250.
[484] AF00042(Public); P00169(Confidential):p.119401.

his roles as the Drenica Operational Zone Commander between May 1998 and February 1999, as KLA General Commander between February and March 1999, and as Commander of the National Guard from April 1999.[485] Specifically, his testimony was expected to cover the following topics of relevance to this case: (i) the development of the KLA in the Drenica Operational Zone; (ii) the structure of the KLA, and in particular the interactions between the Drenica Operational Zone and the General Staff; (iii) his election as Drenica Operational Zone Commander in May 1998 in the presence of Rexhep SELIMI, and with approval by the KLA headquarters; (iv) the operation of an intelligence unit in Drenica under Kadri VESELI, which answered directly to the General Staff and of which Sabit GECI aka 'Qopa' was a member; (v) **THAÇI's** visits to Drenica Operational Zone during the summer/autumn 1998, and their importance for the KLA's morale; (vi) meetings between the General Staff and the Operational Zone Commanders; (vii) his appointment as the KLA General Commander around the time of the Rambouillet Conference; (viii) **THAÇI's** position as Chief of the KLA Political Directorate; (ix) the creation of the Provisional Government of Kosovo and **THAÇI's** role in setting it up as its Prime Minister; and (x) the meeting held in the Nerodime Operational Zone, during which **THAÇI** tasked Agim ÇEKU, Bislim ZYRAPI and others to carry out Operation Arrow.[486]

174. On 18 November 2022, Witness 5 was listed among the first 40 SPO witnesses to testify in Case 6.[487] The SPO's 1 February 2023 list of the first 12 witnesses to be called

[485] P00169(Confidential):p.119401. In some instances, W04290's role as 'KLA General Commander' was also referred to as General Staff Commander or Chief: *see e.g.* P00169(Confidential):p.119401(para.1). *See also* P00125_ET(Confidential):p.SPOE00344959.
[486] P00169(Confidential):pp.119401-119402. *See also* JN.00090(Confidential):pp.3,5(all entries for 'W04290' and 'SELIMI') for the disclosure dates of Witness 5's prior statements, underpinning this witness summary, to THAÇI Defence: Witness 5's UNMIK police statement (JN.00075(Confidential)), his ICTY testimony in the Fatmir LIMAJ case (JN.00077(Confidential), JN.00078(Confidential), JN.00079(Confidential)), his SPRK examination as a witness (JN.00074(Confidential)) and as a defendant (JN.00076(Confidential)) were disclosed on 18 August 2021; his FBIS interview (JN.00080(Confidential)) was disclosed on 28 February 2022.
[487] *Compare* JN.00024.1(Confidential) *with* JN.00024.2(Confidential):p.4.

included Witness 5, estimated nine hours for his direct examination, and identified the exhibits intended to be used during his testimony.[488]

175. The SPO's 9 June 2023 updated witness list included Witness 5.[489] On 21 June 2023, however, the SPO informed the Case 6 Defence that it would not call Witness 5 at that stage but would consider doing so later.[490] The THAÇI Defence expressed interest in contacting Witness 5 in advance of his testimony, unsuccessfully requesting to contact him outside the framework of the Case 6 Protocol on 4 July 2023.[491] Witness 5 ultimately testified in Case 6 from 10-13 February 2025.[492]

b) THAÇI's instructions for Witness 5's testimony

176. During the first part of the 3 September Visit, **THAÇI** and **KUÇI** discussed, in normal tones of voice and volume, several innocuous topics, including their families, their health,[493] and politics.[494] Then, after about 40 minutes, they began discussing Case 6 proceedings, including Witness 1's performance in court[495] and a number of other Case 6 witnesses.[496]

177. **THAÇI,** with **KUÇI** following suit, then started whispering instructions on how Witness 5 should testify.[497] That Witness 5 was the subject of discussion is established

[488] JN.00026.1(Confidential); JN.00026.2(Confidential):pp.24-28.
[489] JN.00028(Confidential):pp.9,249-250.
[490] P00167(Confidential):p.118208.
[491] JN.00030(Confidential).
[492] AF00043(Public).
[493] P00106_ET(Confidential):pp.3-14.
[494] P00106_ET(Confidential):pp.19-49.
[495] P00106_ET(Confidential):pp.54-56/P00106_LSU.2(Confidential):p.21; P00106_ET(Confidential):pp.57-58/P00106_LSU.1(Confidential):p.8. For other DC visits, where THAÇI expressed satisfaction with Witness 1's evidence, *see also* Section_III.D.2(a).
[496] P00106_ET(Confidential):p.50/P00106_LSU.2(Confidential):p.17 (discussing Frederick ABRAHAMS ('W04408'), P00106_ET(Confidential):p.54/P00106_LSU.2(Confidential):p.20 (discussing the 'four comrades' having an impact on the JCE, P00106_ET(Confidential):p.56/P00106_LSU.2(Confidential):p.21 (talking about '[REDACTED]' and another upcoming witness).
[497] P00106_ET(Confidential):pp.58-89/P00106_LSU.1(Confidential):pp.8-9,22-25/P00106_LSU.2(Confidential):pp.75-86/P00106(Confidential):030923-080909.wav(00:00:50-

by, *inter alia*, the following matches between **THAÇI's** references to the target of instructions and the content of Witness 5's disclosed evidence in Case 6: (i) 'Syla', a nickname for Witness 5;[498] (ii) Witness 5's election as Drenica Operational Zone Commander in May 1998 by the 'point commanders' in Rexhep SELIMI's presence;[499] (iii) the killing of brigade commanders in Witness 5's Operational Zone;[500] (iv) Witness 5's appointment as KLA General Commander on the proposal of – among others – Ramush HARADINAJ, and without knowing that Azem SYLA was already holding the position;[501] (v) Witness 5's summons to 'Petrovë' in the Nerodime Operational

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00:04:59),030923-081409.wav,030923-081909.wav,030923-082409.wav,030923-082909.wav,030923-083409.wav,030923-083909.wav(00:00:00-00:00:25).

[498] *Compare* P00106_ET(Confidential):pp.61-62/P00106_LSU.1(Confidential):p.9/P00106_LSU.2(Confidential):p.75 *with* P00106_ET(Confidential):p.103/P00106_LSU.1(Confidential):p.55; P00106_ET(Confidential):p.107/P00106_LSU.2(Confidential):p.91; JN.00080(Confidential):p.U003-9087.

[499] *Compare* P00106_ET(Confidential):p.64/P00106_LSU.1(Confidential):p.22 ('HASHIM THAÇI: I was appointed, it was the election by the points", the point commanders elected him. […] "it is not Rexhep SELIMI. He was there by chance because he had nowhere else to go'), P00106_ET(Confidential):p.71/P00106_LSU.1(Confidential):p.31 ('HASHIM THAÇI: Yeah, he was elected by the point commanders. There were no proposals from the Staff, nothing at all. They gathered, they met him and elected him. "Rexha was there. He happened to be there by chance, as a family member […]".'), P00106_ET(Confidential):pp.79-80/P00106_LSU.1(Confidential):p.35 *with* JN.00078(Confidential):p.2173 ('A. […] Because with commanders -- unit commanders I rallied around myself, there was present a member of the General Staff when they elected me as the commander of the Drenica operational zone. So present at that meeting was someone from the General Staff.'); JN.00080(Confidential):p.U003-9097; JN.00077(Confidential):pp.2054,2071.

[500] *Compare* P00106_ET(Confidential):pp.72-73/P00106_LSU.2(Confidential):pp.76-77 ('HASHIM THAÇI: [Whispers] […] "Four of my brigade commanders were killed because we had no organization. […] because during the offensive some of our commanders were killed. Three of our commanders were killed. [Indiscernible] was killed, Kapuçi was killed, Fehmi was killed, and Sandokan was killed" —HAJREDIN KUÇI: [Whispers] Yes. HASHIM THAÇI: [Whispers] -- "and then [Indiscernible]". HAJREDIN KUÇI: [Whispers] [Indiscernible]. HASHIM THAÇI: [Whispers] You [Indiscernible] myself in – HAJREDIN KUÇI: [Whispers] In April. HASHIM THAÇI: [Whispers] -- "in April. He was killed in December" -- no, Kapuçi was wounded.'), P00106_ET(Confidential):pp.76-77/P00106_LSU.2(Confidential):pp.78-79/P00106_LSU.1(Confidential):p.33 *with* JN.00080(Confidential):pp.U003-9098,U003-9108; JN.00076(Confidential):p.SITF00370357.

[501] *Compare* P00106_ET(Confidential):p.76/P00106_LSU.1(Confidential):p.33 ('HASHIM THAÇI: [Whispers] […] And, "Yes, I was elected commander, and I was elected by the zones -- I was elected by the operational zone commanders. I did not know whether there was a Staff or a commander there, because they never responded to us. And I did not know whether he is - whether he was or not.'); P00106_ET(Confidential):pp.58-59/P00106_LSU.1(Confidential):p.8, P00106_ET(Confidential):p.62/P00106_LSU.1(Confidential):p.22 ('HASHIM THAÇI: [Whispers] "I was proposed by Ramush and somebody else whom I don't remember. I was elected.'), *with*

Zone;[502] (vi) Witness 5's assertions that **THAÇI** boosted the KLA's morale;[503] (vii) Witness 5's familial relationship with Rexhep SELIMI;[504] and (viii) 'Sami' as Witness 5's deputy, which matches the position of Sami LUSHTAKU as the Deputy Commander of Drenica Operational Zone.[505] Moreover, the association of 'Syla' with the 'four big ones of the KLA' during this visit, which included high-level KLA insiders in Case 6, namely 'Bisa' (Witness 2), 'Koli' or 'Sokol' or 'BASHOTA' (**Sokol BASHOTA**, **W04401**), and 'Shukri' or 'Shuki' or 'Shukja' (**Shukri BUJA**, **W01453**), is consistent with other visits.[506]

178. While his instructions covered a broad range of topics consistent with his Preferred Narrative,[507] **THAÇI** repeatedly emphasised three specific points that **KUÇI**

JN.00080(Confidential):p.U003-9109 ('[Selimi][…] There were two nominations at the very beginning of the meeting, for me and for Bislim Zyrapi. […] Ramush Haradinaj, […] for my appointment. […] We knew Azem as a man who had been working in logistics. Nobody knew that Azem had been the commanding general, because it was not publically known. […] After I realized that he had been the commanding general, I wanted to withdraw, but Azem himself told me that I should not withdraw […]'); JN.00077(Confidential):p.2054. *See also* P00125_ET(Confidential):p.SPOE00344959.

[502] *Compare* P00106_ET(Confidential):p.81/P00106_LSU.2(Confidential):p.80 ('HASHIM THAÇI: [Whispers] […] He should not say, "We were summoned to Petrovë by [Indiscernible] to Petrovë.') *with* JN.00074(Confidential):p.SITF00009432 ('SS: […] I was in Drenica at the time and I received a call from Hashim Thaci. He asked me to meet him in the Nerodime zone. […] PP: Do you remember in which village you met with Thaci? SS: I am not sure because that was the only time I went to that part of Kosovo. It may have been in Mollopolc or Petrovo villages.').

[503] *Compare* P00106_ET(Confidential):p.64/P00106_LSU.1(Confidential):p.23, P00106_ET(Confidential):p.75/P00106_LSU.2(Confidential):p.78, P00106_ET(Confidential):p.82/P00106_LSU.2(Confidential):p.81 *with* JN.00080(Confidential):p.U003-9106.

[504] *Compare* P00106_ET(Confidential):p.71/P00106_LSU.1(Confidential):p.31, P00106_ET(Confidential):p.163 ('HASHIM THAÇI: The same questions, man! You have -- whom else did he examine - fuck it -- he has spoken to Syla. […] When it comes to [Indiscernible] he can take Rexha, because he is a family member.') *with* JN.00080(Confidential):p.U003-9088 ('Rexhep Selimi, who is my uncle's uncle'.).

[505] *Compare* P00106_ET(Confidential):pp.71-74/P00106_LSU.1(Confidential):p.31/P00106_LSU.2(Confidential):pp.76-78 *with* JN.00080(Confidential):p.U003-9097.

[506] P00106_ET(Confidential):pp.163-164. *See also* Section_III.D.1(a).

[507] *See e.g.* P00106_ET(Confidential):pp.65-66/P00106_LSU.1(Confidential):pp.23-24, P00106_ET(Confidential):p.77/P00106_LSU.2(Confidential):p.79 (with regard to Adem DEMAÇI's authority), P00106_ET(Confidential):pp.70-71/P00106_LSU.1(Confidential):pp.30-31 (on the fact that the armed resistance in Kosovo would have taken place irrespective of the KLA), P00106_ET(Confidential):p.65/P00106_LSU.1(Confidential):p.23 (on the significance of communiqués),

must tell Witness 5: (i) in May 1998, Witness 5 was elected Drenica Operational Zone Commander by the 'point commanders' with no role of the General Staff members;[508] (ii) 'Qopa' was incapacitated due to injury and played 'no role at all';[509] and (iii) the KLA was disorganised between the summer of 1998 and October 1998,[510] all as seen here:

> HASHIM THAÇI: [Whispers] -- this narrative is very important for us. Firstly, his election. "In May I was elected by the villagers. Secondly, Qopa, was an immobile patient" [Indiscernible]. Tell him, "If you put him on his feet, you will fuck both yourself and the others, that is if you put him on his feet". Tell him "Leave him lying down there" I swear. [Laughs].[511]
> […]
> HASHIM THAÇI: Leave him! "[…] Then the offensive began". "What do you think…?", "We had no -- the offensive began. We had no organization. […]".[512]
> […]
> HASHIM THAÇI: […] And, there are three. I am repeating it again: The first is his election by the zone -- point, point commanders in May '98 –
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] -- and in Drenica, in Drenica; Secondly, "Qopa", tell him, "Let him lying down, fuck it!"
> HAJREDIN KUÇI: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] No, "Total disorganization in the summer, total, the offensive from 15 [Indiscernible] until', tell him, 'until mid-October, MILOSEVIC-HOLBROOKE Agreement. […]".[513]
> […]

P00106_ET(Confidential):p.75/P00106_LSU.2(Confidential):p.78 (on Likoc/Likovac as the location of the KLA headquarters). *See also* JN.00076(Confidential):p.SITF00370356.

[508] P00106_ET(Confidential):p.64/P00106_LSU.1(Confidential):pp.22-23, P00106_ET(Confidential):p.71/P00106_LSU.1(Confidential):p.31, P00106_ET(Confidential):pp.79-80/P00106_LSU.1(Confidential):p.35/P00106_LSU.2(Confidential):p.80.

[509] P00106_ET(Confidential):pp.66-68/P00106_LSU.1(Confidential):pp.24-25, P00106_ET(Confidential):pp.79-80/P00106_LSU.1(Confidential):p.35. *Compare with* JN.00075(Confidential):pp.SITF00031715-SITF00031718 (where Witness 5 stated that Sabit GECI, who was 'always with the intelligence unit' in the Drenica Operational Zone, was wounded; P00169(Confidential):p.119401(para.5) ('Sabit GECI was always with the intelligence unit.').

[510] P00106_ET(Confidential):pp.71-72/P00106_LSU.2(Confidential):pp.76-77, P00106_ET(Confidential):p.77/P00106_LSU.1(Confidential):p.33, P00106_ET(Confidential):pp.79-81/P00106_LSU.1(Confidential):p.35/P00106_LSU.2(Confidential):p.80. *See also* Section_III.D.1(a)(i).

[511] P00106_ET(Confidential):pp.79-80/P00106_LSU.1(Confidential):p.35/P00106(Confidential):030923-082909.wav(00:01:23-00:01:41).

[512] P00106_ET(Confidential):p.80/P00106_LSU.1(Confidential):p.35/P00106(Confidential):030923-082909.wav(00:01:42-00:01:59).

[513] P00106_ET(Confidential):pp.80-81/P00106_LSU.1(Confidential):p.35/ P00106_LSU.2(Confidential):p.80/P00106(Confidential):030923-082909.wav(00:02:35-00:03:06).

> HASHIM THAÇI: [Whispers] However, the most important point is his election as Drenica commander, Qopa, incapacitated.
> HAJREDIN KUÇI: [Whispers] Summer.
> HASHIM THAÇI: [Whispers] Summer. His election as commander, he knows.[514]

179. Similar to 2 July Visit, **THAÇI** also told **KUÇI** that Witness 5 must testify that (i) '"[t]he operational zones [which elected him KLA General Commander in February 1999] had the power, not the General Staff"',[515] and that the General Staff did not provide any financial support, weapons or supplies to the Operational Zone Commanders;[516] and (ii) that from his election as KLA General Commander until the NATO airstrikes, Witness 5 did not convene any meetings, and then willingly relinquished his role to the more militarily-experienced Agim ÇEKU.[517] **THAÇI** also instructed **KUÇI** that Witness 5 should change his prior evidence to avoid stating that **THAÇI's** presence boosted the KLA's morale, as follows:

> HASHIM THAÇI: [Whispers] Another thing. This, do not -- in fact, now somewhere, furthermore [Indiscernible] because he says, "[Indiscernible] I saw Hashim", and he says, "He boosted our morale". What fucking morale?! [Laughs]
> HAJREDIN KUÇI: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] He must say, "I was glad to see him return from there".
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: He should say, "I was glad for all of them".
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: "Perhaps I said it erroneously. I was glad. The only one who boosted our morale was Adem JASHARI". Yes?
> HAJREDIN KUÇI: [Whispers] That's right.
> HASHIM THAÇI: [Whispers] You have to [Indiscernible] on the human level completely.
> HAJREDIN KUÇI: [Whispers] He should say, "I was the one there"

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[514] P00106_ET(Confidential):p.81/P00106_LSU.2(Confidential):p.80/P00106(Confidential):030923-082909.wav(00:04:00-00:04:14).
[515] P00106_ET(Confidential):p.76/P00106_LSU.2(Confidential):p.78, P00106_ET(Confidential):pp.60-63/P00106_LSU.1(Confidential):p.9,22/P00106_LSU.2(Confidential):p.75 (with reference to the Rambouillet delegation and the Operational Zone Commanders' authority). *See also* Section_III.D.1(a)(v).
[516] P00106_ET(Confidential):p.60/P00106_LSU.1(Confidential):p.9; P00106_ET(Confidential):pp.62-63/P00106_LSU.1(Confidential):p.22. *See also* Section_III.D.1(a)(v).
[517] P00106_ET(Confidential):p.61/P00106_LSU.1(Confidential):p.9, P00106_ET(Confidential):pp.80-81/P00106_LSU.1(Confidential):p.35/P00106_LSU.2(Confidential):p.80. *See also* Section_III.C.1(c)(ii)b); *See also* Section_III.C.2(a)(ii).

> HASHIM THAÇI: [Whispers] "I was the one there". [Indiscernible] [Laughs].
> HAJREDIN KUÇI: [Laughs] No, no, they are there.[518]

180. **THAÇI** also: (i) named specific sources that should inform Witness 5's testimony; (ii) identified evidence the SPO would ask Witness 5 about; and (iii) instructed how Witness 5 should answer when questioned. For example, **THAÇI** instructed that Witness 5 'should stick to Rexha's interview',[519] 'must read Blerim SHALA's book'[520] and 'Agim ÇEKU's interviews',[521] and 'should read carefully' the interviews Witness 5 gave to Shkëlzen GASHI and to 'SYLA', because '[t]hey [the SPO] will confront you with those interviews.'[522] As **THAÇI** directed **KUÇI**:

> HASHIM THAÇI: [Whispers] […] he needs to say it -- he should -- he should stick to Rexha's interview.
> HAJREDIN KUÇI: Yes.
> HASHIM THAÇI: "I was elected by the zone commanders". That's it.[523]
> […]
> HASHIM THAÇI: "[…] I was elected by the commanders, because there was no Staff at all with those". And Rexha has the interview.

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[518] P00106_ET(Confidential):pp.64-65/P00106_LSU.1(Confidential):p.23/P00106(Confidential):030923-081409.wav(00:01:48-00:02:20). *See also* P00106_ET(Confidential):pp.74-75/P00106_LSU.2(Confidential):p.78 ('HASHIM THAÇI: [Whispers] "[…] However, as far as morale boosting is concerned, it was Adem JASHARI who came to me for that, and then I was the one who boosted the morale of other people". HAJREDIN KUÇI: [Whispers] "I boosted the morale for the other people". HASHIM THAÇI: [Whispers] "Others did not come to boost my morale". That's it. In other words, he was not a fighter, Hajër.'), P00106_ET(Confidential):p.82/P00106_LSU.2(Confidential):p.81 ('HASHIM THAÇI: [Whispers] […] Never -- this "morale" thing. Never! "[Indiscernible]. Are you joking [Indiscernible]", tell him, "You will fuck it up". […] Morale?! "You would be the right person to boost the morale?!". Tell him. [Speaks in a normal voice] Fuck it [Indiscernible] [Laughs] [Indiscernible] HAJREDIN KUÇI: [Laughs] [Indiscernible] HASHIM THAÇI: [Indiscernible] Fuck it, tell him.'). *Compare with* JN.00080(Confidential):p.U003-9106 ('[Selimi] Hashim Thaci had come to maintain contacts with the zone commanders, to ascertain our needs and our situation in general. We were waging the war. Hashim's presence was important for morale.'). *See also* Section_III.D.1(a)(vii).
[519] P00106_ET(Confidential):p.58/P00106_LSU.1(Confidential):p.8; P00106_ET(Confidential):p.63/P00106_LSU.1(Confidential):p.22, P00106_ET(Confidential):p.87/P00106_LSU.2(Confidential):p.84.
[520] P00106_ET(Confidential):p.61/P00106_LSU.1(Confidential):p.9.
[521] P00106_ET(Confidential):p.61/P00106_LSU.1(Confidential):p.9.
[522] P00106_ET(Confidential):p.88/P00106_LSU.2(Confidential):p.85. *See also* P00106_ET(Confidential):pp.61-62/P00106_LSU.2(Confidential):p.75; JN.00080(Confidential):p.U003-9084 (interview with Witness 5 conducted by Ismail SYLA for Zëri).
[523] P00106_ET(Confidential):p.58/P00106_LSU.1(Confidential):p.8/P00106(Confidential):030923-080909.wav(00:01:27-00:01:36).

> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] He has just to abide by that. "All the commanders were unhappy with the Staff because the Staff was not operational". He should say, "I received the funding from the 'Three Percent [Fund]', from the Emergency Fund".[524]

181. **THAÇI** further instructed that Witness 5 should attribute changes to his prior evidence to a mistranslation,[525] or a lapsus,[526] or say that he was 'probably tired and mixed things up',[527] or that his media interviews were written by others for propaganda purposes,[528] and to state that he does not remember.[529] And **THAÇI** explicitly directed that Witness 5 must deny or remove the parts of his prior evidence regarding 'Qopa' and **THAÇI's** role as Prime Minister:

> HASHIM THAÇI: No, his testimony [Indiscernible] refutes it totally.
> HAJREDIN KUÇI: Yes, indeed [Indiscernible].
> HASHIM THAÇI: But when he says it. When he says it. But later.
> HAJREDIN KUÇI: Yes.
> HASHIM THAÇI: [Whispers] But he has to deny it now.
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] He just has to substantiate it.
> HAJREDIN KUÇI: Yes.
> HASHIM THAÇI: [Whispers] But he has to [Indiscernible] smart man. Whenever he has [Indiscernible] "They probably mistranslated what I said, or something like that". Or "I was probably tired and mixed things up. I do not know why". But -- he should say, "This was just a rumour, because it was not like that, I have said only what I heard from others, but they have apparently not translated my words correctly. It is just hearsay [Indiscernible]".[530]
> […]
> HASHIM THAÇI: [Whispers] The hierarchy. He should [Indiscernible] remove his. "Because he was not appointed. He was proposed, he was just proposed. [Indiscernible] as prime minister of the national government. Never. He was not

[524] P00106_ET(Confidential):p.59/P00106_LSU.1(Confidential):pp.8-9/P00106(Confidential):030923-080909.wav(00:01:56-00:02:17).
[525] P00106_ET(Confidential):p.67/P00106_LSU.1(Confidential):p.25.
[526] P00106_ET(Confidential):p.80/P00106_LSU.1(Confidential):p.35.
[527] P00106_ET(Confidential):p.67/P00106_LSU.1(Confidential):p.25.
[528] P00106_ET(Confidential):pp.77-78/P00106_LSU.2(Confidential):p.79.
[529] P00106_ET(Confidential):p.76/P00106_LSU.1(Confidential):p.33.
[530] P00106_ET(Confidential):pp.67-68/P00106_LSU.1(Confidential):pp.24-25/P00106(Confidential):030923-081409.wav(00:03:41-00:04:07).

> appointed. This is why I contacted [Indiscernible]. Because there is no [Indiscernible]".[531]

182. **THAÇI** and **KUÇI** also discussed the manner in which **KUÇI** should approach Witness 5, including that **KUÇI** should relay **THAÇI's** instructions to Witness 5 'nicely',[532] and 'work with him'.[533] **THAÇI** and **KUÇI** then discussed how Witness 5 should be contacted:

> HASHIM THAÇI: [Whispers] He has to [Indiscernible] perhaps, but someone from our people has to meet up with him, someone has to meet up with [Indiscernible].[534] […]
> HASHIM THAÇI: […] "Somewhere -- you have to go somewhere, one cannot go, they are calling me". [Indiscernible]. […] [Whispers] [Indiscernible] That does not matter either. Don't you have the wedding -- you must not do [Indiscernible].
> HAJREDIN KUÇI: [Whispers] No, it is no problem for me at all, not at all.
> HASHIM THAÇI: [Whispers] Yes, indeed. No, no, in the restaurant you can talk in general.
> HAJREDIN KUÇI: [Whispers] I told him "at your place" [Indiscernible].
> HASHIM THAÇI: [Whispers] Yes, you should. Did you tell him?
> HAJREDIN KUÇI: Yes.
> HASHIM THAÇI: [Whispers] And what did he say? [Indiscernible].
> HAJREDIN KUÇI: [Whispers] He said "Yes". [Indiscernible].
> HASHIM THAÇI: [Whispers] [Indiscernible] Tell him "Friday", you tell him [Indiscernible], you should go and you should be the one.
> HAJREDIN KUÇI: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] [Indiscernible] Okay, okay. No, you seem clear about it.
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] You are right, you are right. Yes, yes, yes. You are right. [Whispers in a very low voice] On the telephone outside. Both friends and [Indiscernible] call both of them, one by one. Get him on the telephone there, and he will come, tell him "[Indiscernible]".
> HAJREDIN KUÇI: [Whispers] Yes, yes.
> HASHIM THAÇI: [Whispers] Because [Indiscernible]. It will be a trial hearing. Tell him.
> HAJREDIN KUÇI: Yes.

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[531] P00106_ET(Confidential):p.78/P00106_LSU.2(Confidential):p.79/P00106(Confidential):030923-082409.wav(00:04:39-00:04:55). *See also* Section_III.D.1(a)(viii).
[532] P00106_ET(Confidential):p.66/P00106_LSU.1(Confidential):p.24, P00106_ET(Confidential):p.87/P00106_LSU.2(Confidential):p.84. *See also* P00106_ET(Confidential):p.66/P00106_LSU.1(Confidential):p.24.
[533] P00106_ET(Confidential):p.65/P00106_LSU.1(Confidential):p.23.
[534] P00106_ET(Confidential):p.68/P00106_LSU.1(Confidential):p.25/P00106(Confidential):030923 081409 wav(00:04:45-00:04:59).

> HASHIM THAÇI: No, that's how it is.
> HAJREDIN KUÇI: Yes, yes.
> HASHIM THAÇI: [Whispers] And tell him, [Indiscernible] "Take [Indiscernible], firstly", tell him, "You never saw the two of them from '94 to '98. Full stop". Isn't that right?
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] Secondly, "Rexha had family links with Adem JASHARI. I had nothing to do with him at all". Got it? Tell him, "Move away". "Adem, Adem, Adem, Adem, Adem [Indiscernible], everything, no, I do not know this, I was not involved in this. After the killing of the JASHARIS' the KLA grew. Even if we would not have wanted it, the resistance would have still emerged". This is true, for God's sake there is nothing [Indiscernible].[535]

183. Immediately after **THAÇI** provided instructions for Witness 5 regarding 'Qopa's' role, **KUÇI** indicated that he had already been in contact with Witness 5, whispering to **THAÇI** 'That's what I told him'.[536] **KUÇI** also elaborated on **THAÇI's** proposed instructions for Witness 5 at multiple points.[537]

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[535] P00106_ET(Confidential):pp.69-71/P00106_LSU.2(Confidential):p.76/ P00106_LSU.1(Confidential):p.30/P00106(Confidential):030923-081909.wav(00:00:00-00:01:59). *See also* Section_III.D.1(a)(iv).

[536] P00106_ET(Confidential):pp.67-68/P00106_LSU.1(Confidential):p.25 ('HASHIM THAÇI: [Whispers] [Indiscernible] And [Indiscernible] Qopa was only in the hospital, no role at all! HAJREDIN KUÇI: [Indiscernible] to tell him. HASHIM THAÇI: [Whispers] What? HAJREDIN KUÇI: [Whispers] [Indiscernible]. HASHIM THAÇI: [Whispers] [Indiscernible] Ah, yes. Yes, it is true. HAJREDIN KUÇI: [Whispers] [Indiscernible]. HASHIM THAÇI: [Whispers] No, it is true. No. Tell him, "This story" -- HAJREDIN KUÇI: [Whispers] That's what I told him. HASHIM THAÇI: Did I perhaps overdo it? HAJREDIN KUÇI: [Whispers] No, no. [Indiscernible] five meters inside. It seemed to me like five meters [indiscernible].'). *See also* P00106_ET(Confidential):p.84/P00106_LSU.2(Confidential):p.82.

[537] *See e.g.* P00106_ET(Confidential):p.85/P00106_LSU.2(Confidential):p.83 ('HAJREDIN KUÇI: Yes, yes, man, about this. HASHIM THAÇI: Yes. HAJREDIN KUÇI: I mean, he should emphasise it. And the supplies. HASHIM THAÇI: [Whispers] The supplies came from [Indiscernible] him, in fact. HAJREDIN KUÇI: Yes, indeed. HASHIM THAÇI: [Whispers] Funding, too. From the "Three Percent [Fund]", and those two. HAJREDIN KUÇI: Yes. [Indiscernible] That is all.'), P00106_ET(Confidential):pp.86-88/P00106_LSU.2(Confidential):pp.83-85 ('HAJREDIN KUÇI: [Whispers] I believe, he, Sokol, should now — HASHIM THAÇI: No, he [Indiscernible]. HAJREDIN KUÇI: [Indiscernible]. I think this is it, the main thing -- HASHIM THAÇI: Because, look, Dukagjin has been removed. HAJREDIN KUÇI: In regard to his appointment, he should not say HASHIM THAÇI: That it was coordinated. HAJREDIN KUÇI: — that it was coordinated. […] HASHIM THAÇI: I did not carry out any coup. HAJREDIN KUÇI: Yes. This means — HASHIM THAÇI: Nobody will ask him about any coups. HAJREDIN KUÇI: I know, yes, [Indiscernible] but this is the most important thing for us, just that -- […] He should not say [Indiscernible]. HASHIM THAÇI: [Indiscernible] "We did not know who he was". It is true that they did not know. Secondly, "They know better what they had in mind". HAJREDIN KUÇI: [Whispers] Yes. HASHIM THAÇI: This

(iii) Witness 2

a) Case 6 disclosures relevant to Witness 2

184. The SPO's 21 December 2021 witness list also included Witness 2,[538] who was assigned witness code W04752 and was anticipated to testify without protective measures.[539] As notified to the Case 6 accused, Witness 2 was expected to testify about his former roles in Bosnia as the Chief of the Operational Directorate from July 1998, the Chief of the General Staff from November 1998, Deputy Minister of Defence in the Provisional Government of Kosovo and, in May 1999, an assistant to the Minister of Defence responsible for Operation Arrow.[540] More specifically, his testimony was

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means [Indiscernible]. HAJREDIN KUÇI: [Indiscernible] it is written there. HASHIM THAÇI: Tell him because Rexha has the interview. HAJREDIN KUÇI: Yes. HASHIM THAÇI: [Indiscernible] They take Rexha's "I was elected by the zone commanders". Full stop. "There was great discontent. We did not know who was part of the General Staff and who was [Indiscernible]". HAJREDIN KUÇI: That's right. It was anarchy, and we wanted to instil some order. HASHIM THAÇI: "It was anarchy. And we did not know [Indiscernible] to cooperate, to work. Did things function better after I was elected? I cannot say they functioned, because I never met them". HAJREDIN KUÇI: "We had no power". HASHIM THAÇI: "We tried, we tried". He can attribute some stuff to DEMAÇI. "Did you coordinate anything with him? Did you coordinate things with DEMAÇI?". HAJREDIN KUÇI: Yes. HASHIM THAÇI: [Whispers] He can say [Indiscernible] "yes", man. HAJREDIN KUÇI: "I met him". HASHIM THAÇI: [Whispers] "I met him. We discussed. We talked about how to make things better".'), P00106_ET(Confidential):p.65/P00106_LSU.1(Confidential):p.23.

[538] JN.00020(Confidential):pp.16,480-482. *See also* JN.00023(Confidential):pp.16,439-441; JN.00028(Confidential):pp.15,474-476.

[539] P00168(Confidential):p.118243; P00170(Confidential):pp.125820,125838-125840.

[540] P00170(Confidential):p.125838. *See also* JN.00090(Confidential):pp.2-3,5(all entries for 'W04752' and 'ZYRAPI') for the disclosure dates of Witness 2's prior statements, underpinning this witness summary, to THAÇI: Witness 2's ICTY testimony (JN.00058(Confidential)) was disclosed on 10 December 2020; his SPO interview (JN.00057_ET(Confidential)) and ICTY statement (JN.00059(Confidential)) were disclosed on 12 December 2020; the videos (083280b Parts1,4,9,14) of Witness 2's SPO interview, still images from which are contained in JN.00060(Confidential), were disclosed on 28 March 2023; the videos (IT-03-66 20050601 Part 1 and IT-03-66 20050602 Part 1) of Witness 2's 2005 ICTY testimony, still images from which are contained in JN.00061(Confidential), were disclosed on 15 June 2023; the videos (IT-04-84 20070423 Part 1, IT-04-84 20070424 Part 1, IT-04-84 20070425 Part 1) of Witness 2's 2007 ICTY testimony, still images from which are contained in JN.00062(Confidential), were disclosed on 15 June 2023; the videos (IT-04-84bis 25 August 2011 Part 1, IT-04-84bis 26 August 2011 Part 1, IT-04-84bis 29 August 2011 Part 1) of Witness 2's 2011 ICTY testimony, still images from which are contained in JN.00063(Confidential), were disclosed on 12 December 2020; the videos (IT-05-87 6 November 2006 Part 1 ALB, IT-05-87 7 November 2006 Part 1 ALB, IT-05-87 8 November 2006 Part 1 ALB, IT-05-87 9 November 2006 Part 1 ALB, IT-05-87 10 November 2006 Part 1 ALB) of Witness 2's 2006 ICTY testimony, still images from which are

expected to cover the following topics of relevance to this case: (i) his entry into Kosovo with General Staff members **THAÇI** and Kadri VESELI in May 1998; (ii) his duties and responsibilities within the KLA, including being tasked by Rexhep SELIMI and W04401 to set up military structures and a chain of command; (iii) the structure, communications, reporting and composition of the General Staff, zones and brigades; (iv) reporting structures between the Operational Zones and the General Staff; (v) his visits to different units and KLA bases together with other General Staff members; (vi) his knowledge of KLA operations in the summer of 1998, including in Rahovec/Orahovac in July 1998;[541] (vii) regular meetings between the General Staff and Operational Zone Commanders with Witness 2's involvement; (viii) KLA rules and discipline; (ix) the use of communiqués to report on collaborators; (x) the existence of intelligence units during the war; and (xi) and the links between the General Staff members and the People's Movement for Kosovo (LPK).[542]

185. On 18 November 2022, Witness 2 was listed among the first 40 SPO witnesses to testify in Case 6.[543] The SPO's 9 June 2023 updated witness list also included Witness 2.[544]

b) THAÇI's instructions for Witness 2's testimony

186. Approximately 1 hour 18 minutes into the visit, **THAÇI** started providing instructions to **KUÇI** on how Witness 2, described as 'the most important one', must

contained in JN.00064(Confidential), were disclosed on 12 December 2020 and 7 July 2023; the videos (IT-05-87_1 20090317 Part 1, IT-05-87_1 20090318 Part 1, IT-05-87_1 20090319 Part 1) of Witness 2's 2009 ICTY testimony, still images from which are contained in JN.00065(Confidential), were disclosed on 15 June 2023.

[541] The Rule 95 summary for Witness 2 erroneously refers to KLA operations 'during the summer of 1999' (P00170(Confidential):p.125839(para.7)).

[542] P00170(Confidential):pp.125838-125840.

[543] *Compare* JN.00024.1(Confidential) *with* JN.00024.2(Confidential):p.4.

[544] JN.00028(Confidential):pp.9,249-250. As noted further below, the SPO temporarily postponed calling Witness 2 as a result of THAÇI's attempt to interfere with his testimony as observed during the 9 September Visit of the SMAKAJ Group. Witness 2 ultimately testified in Case 6 from 1 July 2024 onwards – *see* Witness_7:T.372(02-Mar-2026)(Open).

testify.[545] That **THAÇI's** instructions were directed at Witness 2 is established by his and **KUÇI's** repeated reference to 'Bisa',[546] and extensive references to Witness 2's prior/anticipated evidence, including Witness 2's roles, tasks, and reporting lines before and during the Kosovo conflict.[547]

187. In line with his Preferred Narrative, **THAÇI's** instructions included how Witness 2 must testify about **THAÇI's**, VESELI's, and his own responsibilities, General Staff membership, and their presence in Kosovo during the Case 6 Indictment period, all as seen here:

> HASHIM THAÇI: [Whispers very quietly] With Bisa, --
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] -- look what you should tell him: […][548]
> […]
> HASHIM THAÇI: […] Bisa, […], tell him, "They both worked with the media in November".[549]
> […]
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] […] And, "When they were there, they dealt with the information on behalf of the Staff, assigned by Sokol", as it is [Indiscernible]. "However, they were not in the Staff. Both, they and I, became Staff members on the same day in November '98". Because he, Bisa, also was a member of -- he thinks

[545] P00106_ET(Confidential):p.91/P00106_LSU.1(Confidential):p.41. *See also* P00106_ET(Confidential):pp.92-130/P00106_LSU.1(Confidential):pp.42-43,49-50,55-56/P00106_LSU.2(Confidential):pp.87-92,94.
[546] P00106_ET(Confidential):pp.91-95/P00106_LSU.1(Confidential):pp.41-43,49, P00106_ET(Confidential):p.98/P00106_LSU.2(Confidential):p.88, P00106_ET(Confidential):p.106/P00106_LSU.2(Confidential):pp.90-91, P00106_ET(Confidential):p.108/P00106_LSU.2(Confidential):p.92, P00106_ET(Confidential):pp.163-164,171. *Compare with e.g.* JN.00066_ET(Confidential):p.U015-8925, supporting the use of the nickname 'Bisa' by Witness 2.
[547] *See e.g.* P00106_ET(Confidential):pp.93-94/P00106_LSU.1(Confidential):pp.42-43,49, P00106_ET(Confidential):p.100/P00106_LSU.2(Confidential):p.88, P00106_ET(Confidential):pp.102-103/P00106_LSU.2(Confidential):p.90. *Compare with* JN.00059(Confidential):p.SPOE00183320; 1D00001_ET(Confidential):p.1; 1D00014_ET(Public):p.DHT1200418-ET; 1D00064(Confidential):p.SITF00021544; 1D00072(Confidential):p.2503; 1D00076(Confidential):p.SITF00393430; 1D00066(Confidential):p.6819; 1D00077_ET(Confidential):p.SPOE00068076; 1D00067(Confidential):pp.2-3. For other identifying factors in relation to Witness 2, *see* Section_III.C.1(c)(ii); Section_III.C.1(c)(iv).
[548] P00106_ET(Confidential):p.92/P00106_LSU.1(Confidential):p.42/P00106(Confidential):030923-083909.wav(00:02:35-00:02:38).
[549] P00106_ET(Confidential):p.93/P00106_LSU.1(Confidential):p.42/P00106(Confidential):030923-083909.wav(00:03:10-00:03:21). *See also* Section_III.D.1(a)(iii).

he was working for the Operational Directorate of the General Staff, but he was not a member of the General Staff. He says "I was a member of the Staff", but he was not.[550]
[…]
HASHIM THAÇI: [Whispers] […] I and Kadri with the media. It was only him in the area. [Sound of scribbling on paper] We were with the media. We went to Sokol, here. Rexha was here, the Operational Directorate was here where Bisa was. Bisa dealt only with the Operational Directorate. He visited the zones and reported to this one here. However, he was not a Staff member.[551]
[…]
HASHIM THAÇI: [Whispers] […] In November we officially became members. He can say this. Because we need to have the whole summer period removed.[552]
[…]
HASHIM THAÇI: [Whispers] […] "Firstly, from November onwards Hashim was a member of the Political Directorate. However, he was not above the Staff". In his interview, he puts me above the Staff. Do you get me?
HAJREDIN KUÇI: [Whispers] Yes, yes. Hmm.
HASHIM THAÇI: [Whispers] Yes, he puts me above the Staff. He puts me as the army's civil leader. Tell him, "He was one of the members. The Staff led the directorates, it was not the directorate that led the Staff". Got it?
HAJREDIN KUÇI: [Whispers] Yes. He has to change it.[553]
[…]
HASHIM THAÇI: [Whispers] […] And now, Hajro, we have November [Indiscernible] I don't know whether you have been able to [Indiscernible]. The third week of November Kadri and I went abroad and stayed until March when we returned. I do not know whether Bisa knows this.[554]
[…]
HASHIM THAÇI: [Whispers] In terms of [Indiscernible] November-March, I was not there. Now comes the Provisional Government. He can make the distinction because these don't know how to make the distinction between a person's nomination, proposal by the Staff for prime minister and his election to exercise this task. "I was nominated. However, I did not exercise this duty. Who elected me?" I do not know if you understand me.
HAJREDIN KUÇI: [Whispers] Yes. [Indiscernible].

[550] P00106_ET(Confidential):p.93/P00106_LSU.1(Confidential):p.42/P00106(Confidential):030923-083909.wav(00:03:26-00:03:57). *See also* Section_III.D.1(a)(ii).
[551] P00106_ET(Confidential):p.94/P00106_LSU.1(Confidential):p.43/P00106(Confidential):030923-083909.wav(00:04:24-00:04:55).
[552] P00106_ET(Confidential):p.95/P00106_LSU.1(Confidential):p.49/P00106(Confidential):030923-084409.wav(00:00:24-00:01:02). *See also* Section_III.D.1(a)(i).
[553] P00106_ET(Confidential):pp.96-97/P00106_LSU.1(Confidential):p.50/P00106(Confidential):030923-084409.wav(00:02:31-00:03:15). *See also* JN.00057_ET(Confidential):Part7(pp.14-16).
[554] P00106_ET(Confidential):p.98/P00106_LSU.2(Confidential):p.88/P00106(Confidential):030923-084909.wav(00:00:19-00:00:36).

> HASHIM THAÇI: [Whispers] "Until after the war. We tried, but we could not [Indiscernible]".[555]

188. **THAÇI's** instructions again focused also on the level of organisation of the KLA,[556] and emphasised the authority of the Operational Zone Commanders, including in the election of Witness 5, as seen here:

> HASHIM THAÇI: [Whispers] […] This is how it is. He should be clear in his mind that the authority rested with the zone commanders. He has this written there and this is where he puts an end to it. Syla was elected by the zone commanders.[557]

189. **THAÇI** and **KUÇI** also discussed *how* **THAÇI's** instructions should be made clear to Witness 2,[558] who 'should know about all this',[559] with **THAÇI** telling **KUÇI** to '[e]xplain the Provisional Government to him',[560] 'clarify to him'[561] certain facts and encourage Witness 2 to '[e]xplain it'.[562] **THAÇI** explained that Witness 2's prior statements presented certain events the way they 'should have happened' but that the reality was different,[563] and warned that Witness 2 'will fuck us up' if he used a particular word when testifying about the Political Directorate's and **THAÇI's** authority.[564] **THAÇI** told **KUÇI** that 'Bisa has to exit from here like a skeleton.

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[555] P00106_ET(Confidential):p.99/P00106_LSU.2(Confidential):p.88/P00106(Confidential):030923-084909.wav(00:00:42-00:01:06). *See also* P00106_ET(Confidential):pp.102-103/P00106_LSU.2(Confidential):p.90/P00106_LSU.1(Confidential):p.55; Section_III.D.1(a)(viii).
[556] P00106_ET(Confidential):p.102/P00106_LSU.2(Confidential):p.90.
[557] P00106_ET(Confidential):p.103/P00106_LSU.1(Confidential):p.55/P00106(Confidential):030923-085409.wav(00:00:24-00:00:38). *See also* Section_III.D.1(a)(v).
[558] P00106_ET(Confidential):p.95/P00106_LSU.1(Confidential):p.49 ('HASHIM THAÇI: [Whispers] I do not know whether we could detail it to him or not. HAJREDIN KUÇI: [Whispers] Yes. Yes. What has been taken, have a look at it. HASHIM THAÇI: [Whispers] [Indiscernible]. HAJREDIN KUÇI: [Whispers] I have stayed with him. HASHIM THAÇI: [Whispers] He is wise.').
[559] P00106_ET(Confidential):p.101/P00106_LSU.2(Confidential):p.89.
[560] P00106_ET(Confidential):p.101/P00106_LSU.2(Confidential):p.89.
[561] P00106_ET(Confidential):p.105/P00106_LSU.1(Confidential):p.56. *See also* P00106_ET(Confidential):p.101/P00106_LSU.2(Confidential):p.89 (with reference to the Provisional Government of Kosovo, THAÇI emphasised that this should be made 'clear […] because this is very important in the statement.').
[562] P00106_ET(Confidential):p.96/P00106_LSU.1(Confidential):p.50.
[563] P00106_ET(Confidential):pp.108-109/P00106_LSU.2(Confidential):pp.91-92.
[564] P00106_ET(Confidential):pp.105-106/P00106_LSU.1(Confidential):p.56/P00106_LSU.2(Confidential):p.90. *See also* JN.00057_ET(Confidential):Part7(pp.21-22).

Squeezed.'[565] At one point, when dictating how Witness 2 must change his evidence, **THAÇI** repeatedly instructed that Witness 2 *draw* the structure of the KLA (while forecasting a possible question from the Case 6 THAÇI Defence), as follows:

> HASHIM THAÇI: [Whispers] -- and us. I became director of the Political Directorate. Kadri was in charge of SHIK, he was in charge of the Operational Directorate. By then he took full control of the Operational Directorate. He does not make a disti…., it should be 'these two --, a distinction should be made. But somebody should make a drawing for him. Perhaps, it should also be, without any document. Bisa should do it before the New Year."[566]
> […]
> HASHIM THAÇI: [Whispers] And what if, for example, -- the other thing, "Explain it. The General Staff is here. It has two deputy commanders. Draw it at some point".
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] "Draw it", tell him, "because you know how -- it was Jakup, it was Sokol. It was the inspector general. No. It was the commander, Azem SYLA, the deputy commander, the inspector general did not…", because my lawyers will make him draw it.[567]

190. At several points during **THAÇI's** instructions for Witness 2, the sound of paper moving and scribbling are audible – all as verified by the LSU and verifiable by the STJ.[568] For example, the sound of paper was audible when **THAÇI** referred to one or more documents ('here') in relation to what Witness 2 should say:

> HASHIM THAÇI: [Whispers] […] Look, Bisa was -- [Sound of paper being torn] [Sound of scribbling on paper]
> HASHIM THAÇI: [Whispers] Koli, Rexha, Lahi, Koli, I and Kadri with the media. It was only him in the area. [Sound of scribbling on paper] We were with the media. We went to Sokol, here. Rexha was here, the Operational Directorate was here where Bisa was. Bisa dealt only with the Operational Directorate. He visited

[565] P00106_ET(Confidential):p.171.
[566] P00106_ET(Confidential):p.94/P00106_LSU.1(Confidential):p.49/P00106(Confidential):030923-084409.wav(00:00:00-00:00:15).
[567] P00106_ET(Confidential):p.96/P00106_LSU.1(Confidential):p.50/P00106(Confidential):030923-084409.wav(00:02:15-00:02:48).
[568] P00106_ET(Confidential):pp.94-95/P00106_LSU.1(Confidential):pp.43,49/P00106(Confidential):030923-083909.wav(00:04:05-00:04:59), P00106_ET(Confidential):p.97/P00106_LSU.2(Confidential):p.50/P00106_LSU.2(Confidential):p.87/P00106(Confidential):030923-084409.wav(00:00:00-00:01:54).

> the zones and reported to this one here. However, he was not a Staff member. In November, we too joined, both, Bisa —[569]

191. At one point, **KUÇI** indicated that he had already met with Witness 2 prior to the visit ('I have stayed with him').[570] **KUÇI** described Witness 2 as 'clever, as long as he wants to',[571] and later confirmed that Witness 2 'has the will'.[572] **THAÇI** also invited **KUÇI** to read Witness 2's interview, while **KUÇI** in the midst of the instructions attested that he 'had a chance to read' some related materials.[573]

192. Throughout, **THAÇI** sought confirmation that **KUÇI** understood his instructions for Witness 2, including by repeatedly asking him whether he 'got it', 'do you get me' and '[d]o you understand',[574] which **KUÇI** repeatedly confirmed, including by saying 'Yes, totally'[575] and 'Yes. Has to change it' […] He has turned the pyramid upside down.'[576] **KUÇI** identified 'very important' points,[577] and, in parts,

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[569] P00106_ET(Confidential):p.94/P00106_LSU.1(Confidential):p.43/P00106(Confidential):030923-083909.wav(00:04:17-00:04:59).
[570] P00106_ET(Confidential):p.95/P00106_LSU.1(Confidential):p.49.
[571] P00106_ET(Confidential):p.92/P00106_LSU.1(Confidential):p.42.
[572] P00106_ET(Confidential):p.101/P00106_LSU.2(Confidential):p.89 ('HAJREDIN KUÇI: Yes, yes [Indiscernible]. He has the will. HASHIM THAÇI: [Whispers] Yes. I am convinced. However, Hajro, he should say these here. He should know about all this. HAJREDIN KUÇI: [Whispers] And secondly, to make it clear to him, to be convinced [Indiscernible].').
[573] P00106_ET(Confidential):p.96/P00106_LSU.1(Confidential):p.50, P00106_ET(Confidential):p.100/P00106_LSU.2(Confidential):p.89.
[574] P00106_ET(Confidential):pp.96-99/P00106_LSU.1(Confidential):p.50/P00106_LSU.2(Confidential):pp.87-88.
[575] P00106_ET(Confidential):p.94/P00106_LSU.1(Confidential):p.49.
[576] P00106_ET(Confidential):p.97/P00106_LSU.1(Confidential):p.50, P00106_ET(Confidential):p.104/P00106_LSU.1(Confidential):p.56, P00106_ET(Confidential):p.109/P00106_LSU.2(Confidential):p.92.
[577] P00106_ET(Confidential):pp.104-105/P00106_LSU.1(Confidential):p.56 ('HASHIM THAÇI: [Whispers] However, he should say: "We did it on our own initiative, without having been told by anyone. We just used the name to show that we had authority". Got it? HAJREDIN KUÇI: [Whispers] "We didn't even [Indiscernible]". HASHIM THAÇI: [Whispers] "Then after the war I was no longer interested". HAJREDIN KUÇI: [Whispers] "We never met or consulted with each other". HASHIM THAÇI: [Whispers] "We never met or consulted with each other". HAJREDIN KUÇI: [Whispers] "We never held a meeting". HASHIM THAÇI: [Whispers] Nothing, nothing, never, nothing, nothing. Azem SYLA – HAJREDIN KUÇI: [Whispers] You never held a meeting, not even [Indiscernible]. HASHIM THAÇI: [Whispers] It is true. HAJREDIN KUÇI: [Whispers] This is exactly why it is needed. This is very important. HASHIM THAÇI: [Whispers] It is true. HAJREDIN KUÇI: [Whispers] It is logical.'). *See also* P00106_ET(Confidential):p.101/P00106_LSU.2(Confidential):p.89 ('HASHIM

developed **THAÇI's** instructions, for instance, in relation to the functionality of the Provisional Government of Kosovo as he whispered 'Those of the LDK [Indiscernible]' with **THAÇI** agreeing 'That's right, the LDK did not enter'.[578] Similarly, **KUÇI** whispered 'That's RUGOVA there' when **THAÇI** was instructing in relation to the KLA structure.[579]

193. Near the conclusion of his instructions for Witness 2, **THAÇI** indicated that **KUÇI** should take something with him, before abruptly switching to a different topic:

> HASHIM THAÇI: [Whispers] No, no, not then. "They reported to me. They dealt with the media. They become Staff members in November. Then they went overseas and that is all". It is very, very, very simple, because we were not [Indiscernible] when we returned. This is how we were, man now [Indiscernible]. I am saying all this to make it clear how everything falls into place.
> HAJREDIN KUÇI: [Indiscernible].
> HASHIM THAÇI: Huh?
> HAJREDIN KUÇI: [Indiscernible].
> HASHIM THAÇI: [Indiscernible] Take this too. [Indiscernible] what else is new? Do you ever see Arsim and the rest of them?
> HAJREDIN KUÇI: Yes, yes, I see them at times.[580]

(iv) Witness 6

a) Case 6 disclosures relevant to Witness 6

194. The SPO's 21 December 2021 witness list also included Witness 6.[581] Assigned witness code [REDACTED], his identity was initially redacted/withheld from the Case

THAÇI: [Whispers] Yes. I am convinced. However, Hajro, he should say these here. He should know about all this. HAJREDIN KUÇI: [Whispers] And secondly, to make it clear to him, to be convinced [Indiscernible].').

[578] P00106_ET(Confidential):p.99/P00106_LSU.2(Confidential):p.88.

[579] P00106_ET(Confidential):p.98/P00106_LSU.2(Confidential):p.87.

[580] P00106_ET(Confidential):p.109/P00106_LSU.2(Confidential):p.92/P00106(Confidential):030923-085909.wav(00:01:03-00:01:31). *See also* P00106_ET(Confidential):p.95/P00106_LSU.1(Confidential):p.49 ('HASHIM THAÇI: [Whispers] I do not know whether we could detail it to him or not. HAJREDIN KUÇI: [Whispers] Yes. Yes. What has been taken, have a look at it.').

[581] AF00044(Confidential); JN.00020(Confidential):pp.7,206. *See also* JN.00023(Confidential):pp.7,201; JN.00028(Confidential):pp.7,199-200.

6 Defence.[582] He was anticipated to testify with protective measures,[583] and on 18 November 2022 he was listed among the first 40 SPO witnesses expected to testify.[584] The SPO disclosed his identity to the Case 6 accused on 30 January 2023.[585]

195. On 9 June 2023, the SPO filed an updated witness list which included additional details of Witness 6's anticipated testimony.[586] Specifically, he was expected to testify about the following topics of relevance to this case: (i) that he was part of the [REDACTED]; (ii) that [REDACTED]; and (iii) that he [REDACTED].[587]

196. On [REDACTED], the SPO summoned Witness 6 to a meeting to discuss his upcoming testimony.[588] The SPO informed the Case 6 Defence via *inter partes* email on [REDACTED] that Witness 6 was anticipated to testify as the [REDACTED] witness during the week of [REDACTED].[589] That same day, the SPO told the Case 6 Defence that it would request that Witness 6 testify by video-link because of [REDACTED] issues.[590] Witness 6 ultimately testified by video-link [REDACTED].[591]

b) THAÇI's instructions for Witness 6's testimony

197. After issuing instructions on how Witness 5 and Witness 2 must testify, **THAÇI** and **KUÇI** turned to Witness 6's upcoming testimony.[592] That **THAÇI** discussed

[582] AF00045(Confidential); JN.00015_ET(Confidential):para.132(h) (authorising delayed disclosure of [REDACTED]'s (Witness 6's) identity until 30 days before trial). [REDACTED] (Witness 6) was also granted in-court protective measures: *see* JN.00015_ET(Confidential):para.132(q); JN.00014(Confidential):p.3.
[583] JN.00023(Confidential):p.201; P00170(Confidential):pp.125819-125820,125822-125823.
[584] JN.00024.2(Confidential):p.3.
[585] P00166(Confidential):p.125804; P00170(Confidential):p.125819(para.2).
[586] JN.00028(Confidential):pp.7,199-200.
[587] P00170(Confidential):p.125822. *See also* JN.00090(Confidential):pp.2-3(all entries for '[REDACTED]') for the disclosure dates of Witness 6's prior statements underpinning this witness summary, to THAÇI: Witness 6's SPO interview (JN.00082.1(Confidential), JN.00082.2(Confidential)) was disclosed on 30 January 2023; while his prior statement from the [REDACTED] (JN.00081(Confidential)), as well as an SPO Official Note (JN.00083(Confidential)) were disclosed on 1 September 2023.
[588] JN.00083(Confidential).
[589] P00164(Confidential).
[590] P00165(Confidential).
[591] AF00046(Confidential).
[592] P00106_ET(Confidential):pp.139-146/P00106_LSU.1(Confidential):pp.73-77.

Witness 6's testimony is clear from, *inter alia*, the specific and overlapping references to his anticipated testimony about [REDACTED].[593] That Witness 6 was the subject of **THAÇI's** instructions is further confirmed by **THAÇI's** references to (i) [REDACTED] for Witness 6;[594] (ii) Witness 6's expressed [REDACTED];[595] and (iii) [REDACTED].[596]

198. **THAÇI's** instructions were aimed at changing/undermining specific parts of Witness 6's prior statements that risked implicating **THAÇI** in charged Case 6 conduct, consistent with his Preferred Narrative. Specifically, **THAÇI** directed that Witness 6 testify that: (i) he [REDACTED]; (ii) he [REDACTED]; (iii) he [REDACTED]; and (iv) a [REDACTED].' At several points, **THAÇI** paused after whispering each

[593] P00106_ET(Confidential):pp.139-140/P00106_LSU.1(Confidential):pp.73-74, P00106_ET(Confidential):pp.143-144/P00106_LSU.1(Confidential):p.75.
[594] *Compare* P00106_ET(Confidential):pp.139-142/P00106_LSU.1(Confidential):pp.73-75 ('HASHIM THAÇI: [Whispers very quietly] No. [Indiscernible]. The maximum [Indiscernible]. You should tell him in the evening several times, he will come. His is on [REDACTED]. He will arrive on [REDACTED]. [Indiscernible]. […] [Whispers very quietly] Because he will testify on [REDACTED], they will surely bring him here on [REDACTED], on [REDACTED] he will have the corrections. […] Tell him that, "We have the latest until -- because he will leave on [REDACTED]". Tell him that, "He will leave on [REDACTED]", perhaps he might leave on [REDACTED]. […] [Whispers] But he might also leave on [REDACTED]. Tell him, "You have got [REDACTED] until the evening because he won't get it done", tell him "because he speaks badly". [Paper flipping sound and sound of paper being torn]. HASHIM THAÇI: [Whispers] And tell him, "Until [REDACTED], because it is not safe after that". Tell him.') *with* AF00046(Confidential) (supporting the inference that the witness preparation session took place not long before [REDACTED], when Witness 6 started testifying). At the time of the 3 September Visit, THAÇI was informed that Witness 6 would be called to testify as the [REDACTED] witness during the week commencing [REDACTED] through *inter partes* communication sent by the SPO to the Case 6 Defence on [REDACTED]: *see* P00164(Confidential):p.121732. *See also* P00093_ET(Confidential):pp.2-3, and the procedural background above in relation to Witness 6 at Section_III.C.1(b)(iv)b).
[595] *Compare* P00106_ET(Confidential):pp.141-142/P00106_LSU.1(Confidential):p.74 ('HASHIM THAÇI: […] Tell him, "Get up and [Indiscernible] because he is [REDACTED] and has [Indiscernible]". However, tell him, "these elements should not -- if it is worth it", [REDACTED]. Tell him, these one, two, three things. Tell him, "Get up" --') *with* JN.00083(Confidential):p.114827(paras.1,3).
[596] *Compare* P00106_ET(Confidential):p.140/P00106_LSU.1(Confidential):p.74 ('HASHIM THAÇI: [Whispers] One other thing, [REDACTED]. [Silence 00:03:25-00:03:32] [REDACTED].') *with* 1D00020_ET(Confidential):p.7 ([REDACTED]); JN.00081(Confidential):pp.034445,034458,034470; JN.00082.1(Confidential):pp.11,34-35,57-59; P00170(Confidential):pp.125822-125823.

instruction, with the sound of paper audible immediately before and at several subsequent points:[597]

> HASHIM THAÇI: [Whispers] You know this one. [Whispers very quietly] [Indiscernible] as to where. [Pauses after each sentence] "[REDACTED]". [Silence 00:02:01-00:02:11] [Indiscernible]. […] [REDACTED].[598]
> […]
> HASHIM THAÇI: "[REDACTED]". That is all. "[REDACTED]".[599]
> […]
> HASHIM THAÇI: [Whispers] One other thing, [REDACTED].[600]
> […]
> HASHIM THAÇI: [Whispers] "[REDACTED]". It is there [Paper flipping sound]. Tell him, "Get up, get up [Indiscernible] you should come. And when they ask you "[REDACTED] [Indiscernible]", tell him. [Paper flipping sound]. [Sound of footsteps]
> HASHIM THAÇI: [Whispers] [Indiscernible]
> [Sound of moving furniture] [Clothes rustling sound].
> HAJREDIN KUÇI: Yes, yes.[601]

199. **THAÇI** repeatedly emphasised the urgency of contacting Witness 6.[602] **THAÇI** directed **KUÇI** to immediately arrange to transmit his instructions to Witness 6 before the witness's testimony, telling **KUÇI** he had '[u]ntil [REDACTED], because it is not safe after that':[603]

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[597] P00106_ET(Confidential):pp.139/P00106_LSU.1(Confidential):p.73, P00106_ET(Confidential):pp.142-143/P00106_LSU.1(Confidential):p.75, P00106_ET(Confidential):p.145/P00106_LSU.1(Confidential):p. 77.
[598] P00106_ET(Confidential):p.139/P00106_LSU.1(Confidential):p.73/P00106(Confidential):030923-092409.wav(00:01:11-00:02:49). *See also* Section_III.D.1(a)(ix).
[599] P00106_ET(Confidential):p.140/P00106_LSU.1(Confidential):p.73/P00106(Confidential):030923-092409.wav(00:02:54-00:03:09). *Compare with* JN.00081(Confidential):pp.034452,034469-034670.
[600] P00106_ET(Confidential):p.140/P00106_LSU.1(Confidential):p.74/P00106(Confidential):030923-092409.wav(00:03:16-00:03:38).
[601] P00106_ET(Confidential):pp.143-144/P00106_LSU.1(Confidential):p.75/P00106(Confidential):030923-092909.wav(00:01:07-00:01:50). *See also* P00106_ET(Confidential):p.139/P00106_LSU.1(Confidential):p.73. *Compare with* JN.00081(Confidential):pp.034446-034451 ([REDACTED]), JN.00081(Confidential):pp.034453-034454,034469 *and* JN.00082.1(Confidential):pp.10-22,24-28,55-57. *See also* JN.00024.1(Confidential); JN.00024.2(Confidential):p.3; JN.00029(Confidential):pp.13-15; 1D00021(Confidential).
[602] P00106_ET(Confidential):pp.139-143/P00106_LSU.1(Confidential):pp.73-75. *See also* P00219(Confidential):pp.SPOE00409690-SPOE00409692(chat messages 11005-11007,11011-11016,11019,11044,11047,11051,11058-11071), corroborating KUÇI's return from The Netherlands on [REDACTED].
[603] P00106_ET(Confidential):p.142/P00106_LSU.1(Confidential):p.75. *See also* P00093_ET(Confidential):pp.2-3.

HASHIM THAÇI: [Whispers] Call him in the morning. Give it to him. Call him when you are on the way. Tell him, "[Indiscernible]". As soon as it is given to him, tell him, "Urgently meet up with him, tell him these things straight away, [Indiscernible]". What can one say. He will complicate it even more.
HAJREDIN KUÇI: [Whispers] It's done.
HASHIM THAÇI: [Whispers] If you listen to me [Indiscernible] [REDACTED]. Write down "[REDACTED]".
HAJREDIN KUÇI: I wrote it down.
HASHIM THAÇI: Are you writing it properly?
HAJREDIN KUÇI: Yes.[604]
[…]
HASHIM THAÇI: With what? There is no time on the weekend, twenty-four hours, it's in the evening. In fact, [REDACTED] tell him, "Get up from here, go and get him", tell him, "urgently". [Indiscernible] in Pristina, he can come too. Tell him, "Do not leave [REDACTED] without [Indiscernible] [REDACTED] night. Call him, call four [Indiscernible] give them the following day. When he comes here to make the corrections, a hotel should be booked".
HAJREDIN KUÇI: [Whispers] Yes.
HASHIM THAÇI: [Whispers very quietly] Because he will testify on [REDACTED], they will surely bring him here on [REDACTED], on [REDACTED] he will have the corrections. [REDACTED]. You travel [REDACTED] night —
HAJREDIN KUÇI: [Whispers] Yes.
HASHIM THAÇI: [Whispers] Tell him, "On [REDACTED], in the morning [Indiscernible] you should take him somewhere", you know, you send him one [REDACTED], and tell him, "When you come [REDACTED], I would like to see you".
HAJREDIN KUÇI: Yes.[605]
[…]
HASHIM THAÇI: [Whispers very quietly] Tell him that, "We have the latest until -- because he will leave on [REDACTED]". Tell him that, "He will leave on [REDACTED]", perhaps he might leave on [REDACTED].
HAJREDIN KUÇI: [Whispers] Yes.
HASHIM THAÇI: [Whispers] But he might also leave on [REDACTED]. Tell him, "You have got [REDACTED] until the evening because he won't get it done", tell him "because he speaks badly".
[Paper flipping sound and sound of paper being torn].
HASHIM THAÇI: [Whispers] And tell him, "Until [REDACTED], because it is not safe after that". Tell him. "And suppose it is [REDACTED], like [REDACTED]", tell him that, "I want to see you [REDACTED]. Are you there [REDACTED] to inform you? I want to see you", tell him, "because when I come to [REDACTED]". [Speaks in a normal voice] You know this yourself.

[604] P00106_ET(Confidential):pp.139-140/P00106_LSU.1(Confidential):p.73/ P00106(Confidential):030923-092409.wav(00:02:29-00:02:53).
[605] P00106_ET(Confidential):pp.140-141/P00106_LSU.1(Confidential):p.74/ P00106(Confidential):030923-092409.wav(00:03:46-00:04:24).

HAJREDIN KUÇI: [Whispers] Yes, yes, yes, I understand it.[606]

200. At several points, **THAÇI** detailed how **KUÇI** should organise the contact with Witness 6,[607] including references to third parties and – on **KUÇI's** initiative – providing materials:

> HASHIM THAÇI: And tell him, "Get up, just [Indiscernible], I don't want to see you", tell him. "Deal with this matter" tell him, "do not -- do not leave his side until he confirms it".[608]
> […]
> HASHIM THAÇI: [Whispers] "And you drop everything you have got", tell him. You could also arrange it [REDACTED] because it might [Indiscernible]. And write to him, "Do not cause harm", tell him.
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: That is all. Tell him, "Get up and pick it up, be serious now". Tell him, "Get up and go because it is very serious". Because he is dangerous. Because there is nothing he can do. He has it, whether it is like this, or like that.
> HAJREDIN KUÇI: [Whispers] Yes.[609]
> […]
> HASHIM THAÇI: [Whispers] Tell him, to stop till there and call him.
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] "When he responds. Call him to wait for you because he will come out". Tell him, "Call that one and arrange an appointment". Wait outside.
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] [Indiscernible] write it down. You wait until he writes it down, because he writes it —
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] -- he writes it down slowly. And one more thing, you should write this "[Indiscernible] you have it on [REDACTED]", tell him, because you perhaps [Indiscernible] but he should try harder. [Paper flipping sound and sound of paper being torn].
> HAJREDIN KUÇI: [Whispers] [Indiscernible] I will give him –
> HASHIM THAÇI: What?
> HAJREDIN KUÇI: [Whispers] -- the case.
> [Silence 00:03:06-00:03:14],

[606] P00106_ET(Confidential):p.142/P00106_LSU.1(Confidential):pp.74-75/P00106(Confidential):030923-092909.wav(00:00:00-00:00:30).
[607] P00106_ET(Confidential):pp.139-146/P00106_LSU.1(Confidential):pp.73-77.
[608] P00106_ET(Confidential):pp.140-141/P00106_LSU.1(Confidential):p.74/P00106(Confidential):030923-092409.wav(00:04:25-00:04:47).
[609] P00106_ET(Confidential):p.143/P00106_LSU.1(Confidential):p.75/P00106(Confidential):030923-092909.wav(00:00:38-00:01:06).

> HASHIM THAÇI: [Whispers] "I just wanted to meet up with you". Tell him, "If you can", tell him, "I would have liked you to wait for me, I will return [REDACTED], wait for me", tell him —
> HAJREDIN KUÇI: [Whispers] Yes.
> HASHIM THAÇI: -- "at the airport", tell him.
> HAJREDIN KUÇI: [Whispers] Yes, yes.[610]

201. **KUÇI** agreed with **THAÇI** on the importance of Witness 6's evidence, confirmed he understood **THAÇI's** instructions,[611] and repeatedly agreed to follow them, including by confirming '[i]t's done' and '[d]one deal'.[612] When **THAÇI** asked if he was 'writing it properly' – referring to the instructions for Witness 6 – **KUÇI** confirmed that he was.[613] Both men whispered throughout their discussion of Witness 6 and switched to normal tones of voice when they completed the discussion and changed topic.[614]

(v) Discussion of other SPO witnesses during the 3 September Visit

202. Throughout the visit, **THAÇI** and **KUÇI** discussed a number of other SPO witnesses. This included **THAÇI's** statement that W04401 ('Sokol') – consistent with

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[610] P00106_ET(Confidential):pp.145-146/P00106_LSU.1(Confidential):pp.76-77/P00106(Confidential): 030923-092909.wav(00:02:34-00:03:23).
[611] *See e.g.* P00106_ET(Confidential):p.140/P00106_LSU.1(Confidential):p.74 ('HAJREDIN KUÇI: [Whispers] [Indiscernible]. HASHIM THAÇI: [Whispers] Huh? Here. I do not know whether more should be said. HAJREDIN KUÇI: [Whispers] Because it needs to [Indiscernible] these are important.').
[612] P00106_ET(Confidential):p.139/P00106_LSU.1(Confidential):p.73 ('HASHIM THAÇI: [Whispers] Call him [REDACTED]. Give it to him. Call him when you are on the way. Tell him, "[Indiscernible]". As soon as it is given to him, tell him, "Urgently meet up with him, tell him these things straight away, [Indiscernible]". What can one say. He will complicate it even more. HAJREDIN KUÇI: [Whispers] It's done.'), P00106_ET(Confidential):p.146/P00106_LSU.1(Confidential):p.77 ('HAJREDIN KUÇI: [Whispers] Yes. Done deal.'). *See also* P00106_ET(Confidential):p.142/P00106_LSU.1(Confidential):p.75 ('HASHIM THAÇI: [Whispers] […] "[…] Are you there [REDACTED] to inform you? I want to see you", tell him, "because when I come to [REDACTED]". [Speaks in a normal voice] You know this yourself. HAJREDIN KUÇI: [Whispers] Yes, yes, yes, I understand it.').
[613] P00106_ET(Confidential):pp.139-140/P00106_LSU.1(Confidential):p.73 ('HAJREDIN KUÇI: [Whispers] It's done. HASHIM THAÇI: [Whispers] If you listen to me [Indiscernible] [REDACTED]. Write down "[REDACTED]". HAJREDIN KUÇI: I wrote it down. HASHIM THAÇI: Are you writing it properly? HAJREDIN KUÇI: Yes.').
[614] *See e.g.* the transition to normal voice at P00106_ET(Confidential):p.147/P00106_LSU.2(Confidential):p.100, following the instructions for Witness 6 on the preceding eight pages.

his instructions for Witness 2 – should 'say the same thing for us, Staff members. "They reported to me"'.[615] **THAÇI** also again disparaged [REDACTED] as '[REDACTED]'.[616]

(vi) KUÇI's contact with Witness 1

203. On 12 April 2023, Witness 1 gave a televised interview on KTV Konfront, during which he stated that the regulations of the Llap Operational Zone were not coordinated with those of the General Staff, and denied that the General Staff was informed about the details of what happened in the Operational Zones.[617] Later that day, **KUÇI** sent Witness 1 a WhatsApp message congratulating Witness 1 for his 'clear ideas about the country and the war'.[618] Witness 1's phone records – from which **KUÇI's** message was recovered – show that he responded 'Thank you!' within 30 seconds.[619]

204. **KUÇI's** message to Witness 1 on 12 April came nine days after the SPO case opened and one day after the first witness began testifying.[620] At the time, all Defence teams knew that Witness 1 would be called to testify among the first 12 witnesses.[621] Further, the Case 6 Protocol barring any Defence team from direct or indirect contact with an SPO witness – regardless of whether the witness had protective measures or

[615] P00106_ET(Confidential):p.109/P00106_LSU.2(Confidential):p.92. *See also* P00106_ET(Confidential):pp.123-124/P00106_LSU.2(Confidential):p.94, where W04401 is referred to as 'Koli' and 'Mal BASHOTA's nephew' (*see* P00156(Public) that supports familial links between W04401 and Mal BASHOTA). For similar identifying factors of W04401, *see* Section_III.C.2(b)(ii); Section_III.C.2(d)(ii).
[616] P00106_ET(Confidential):p.136/P00106_LSU.2(Confidential):p.95. *See also* Section_III.D.2(a).
[617] P00153_ET(Public)/P00153(Public); P00154_ET(Confidential).
[618] P00115(Confidential):p.SPOE00353236(ln.22)/P00115_LSU(Confidential) ('Friend, I congratulate you for your professionalism, for your clear ideas about the country and the war, and for your courage. Bravo'). *See also* P00179_ET(Confidential):p.2.
[619] P00115(Confidential):p.SPOE00353236(ln.23).
[620] JN.00008_ET(Confidential):p.2146; Witness 7:T.369-370(02-Mar-2026)(Open).
[621] JN.00026.1(Confidential); JN.00026.2(Confidential):pp.15-18. *See also* JN.00027(Confidential):p.2.

not – had been in place for nearly nine months and was included in at least three decisions[622] notified to all Defence teams.[623]

(c) 9 September Visit and 7 October Visit (SMAKAJ Group)

205. The SMAKAJ Group charges arise from **SMAKAJ's** two recorded visits to **THAÇI** ('**SMAKAJ Visits**'). As detailed below, on 9 September 2023, days after **KUÇI's** visit, **THAÇI** again targeted for interference the upcoming Case 6 testimony of Witness 2[624] and revealed confidential information about multiple other SPO witnesses to the SMAKAJ Group. Just a few weeks later on 7 October, **SMAKAJ** and Artan BEHRAMI returned to the DC – at **THAÇI's** direction – whereupon **THAÇI** issued more instructions for delivery to Witness 2 and provided **SMAKAJ** with a document to assist in executing the instructions.

Background to the SMAKAJ Visits

206. On 24 August 2023, Artan BEHRAMI submitted Visitor Applications – including signed Visitor Undertakings – on behalf of himself, **SMAKAJ**, Blerim SHALA and Ismail SYLA, requesting to visit **THAÇI** on 9 September 2023.[625] The DMU confirmed the visit on 28 August 2023 via an email to BEHRAMI, which included a reminder of the KSC prohibition on visitors giving/receiving any items to/from a detainee without explicit prior approval.[626]

[622] *See* JN.00021_ET(Confidential); JN.00005_ET(Confidential); JN.00025_ET(Confidential):para.71.
[623] KUÇI and Witness 1 also exchanged several Viber messages apparently about personal and/or political matters in late July 2023, approximately one week after Witness 1 had completed his Case 6 testimony. *See* P00213_ET(Confidential):pp.20-21(lns.17262-17289). At the time, post-testimony Defence contact with SPO witnesses was not explicitly barred by the Case 6 Protocol. The Case 6 Protocol was later amended to bar post-testimony contacts – *see* JN.00022(Confidential).
[624] For relevant Case 6 disclosures regarding Witness 2, *see* Section_III.C.1(b)(iii)a).
[625] P00039_ET(Confidential)/P00039(Confidential); P00040_ET(Confidential)/P00040(Confidential); P00041_ET(Confidential)/P00041(Confidential); P00042_ET(Confidential)/P00042(Confidential); P00043_ET(Confidential); P00044_ET(Confidential)/P00044(Confidential); P00045(Confidential); P00046(Confidential):p.124538; P00047(Confidential):p.125397.
[626] P00043(Confidential):p.SPOE00364010.

207. On 8 September 2023, **SMAKAJ** travelled to The Hague via Düsseldorf.[627] Messages extracted from **SMAKAJ's** phone confirm that **SMAKAJ**, BEHRAMI, SYLA and SHALA were in Rotterdam that night.[628]

208. The next day, **SMAKAJ** visited **THAÇI** at the DC together with BEHRAMI, SYLA and SHALA for approximately three hours.[629]

209. On 21 September 2023, BEHRAMI submitted Visitor Applications – again with signed Visitor Undertakings – for himself and **SMAKAJ** to return to visit **THAÇI** on 7 October 2023.[630] The DMU confirmed the visit on 3 October 2023 via an email to BEHRAMI, which again included the reminder of the KSC prohibition on visitors giving/receiving any items to/from a detainee without explicit prior approval.[631]

210. On 6 October 2023, **SMAKAJ** travelled to The Hague via Vienna.[632] The next day, he and BEHRAMI visited **THAÇI** between 13:30 and 16:00.[633]

(i) Voice attribution

211. The voice attribution in the Visit Transcripts of both SMAKAJ Visits is accurate and readily verifiable from abundant evidence intrinsic and extrinsic to the Visit Recordings. There is no dispute that **SMAKAJ**, Artan BEHRAMI, Ismail SYLA, and

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[627] P00181_ET(Confidential):pp.2-3,6.
[628] P00187_ET(Confidential):pp.2-4,8 (where messages concerning dinner plans are exchanged among SMAKAJ, BEHRAMI, SYLA and SHALA in a group chat called 'Rotterdam' together with a photo of the group in front of Rotterdam restaurant 'Vessel 11'). *See also* AF00014(Confidential).
[629] P00036(Confidential); P00045(Confidential); P00046(Confidential):p.124538; P00047(Confidential):p.125397; P00108_ET(Confidential). *See also* P00187_ET(Confidential):pp.4-5,9-13 (showing photographs of SMAKAJ, BEHRAMI, SYLA and SHALA having lunch at the restaurant 'De Waterreus' 14:11). Prior to this visit, SMAKAJ also visited THAÇI on 3 December 2022 and on 13 May 2023 (*see* P00074(Confidential):p.124417; P00018(Confidential):p.124457; P00013(Confidential):p.SPOE00363084(incorrectly dating the visit to 13 May 2022); P00014_ET(Confidential); P00015(Confidential):pp.SPOE00363620-SPOE00363625; P00016(Confidential):pp.SPOE00363602-SPOE00363607); P00017(Confidential).
[630] P00070_ET(Confidential)/P00070(Confidential); P00071_ET(Confidential)/P00071(Confidential); P00072_ET(Confidential)/P00072(Confidential); P00073(Confidential):p.125403.
[631] P00071(Confidential):p.SPOE00364074.
[632] P00110_ET(Confidential):pp.11-12/P00110_LSU.3(Confidential):p.11.
[633] P00067(Confidential); P00068(Confidential):p.124564; P00073(Confidential):p.125403; P00182(Confidential); P00110_ET(Confidential).

Blerim SHALA visited **THAÇI** on 9 September 2023, and that **SMAKAJ** and BEHRAMI visited again on 7 October 2023, or that P00108 and P00110 contain the audio recordings of their entire visits. The visit is further confirmed by contemporaneous Registry records,[634] **THAÇI's** DC Call Recordings, and records from seized phones.[635]

212. **THAÇI's** voice is readily identifiable from a multitude of case records, including the 28 hours of Visit Recordings.[636] His voice is further identifiable within both SMAKAJ Visits because he repeatedly spoke about facts unique to him, including his ongoing trial,[637] detention conditions,[638] recent compassionate release to visit his father,[639] a recent visit by a confirmed DC visitor,[640] and his co-detainees and legal counsel.[641] **THAÇI** is also identifiable throughout the SMAKAJ Visits based on the content of the transcribed speech, which overlaps extensively with his witness instructions and Preferred Narrative as discussed in other recorded visits.[642] He was

[634] P00039_ET(Confidential)/P00039(Confidential); P00040_ET(Confidential)/P00040(Confidential); P00041_ET(Confidential)/P00041(Confidential); P00042_ET(Confidential)/P00042(Confidential); P00043_ET(Confidential); P00044_ET(Confidential)/P00044(Confidential; P00045(Confidential); P00046(Confidential):p.124538; P00047(Confidential):p.125397; P00070_ET(Confidential)/P00070(Confidential); P00071_ET(Confidential); P00072_ET(Confidential)/P00072(Confidential); P00073(Confidential):p.125403.
[635] *See also* Annex 10.
[636] *See* Section_II.B.1(b).
[637] P00108_ET(Confidential):pp.127-135,139-154,159,177-183; P00108_ET(Confidential):pp.183-185/P00108_LSU(Confidential):pp.16-17; P00108_ET(Confidential):pp.185-188; P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20; P00108_ET(Confidential):pp.190,204; P00108_ET:pp.208-213/P00108_LSU(Confidential):pp.41-42; P00108_ET(Confidential):pp.213-215,256-267; P00110_ET(Confidential):pp.13-27; P00110_ET(Confidential):pp.45-46/P00110_LSU.3(Confidential):pp.14-15; P00110_ET(Confidential):pp.46-50; P00110_ET(Confidential):pp.50-51/P00110_LSU.3(Confidential):p.19; P00110_ET(Confidential):pp.52-53,108-110; P00110_ET(Confidential):pp.177-179/P00110_LSU.3(Confidential):pp.34-35. *See also* Section_III.C.1(c)(ii)b) and Section_III.C.1(iv)a).
[638] P00108_ET(Confidential):pp.155-157,220-221,274; P00110_ET(Confidential):pp.13,56.
[639] *Compare* P00108_ET(Confidential):pp.10-11/P00108_LSU(Confidential):p.5 *with* Request F00140:paras.9-10.
[640] *Compare* P00108_ET(Confidential):p.16 *with* P00036(Confidential)(confirming visit of [REDACTED] on 8 September 2023, as THAÇI described in the 9 September Visit transcript).
[641] P00108_ET(Confidential):pp.17,132,137-138,148, P00108_ET(Confidential):p.184/P00108_LSU(Confidential):p.16, P00108_ET(Confidential):pp.238-239,262,268; P00110_ET(Confidential):pp.109,117,219-221.
[642] *See e.g.* Section_III.D.

also referred to as 'President', 'boss', and 'chief' by the other participants multiple times during both visits.[643] Finally, there are numerous instances of **THAÇI's** visitors describing events that had occurred or would occur in the future out of confinement, such as attending receptions,[644] travel,[645] appearing on television,[646] and meeting people not detained,[647] which all eliminate **THAÇI** as the speaker of those words.

213. There is also abundant evidence identifying the voices of each visitor. For example, **SMAKAJ's** and BEHRAMI's voices are identifiable from the fact that they participated in *two separate, hours-long recorded visits* with **THAÇI**, allowing the listener to isolate and compare their voices within and across both visits. Indeed, during both visits, **SMAKAJ** was repeatedly addressed by and answered to his name.[648] During the 7 October Visit, **SMAKAJ** discussed unique identifying facts about himself, including a reference to the health of a family member,[649] and other facts confirmed by records from his seized phone, including his son's master's education in Bonn,

[643] P00108_ET(Confidential):p.11/P00108_LSU(Confidential):p.5, P00108_ET(Confidential):pp.29,36,44,75,102, P00108_ET(Confidential):p.183/P00108_LSU(Confidential):p.16, P00108_ET(Confidential):pp.217,222,225-227,248,270; P00110_ET(Confidential):pp.6-7, P00110_ET(Confidential):p.11/P00110_LSU.3(Confidential):p.11, P00110_ET(Confidential):pp.13,38,47,55,62,71,86,88,99,131,135-136,146-149,157,170,194,196,199,204-205,213. THAÇI also referred to himself as 'prime minister' and 'president', *see* P00108_ET(Confidential):pp.35,182.
[644] P00108_ET(Confidential):p.241.
[645] P00108_ET(Confidential):pp.10,29,259; P00110_ET(Confidential):pp.11-12/P00110_LSU.3(Confidential):p.11, P00110_ET(Confidential):pp.139-140,227-228.
[646] P00108_ET(Confidential):pp.6,116,163; P00110_ET(Confidential):pp.29-44,144-145. *See also* P00039_ET(Confidential)/P00039(Confidential):p.SPOE00363983; P00044_ET(Confidential)/P00044(Confidential):p.SPOE00363175 (describing BEHRAMI's present association with ATV media).
[647] P00108_ET(Confidential):pp.104,271; P00110_ET(Confidential):pp.28-29,53,58,68,134-135,139-140.
[648]P00108_ET(Confidential):pp.1,7,9, P00108_ET(Confidential):p.12/P00108_LSU(Confidential):p.6, P00108_ET(Confidential):pp.40-42,44; P00110_ET(Confidential):pp.22,44,55,65,83,111, P00110_ET(Confidential):p.115/P00110_LSU.3(Confidential):p.29, P00110_ET(Confidential):pp.130,169,184,229.
[649] P00110_ET(Confidential):pp.115-117/P00110_LSU.3(Confidential):pp.29-30.

Germany,[650] and the fact that **SMAKAJ** spoke with Witness 2 the week before the visit.[651]

214. The record contains additional clear voice exemplars for **SMAKAJ**, BEHRAMI, and SYLA, found in, respectively: (i) **SMAKAJ's** recorded court appearance in this case;[652] (ii) the recorded DC call between **THAÇI** and Bekim ÇOLLAKU, which BEHRAMI joined and in which he was named directly;[653] and (iii) three recorded DC calls between SYLA and **THAÇI**.[654]

215. Additionally, both SMAKAJ Visits contain multiple examples of the participants, in addition to **SMAKAJ** and **THAÇI**, being identified by name.[655] This includes Blerim SHALA, who was addressed directly more than 60 times[656] and is identifiable by other personal details.[657]

[650] *Compare* P00110_ET(Confidential):pp.8-10/P00110_LSU.3(Confidential):pp.7-9 *with* P00186_ET(Confidential):pp.2-7.
[651] *Compare* P00110_ET(Confidential):pp.45-46/P00110_LSU.3(Confidential):pp.14-15, P00110_ET(Confidential):pp.49-50 *with* P00183_ET(Confidential):pp.2-3 (showing Messenger calls and messages between Witness 2 and SMAKAJ between 24 September and 3 October 2023).
[652] Initial_Appearance_SMAKAJ:05:12-06:00(08-Dec-2024)(Open) https://www.youtube.com/watch?v=aHo-El7SwbA (last accessed 24 August 2026).
[653] P00098_ET/P00098(Confidential).
[654] P00088_ET/P00088(Confidential); P00089_ET/P00098(Confidential); P00092_ET/P00092(Confidential). All three calls were between THAÇI and number [REDACTED], which is Ismail SYLA's phone number, as provided by SYLA in his Visitor Application. *See* P00042_ET(Confidential)/P00042(Confidential):p.SPOE00364005.
[655] For BEHRAMI, *see* P00108_ET(Confidential):p.11/P00108_LSU(Confidential):p.5/P00108(Confidential):090923-072000.wav(00:02:45-00:02:46), P00108_ET(Confidential):p.200; P00110_ET(Confidential):p.148; For SYLA, *see* P00108_ET(Confidential):pp.4,6-7, P00108_ET(Confidential):pp.14-15/P00108_LSU(Confidential):p.10, P00108_ET(Confidential):pp.40,57,125,163,198,213,275-277.
[656] P00108_ET(Confidential):pp.9-10, P00108_ET(Confidential):p.15/P00108_LSU(Confidential):p.11, P00108_ET(Confidential):pp.18,27,33,35,46-47,57-58,71,77,79,87-88,92,111,114,117,122-123,138,141,147,150,153,162-163,172-173,175,177,190,198-200,204-205,208-210,216,239,241,247,252,258,268,270-271,276,278-279,281-282,291-295.
[657] P00108_ET(Confidential):pp.14-15/P00108_LSU(Confidential):p.10; P00108_ET(Confidential):pp.87-88,124,141,216; P00110_ET(Confidential):p.2.

(ii) 9 September Visit

a) Revealing confidential information during the 9 September Visit

216. The 9 September Visit began with **THAÇI** and his visitors, primarily in normal tones of voice, exchanging greetings and information about their health and families,[658] and discussing politics.[659] They then commented on the Case 6 proceedings and witnesses,[660] including – as on other occasions – **THAÇI** expressing satisfaction with Witness 1's testimony[661] for whom he had provided instructions via **FAZLIU** during the 2 July Visit.

217. **THAÇI** disparaged the testimony of protected witnesses [REDACTED][662] and [REDACTED].[663] With laughter audible, **THAÇI** commented on [REDACTED]'s testimony, stating that '[REDACTED].'[664] He referred to [REDACTED] as '[REDACTED].'[665] **THAÇI** described [REDACTED] as follows: '[REDACTED]'.[666] **THAÇI** also stated that [REDACTED] testified: '[REDACTED]'.[667]

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[658] P00108_ET(Confidential):pp.9-29/P00108_LSU(Confidential):pp.5-6,10-11.
[659] P00108_ET(Confidential):pp.29-117.
[660] *See e.g.* P00108_ET(Confidential):p.146 (referring to the public testimony of W04018, a witness from Kaçanik/Kačanik who testified on 4-5 September 2023 in Case 6 about, *inter alia*, the theft of his cow); P00108_ET(Confidential):pp.147-148,177-178 (discussing the testimony of W04408); P00108_ET(Confidential):pp.179-182,256-257 (discussing the impact of certain witnesses' testimony in Kosovo and again commenting on W04408's testimony).
[661] P00108_ET(Confidential):pp.127-132. Witness 1 as the subject of discussion is clear from the use of his nickname 'Remi' (*compare* P00108_ET(Confidential):p.129 *with* JN.00045_ET(Confidential):p.5471; AF00032(Public)) as well as several references to information from his Case 6-disclosed statements, including (i) that Witness 1 was an Operational Zone Commander at the age of 26 (*compare* P00108_ET(Confidential):p.130 *with* JN.00047_ET(Confidential):p.5645); and (ii) the extended period of time during which Witness 1 was implicated in judicial proceedings (*compare* P00108_ET(Confidential):p.127 *with* JN.00055(Confidential):p.13; JN.00054(Confidential):pp.SPOE00119323,SPOE00119325-SPOE00119333; JN.00053_ET(Confidential):p.SPOE00121335). *See also* Section_III.D.2(a).
[662] AF00051(Confidential); [REDACTED].
[663] AF00053(Confidential); [REDACTED].
[664] P00108_ET(Confidential):p.143/P00108(Confidential):090923-084000.wav(00:04:23-00:04:30).
[665] P00108_ET(Confidential):p.141/P00108(Confidential):090923-084000.wav(00:03:20-00:03:32). *See also* P00108_ET(Confidential):p.139/P00108(Confidential):090923-084000.wav(00:01:51-00:02:18) ('[REDACTED].'). *See also* Section_III.D.2(b).
[666] P00108_ET(Confidential):p.144/P00108(Confidential):090923-084500.wav(00:00:03-00:00:15).
[667] P00108_ET(Confidential):p.144/P00108(Confidential):090923-084500.wav(00:00:15-00:00:20).

218. That **THAÇI** was referring to [REDACTED] is clear from, *inter alia*, [REDACTED]'s confidential private session testimony, during which he testified: (i) [REDACTED];[668] (ii) that he was [REDACTED];[669] and (iii) about [REDACTED].[670] That **THAÇI** referred to [REDACTED] is clear from his reference to [REDACTED]'s testifying about [REDACTED],[671] and [REDACTED].[672]

219. The identifying facts about [REDACTED] and [REDACTED], as well as the portions of the witnesses' evidence referenced by **THAÇI** were all provided in private session,[673] a fact **THAÇI** acknowledged during the visit.[674]

220. As in other visits, **THAÇI** revealed the name of protected witness **[REDACTED] ([REDACTED])**, along with information from her private session testimony, including about [REDACTED]:

> HASHIM THAÇI: [REDACTED].
> BLERIM SHALA: Yes.
> ISMAIL SYLA: Really?
> HASHIM THAÇI: [Indiscernible] [REDACTED].
> BLERIM SHALA: [REDACTED]?
> HASHIM THAÇI: [REDACTED].
> ARTAN BEHRAMI: [REDACTED].
> BLERIM SHALA: [REDACTED], yes.
> HASHIM THAÇI: [REDACTED] --
> ARTAN BEHRAMI: [Indiscernible].
> ISMAIL SYLA: [Laughs].
> HASHIM THAÇI: -- [REDACTED]. […]
> HASHIM THAÇI: [REDACTED].
> BLERIM SHALA: Ah, yes.
> HASHIM THAÇI: I said, "[REDACTED]" and —

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[668] P00104(Confidential):p.[REDACTED].
[669] JN.00043(Confidential):p.[REDACTED] ('[REDACTED]').
[670] JN.00044(Confidential):pp.[REDACTED].
[671] *Compare* P00108_ET(Confidential):pp.143-144 *with* JN.00041_ET(Confidential):pp.[REDACTED].
[672] *Compare* P00108_ET(Confidential):p.143:090923-084000.wav(00:04:19-00:04:40). ('[REDACTED]'.') *with* JN.00041_ET(Confidential):p.[REDACTED] ('[REDACTED]') *with* JN.00041_ET(Confidential):p.[REDACTED]. *See also* Section_III.C.1(a)(iv); Section_III.C.1(c)(iv)a); Section_III.C.1(d)(ii)d); Section_III.C.2(b)(ii); Section_III.C.2(d)(ii).
[673] *E.g.* JN.00044(Confidential):pp.[REDACTED].
[674] P00108_ET(Confidential):p.139 ('HASHIM THAÇI: No, no. This is even kind of humorous. BLERIM SHALA: Yes. HASHIM THAÇI: That should have been broadcasted [In English] live. BLERIM SHALA: Yes, of course.').

ARTAN BEHRAMI: Yes, yes, of course.
BLERIM SHALA: Yes.
HASHIM THAÇI: [REDACTED] —
BLERIM SHALA: No man.
HASHIM THAÇI: -- [REDACTED].[675]

221. **THAÇI** identified [REDACTED] by name and where he is from, and revealed part of his private session testimony, including that [REDACTED] testified about an incident involving [REDACTED].[676] As in other visits, **THAÇI** derided [REDACTED] as a '[REDACTED]' and a '[REDACTED]'.[677]

b) THAÇI's interference instructions for Witness 2 during 9 September Visit

222. Approximately two hours into the visit, **THAÇI** started discussing Witness 2's upcoming testimony:

HASHIM THAÇI: Now Bisa is decisive, he is decisive. He is decisive. There will be Koli, Sokol.
BLERIM SHALA: Yes.
HASHIM THAÇI: There will be Syla, and Shukri, because they are from the KLA, they are our people.
BLERIM SHALA: Yes, yes, because --
ARTAN BEHRAMI: Yes, they are now trying to --
HASHIM THAÇI: But Bisa is [Lowers his voice] decisive. Bisa is smart, but he should use full stops, should use full stops more often.[678]

[675] P00108_ET(Confidential):pp.183-184/P00108_LSU(Confidential):p.16/P00108(Confidential):090923-090500.wav(00:02:55-00:03:47); AF00061(Confidential); [REDACTED]. *Compare with* JN.00051(Confidential):p.[REDACTED] ('[REDACTED]'), JN.00051(Confidential):p.[REDACTED] ('[REDACTED]'), JN.00051(Confidential):p.[REDACTED] ('[REDACTED]'), JN.00051(Confidential):p.[REDACTED] ('[REDACTED]'). *See also* Section_III.C.1(c)(iv)a); Section_III.C.2(b)(ii).
[676] *Compare* P00108_ET(Confidential):pp.184-185/P00108_LSU(Confidential):p.17/P00108(Confidential):090923-090500.wav(00:03:48-00:04:07) ('[REDACTED].') *with* JN.00038(Confidential):p.[REDACTED] ('[REDACTED]'), JN.00038(Confidential):pp.[REDACTED]; P00170(Confidential):pp.125836-125837.
[677] P00108_ET(Confidential):p.184/P00108_LSU(Confidential):p.17/P00108(Confidential):090923-090500.wav(00:03:48-00:03:53). *See also* Section_III.D.2(b).
[678] P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20/P00108(Confidential):090923-091000.wav(00:01:36-00:02:00).

223. That **THAÇI** referred to Witness 2 is clear from, *inter alia,* **THAÇI's**: (i) repeated references to 'Bisa';[679] (ii) repeated emphasis that Witness 2's evidence was 'decisive', a characterisation he used during other DC visits when discussing Witness 2;[680] and (iii) references to Witness 2 alongside references to other KLA insider witnesses, including 'Koli'/'Sokol' (W04401), 'Syla' (Witness 5) and 'Shukri' (W01453).[681]

224. Similar to the 3 September Visit, **THAÇI** continued emphasising the importance of Witness 2 limiting his answers, adding that 'sometimes you have to finish your thoughts' and 'shorter is better'.[682] **SMAKAJ** and SHALA engaged with and echoed **THAÇI's** instructions, with SHALA also suggesting that Witness 2 should learn from another (unnamed) witness:

> HASHIM THAÇI: He is wise -- should become very wise, but not too wise -- wise in solidifying what you want to say. [Light creaking chair noise] But not wise in letting your tongue go loose out there.
> BASHKIM SMAKAJ: Don't theorise [Indiscernible].
> HASHIM THAÇI: Don't let it loose out there. No. No.
> BLERIM SHALA: That's right, and do not give additional, more explanations.
> HASHIM THAÇI: Do not give opinions. [Light creaking chair noise].
> BLERIM SHALA: No, man, he should watch the friend.[683]

225. Before providing more specific instructions for Witness 2, **THAÇI** recited multiple points that formed the basis of his instructions for SPO witnesses in other recorded visits consistent with his Preferred Narrative, including in relation to: (i) the

[679] *Compare e.g.* P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20/ P00108(Confidential):090923-091000.wav(00:01:36-00:02:00), P00108_ET(Confidential):p.195(Confidential)/P00108_LSU(Confidential):p.31/ P00108(Confidential):090923-091500.wav(00:00:24-00:00:30) *with* JN.00066_ET(Confidential):p.182.
[680] *Compare* P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20/ P00108(Confidential):090923-091000.wav(00:01:36-00:02:00) *with* P00114_ET(Confidential):p.51.
[681] *E.g.* P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20. *See also* Section_III.D.2(a).
[682] P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20/P00108(Confidential):090923-091000.wav(00:02:05-00:02:11). *See also* P00108_ET(Confidential):p.204 ('HASHIM THAÇI: I am saying, Bler, again. BLERIM SHALA: Yes. HASHIM THAÇI: Few commas, and then full stops, full stops. Full stop. The full stops are needed. Full stop, full stop.').
[683] P00108_ET(Confidential):p.190/P00108(Confidential):090923-091000.wav(00:02:23-00:02:43).

level of KLA organisation from March 1998,[684] including the formation of Drenica Operational Zone brigades only 'on paper';[685] (ii) the key role of Operational Zone Commanders;[686] (iii) the absence of any meetings after the election of Witness 5 as the KLA General Commander in February 1999;[687] (iv) threats received by **THAÇI** from the Operational Zone Commanders in the context of the Rambouillet negotiations;[688] (v) the aspirational nature of the Provisional Government of Kosovo;[689] and (vi) the authority of Adem DEMAÇI within the KLA.[690]

226. **THAÇI** then explained that 'they' –the SPO – would 'soon bring' Witness 2,[691] and expounded on how he should dress and answer questions when testifying. At several points, the Group discussed other witnesses' testimony by comparison and as a guide for how to testify, including public witness W04408 and a coded reference to 'the friend' (likely Witness 1) who paused five seconds before answering a question.[692] **THAÇI** emphasised the value of answering questions with 'I don't remember' and reiterated that Witness 2 should 'not mix it up':

> HASHIM THAÇI: And this means if you -- because they will bring him soon.
> BLERIM SHALA: Yes, yes.

[684] P00108_ET(Confidential):pp.190-193/P00108_LSU(Confidential):pp.28-30. *See also* P00108_ET(Confidential):p.202. *See also* Section_III.D.1(a)(i).
[685] P00108_ET(Confidential):p.193/P00108_LSU(Confidential):p.29. *See also* Section_III.C.1(b)(ii)b); Section_III.C.2(a)(ii).
[686] P00108_ET(Confidential):pp.194-195/P00108_LSU(Confidential):pp.30-31, P00108_ET(Confidential):p.202, P00108_ET(Confidential):p.212/P00108_LSU(Confidential):p.42. *See also* Section_III.D.1(a)(v).
[687] P00108_ET(Confidential):p.195/P00108_LSU(Confidential):p.31, P00108_ET(Confidential):p.202. *See also* Section_III.C.1(b)(ii)b); Section_III.C.1(b)(iii)b); Section_III.C.2(a)(ii).
[688] P00108_ET(Confidential):pp.197-201/P00108_LSU(Confidential):p.34. *See also* Section_III.C.2(a)(ii).
[689] P00108_ET(Confidential):p.203; P00108_ET(Confidential):p.211/P00108_LSU(Confidential):p.41. *See also* Section_III.D.1(a)(viii).
[690] P00108_ET(Confidential):pp.196-197/P00108_LSU(Confidential):pp.33-34. *See also* Section_III.D.1(a)(iv).
[691] Regarding notice THAÇI had received about Witness 2's scheduling by the time of the 9 September Visit, *see also* Section_III.C.1(b)(iii)a).
[692] P00108_ET(Confidential):pp.190,208-210. *See also* P00108_ET(Confidential):pp.128-129, where THAÇI described Witness 1 as pausing for five seconds before answering a question.

HASHIM THAÇI: They will -- first of all he should concentrate. And he should look like a gentleman. [Indiscernible], and should not come wearing the same shirt for four days in there.[693]
BLERIM SHALA: Yes.
HASHIM THAÇI: Don't misunderstand me because --
BLERIM SHALA: The friend, he waited for five seconds and then answered. He should also take the same approach as him. He needs to breathe.
HASHIM THAÇI: Those five seconds let them become seven seconds.
BLERIM SHALA: Yes. Yes, of course.
HASHIM THAÇI: He should think that he is in a courtroom, not -- the other thing --
BLERIM SHALA: Yes, yes, of course.[694]
[…]
HASHIM THAÇI: Yes. And that one was an example.
ARTAN BEHRAMI: [Indiscernible] this one was relieved.
BLERIM SHALA: Yes, of course!
ARTAN BEHRAMI: Once he understood it, he was relieved.
BLERIM SHALA: Yes. Plus, our guy.
HASHIM THAÇI: That other one was an example. The more full-stops he uses, the better.
BLERIM SHALA: Yes. Yes, yes.
HASHIM THAÇI: As few commas as possible.
BLERIM SHALA: One should speak slowly. I agree fully.
HASHIM THAÇI: Bler, the more he -- won't lose his manhood. He should think about it, because we are the ones who will --
BLERIM SHALA: That's right. That's right.
HASHIM THAÇI: Plus, he owes nothing to --
BLERIM SHALA: No, no, no.
HASHIM THAÇI: The other thing, very [Indiscernible], "You have said in the past". "I said it, but at the same time…". No, but that's where a comma is needed.
BLERIM SHALA: That's right.
HASHIM THAÇI: "No, but" —
BLERIM SHALA: Yes, of course.
ISMAIL SYLA: Allegations.
ARTAN BEHRAMI: [Overlapping speakers] [Indiscernible].
HASHIM THAÇI: And it is not a shame here to say he doesn't remember or does not know, "I don't remember". The most emblematic sentence is "I don't know", "I don't remember".
BLERIM SHALA: Yes.
HASHIM THAÇI: Nobody can ask you to answer.

[693] The 'same shirt' refers to Witness 2 wearing the same shirt during his four-day SPO interview and/or his multiday public ICTY testimony. *Compare* P00108_ET(Confidential):p.208 *with* JN.00060(Confidential); JN.00061(Confidential); JN.00062(Confidential); JN.00063(Confidential); JN.00064(Confidential); and JN.00065(Confidential). *See also* P00108_ET(Confidential):pp.212-213/ P00108_LSU(Confidential):p.42.
[694] P00108_ET(Confidential):pp.208-209/P00108(Confidential):090923-092000.wav(00:03:14-00:03:40).

> BASHKIM SMAKAJ: Fred was also trying to do that.
> BLERIM SHALA: He used it, yes.
> HASHIM THAÇI: Huh?
> ARTAN BEHRAMI: He used it. Fred used it a lot.
> HASHIM THAÇI: Yes, of course. "I don't know", "I don't remember". "I don't" -- and -- because we have documents – "But to be organised and so on was an ambition".
> BLERIM SHALA: The plan. Of course. The plan.
> ISMAIL SYLA: The plan. An ideal.
> HASHIM THAÇI: The plan. "I was a military officer, I did it" -[695]
> […]
> HASHIM THAÇI: [Lowers his voice] "And do not mix up things, man" -- [Rustling noise]
> HASHIM THAÇI: -- "do not mix it up", what, what Provisional Government?! Ambition!
> [Sound of steps and door opening]
> BASHKIM SMAKAJ: [Hard to hear] It is good.[696]

227. His voice lowered, **THAÇI** then instructed **SMAKAJ** and BEHRAMI to return to see him again soon, coupled with the apparent admonition that Witness 2 should 'do better than' another witness, along with another reference to Witness 1's performance:

> HASHIM THAÇI: [With a lower voice] "It is good for you, but you have to do better than the other one". But this one will not do better than Remi! You come by the end of the month, I mean, the end of the month, don't come -- come a little bit -- take this one.
> BASHKIM SMAKAJ: Here?
> HASHIM THAÇI: I should see you [Indiscernible] at the beginning, the first week. [Whispers] Because I have [Indiscernible]. You should spend time together [Indiscernible]. Including with the little one. Because aren't you now…?
> ARTAN BEHRAMI: No.
> BASHKIM SMAKAJ: No, now [Indiscernible].[697]

228. **THAÇI** then began whispering more substantive instructions to be delivered to Witness 2 on how to testify, specifying that Witness 2 should 'remove' parts of his

[695] P00108_ET(Confidential):pp.209-211/P00108_LSU(Confidential):p.41/P00108(Confidential):090923-092000.wav(00:04:00-00:04:59). *See also* Section_III.D.1(b).
[696] P00108_ET(Confidential):p.211/P00108_LSU(Confidential):p.41/P00108(Confidential):090923-092500.wav(00:00:06-00:00:17). *See also* Section_III.D.1(a)(viii).
[697] P00108_ET(Confidential):pp.211-212/P00108_LSU(Confidential):p.42/P00108(Confidential):090923-092500.wav(00:00:18-00:00:44). *See also* Section_III.D.2(a).

previous testimony in relation to, for instance, the existence of the intelligence service and the role and presence of General Staff members in Kosovo:

> HASHIM THAÇI: [Whispers] [Chair creaking noise] What Intelligence Service, man?! He has to remove it [Inaudible].[698] No, because he does our head in during interviews, blah-blah-blah.
> BASHKIM SMAKAJ: [Whispers] No, on paper, an ambition.
> HASHIM THAÇI: [Whispers] There was ambition, but they had zones under their command… "Commanders, commanders, commanders, commanders". [Raises his voice]. "This one was handling the media until November, and the other one…" [Lowers his voice] [Indiscernible] that's it. "Remove November, there was no staff, 'they went abroad'".[699] This is what the documents say too! [Cracking noise] He mixes it up, man, and will fuck it up when he comes here! I watched his video and he was wearing the same shirt for four days. Tell him, "This is gentlemen's kind of stuff, man. Yes, yes, very important".
> ARTAN BEHRAMI: No, no. I know, I know.
> HASHIM THAÇI: "Don't come like a rebel. Come like a gentleman because it is a high level, it is not bottom level". Do not say it but —
> BASHKIM SMAKAJ: Yes, fine.
> HASHIM THAÇI: -- just talking in the sense that they will say what -- and tell him, "Simplify it, don't get mixed up. Don't get mixed up, man. Because [Indiscernible] because -- don't talk about how it should have been, don't talk about how the Bosnian and Yugoslavian armies were set up on paper". Because he theorises a lot.
> BASHKIM SMAKAJ: Yes, yes, theory.
> ARTAN BEHRAMI: Yes, yes.
> HASHIM THAÇI: Tell him, "You could not, all the villagers were volunteers, and".[700]

229. Similar to the parallel conversations used by the KILAJ Group to shield the interference instructions for Witness 4 during the 6 October Visit as detailed below,[701] BEHRAMI and SYLA then started a separate conversation with each other in normal voice tones while **THAÇI** and **SMAKAJ** continued whispering to each other,

[698] *Compare with* Witness 2's prior evidence, e.g. JN.00057_ET(Confidential):Part5(pp.22-23),Part10(pp.1-13,19-20),Part14(pp.14-15,41). *See also* Section_III.C.1(a)(iv); Section_III.C.2(a)(ii).
[699] *See also* Section_III.C.1(b)(iii).
[700] *Compare* P00108_ET(Confidential):pp.212-213/P00108_LSU(Confidential):p.42/P00108(Confidential):090923-092500.wav(00:00:47-00:01:51). *See also* P00108_ET(Confidential):p.211 *with* JN.00058(Confidential):p.3187; JN.00059(Confidential):p.SPOE00183318; 1D00066(Confidential):p.6819; 1D00067(Confidential):pp.6838-6839.
[701] *See* Section_III.C.1(d)(ii)c).

rendering only a few words/sentences transcribable.[702] The words that were transcribable correspond to witness interference instructions **THAÇI** gave in other visits, as well as with topics in Witness 2's Case 6-disclosed evidence, including the communiques[703] and that '[a]t Tahir ZEMAJ's, the meeting. He was the chief'.[704]

230. **THAÇI** and his visitors then returned to conversing in normal tones to discuss innocuous topics,[705] briefly switching to lowered voices to discuss a Case 6 topic unrelated to Witness 2.[706]

231. As the 9 September Visit concluded and the visitors were leaving, **THAÇI** and **SMAKAJ** again whispered to each other,[707] with several portions again indiscernible. Immediately thereafter, **THAÇI** in a low voice reiterated that **SMAKAJ** should return in early October 2023:

> [Hashim THAÇI and Bashkim SMAKAJ hold a conversation whispering] [Overlapping speakers] [Simultaneous greeting conversations].
> HASHIM THAÇI: [Speaks with a low voice] Come during the first week, but at the beginning of October [Indiscernible]. [Different conversations in the hallway]
> HASHIM THAÇI: [Indiscernible] I will look into [Indiscernible].
> BASHKIM SMAKAJ: [Whispers] Okay.[708]

(iii) SMAKAJ's contacts with Witness 2 between the visits

232. **SMAKAJ's** phone records show that on 2 and 3 October 2023 – between his visits to **THAÇI** – he and Witness 2 communicated by phone. On 2 October, at 15:26,

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[702] P00108_ET(Confidential):pp.213-215/P00108(Confidential):090923-092500(00:01:53-00:02:42).
[703] P00108_ET(Confidential):p.215. *See also* JN.00057_ET(Confidential):Part5(p.2). *See also* Section_III.D.1(a)(vi).
[704] P00108_ET(Confidential):p.215. *Compare with* P00125_ET(Confidential):p.SPOE00344955(highlights in the original), where the meeting in Prapaqan/Papraćane concerning Tahir ZEMAJ is described as follows: 'on 03 September 1998, Bislim Zyrapi, Rexhep Selimi, Lahi Ibrahimaj, Hashim Thaci. (A normal conversation). The delegation was sent to Dukagjin under the orders of Adem Demaci. […] (Also, when this meeting took place, HTH was engaged with the MILITARY ISSUES.) Concerning the KLA delegation, R. Selimi and Lahi Ibrahimaj were members of the GS, whereas Hashim and Bislim NOT yet.'; JN.00057_ET(Confidential):Part3(pp.20-28).
[705] P00108_ET(Confidential):pp.215-293.
[706] P00108_ET(Confidential):pp.258-259.
[707] P00108_ET(Confidential):pp.293-294.
[708] P00108_ET(Confidential):p.293/P00108(Confidential):090923-101000.wav(00:01:31-00:01:43).

SMAKAJ messaged Witness 2 via Facebook Messenger: 'What are you up to, how are you?' and, minutes later: 'Did your household start the year yet'.[709] Approximately one minute later, Witness 2 responded by calling **SMAKAJ**, resulting in a 56-second Facebook Messenger call.[710] The next day, Witness 2 again called **SMAKAJ**, resulting in a 44-second Facebook Messenger call.[711]

233. On 5 October 2023, the SPO informed Trial Panel II that the SPO would delay Witness 2's testimony in light of the attempt to interfere with his testimony discussed during the 9 September Visit.[712]

(iv) 7 October Visit

234. On 7 October 2023, at 10:02, the SMAKAJ Document was printed by the DC Printer.[713] The 7 October Visit began three-and-a-half hours later, at 13:30.[714]

235. The visit started with BEHRAMI reciting aloud the detention regulations prohibiting the exchange of items with detainees, followed by BEHRAMI and **SMAKAJ** mocking the regulation requiring visits to occur within the hearing of Detention Officers:

> ARTAN BEHRAMI: [Whispers] That [Indiscernible]. [Reading very fast quietly] [Indiscernible] during a visit, family members and visitors [Indiscernible] foreseen, are not allowed to exchange any items directly with the detainees. If you would like to [Indiscernible]. Not following the orders [Indiscernible] can be a disciplinary violation and might result in termination [Indiscernible] of the visit. If you need further explanations, you may [Indiscernible]. [Conversation in a foreign language in the hallway].
> BASHKIM SMAKAJ: [Speaks quietly] Did you hear this? [Indiscernible]. "The detainees are not allowed to exchange" --
> ARTAN BEHRAMI: Nothing at all.
> BASHKIM SMAKAJ: Yes.
> ARTAN BEHRAMI: But this was explained to us [Indiscernible].

[709] P00183_ET(Confidential):pp.1,3.
[710] P00183_ET(Confidential):p.2.
[711] P00183_ET(Confidential):p.2.
[712] *See* JN.00009(Confidential):para.3(fn.3).
[713] *See* Section_II.B.4(b); Section_II.B.4(d).
[714] P00068(Confidential):p.124564; P00073(Confidential):p.125403. *See also* P00067(Confidential); P00182(Confidential):p.2.

BASHKIM SMAKAJ: That's right, yes.
ARTAN BEHRAMI: You know it.
BASHKIM SMAKAJ: [Speaks quietly] Yes. Look, look at this. They have not changed the need to [Indiscernible] of the room, now it should remain open [Indiscernible] here.
ARTAN BEHRAMI: Yes, of course.
BASHKIM SMAKAJ: The transcript, the transcript one mustn't mix it up [Indiscernible].
ARTAN BEHRAMI: I know. I don't know what is happening with the doors.
BASHKIM SMAKAJ: [Laughs]
ARTAN BEHRAMI: Now they know it, and fuck their mothers.
BASHKIM SMAKAJ: [Indiscernible] Do they translate it for them?[715]
[…]
ARTAN BEHRAMI: [Whispers] But this [Indiscernible] [In English] *Please, all the time the door of this room must remain open.*
BASHKIM SMAKAJ: The door should remain open.
ARTAN BEHRAMI: [Whispers] For real, uh? True, because even at home when I was visiting the boss, I mean, the guard should hear and see. And it means -- it means that it will [Indiscernible].
BASHKIM SMAKAJ: [Whispers] [Indiscernible] they have concerns.
ARTAN BEHRAMI: Who?
BASHKIM SMAKAJ: [Whispers] Why shouldn't they have concerns [Indiscernible].[716]

a) Revealing confidential information and THAÇI's interference instructions for Witness 2

236. After exchanging greetings and information about their respective health and families,[717] **THAÇI**, **SMAKAJ**, and BEHRAMI began discussing Case 6 proceedings,[718] including past and upcoming witnesses,[719] ridiculing several of them.[720] At different points, **THAÇI** again revealed private session testimonies of [REDACTED], [721]

[715] P00110_ET(Confidential):pp.3-5/P00110(Confidential):071023-113500.wav(00:01:29-00:02:42).
[716] P00110_ET(Confidential):p.6/P00110(Confidential):071023-113500.wav(00:03:51-00:04:26).
[717] P00110_ET(Confidential):pp.6-13/P00110_LSU.3(Confidential):pp.7-9,11.
[718] P00110_ET(Confidential):pp.13-27.
[719] *E.g.* P00110_ET(Confidential):pp.14-27 (discussing, *inter alia*, 'one from [REDACTED]', 'the little guy', 'the one [REDACTED]', 'ABRAHAMS', 'the English guy', 'this guy Kabashi', '[REDACTED]').
[720] P00110_ET(Confidential):pp.15-16.
[721] P00110_ET(Confidential):p.19/P00110(Confidential):071023-114500.wav(00:01:47-00:01:58) ('[REDACTED].'). That THAÇI referred to [REDACTED] is clear from: (i) [REDACTED]'s provenance from [REDACTED] (*see* JN.00051(Confidential):p.[REDACTED]); and (ii) the fact that [REDACTED] testified that [REDACTED] (*see* JN.00051(Confidential):p.[REDACTED]). For other identifying facts concerning [REDACTED], *see above* Section_III.C.1(c)(ii)a).

[REDACTED],[722] and [REDACTED],[723] while acknowledging the non-public nature of that evidence,[724] as he did during other visits.[725] The men also discussed anticipated changes to the SPO witness list, with **SMAKAJ** demonstrating both his interest in and detailed knowledge of the proceedings:

> HASHIM THAÇI: […] And by the end of the year, I believe they will be done with the witnesses, because they have now removed twenty-seven, twenty-eight.
> BASHKIM SMAKAJ: Those of that –
> HASHIM THAÇI: The Prosecution. […]
> HASHIM THAÇI: No, they have removed the others. No, they have removed the others already.
> BASHKIM SMAKAJ: There were somewhere around twenty-six before.
> HASHIM THAÇI: No, no. They have removed twenty-seven or twenty-eight. Recently they removed some [REDACTED], and some [REDACTED] and some -- because now that they have removed them, they are considering them [Indiscernible] removed names, removed [Indiscernible].[726]

237. Similar to the 9 September Visit, approximately 35 minutes into the visit **THAÇI** and his visitors turned to discussing Witness 2.[727] **THAÇI** explained that 'Bislim' 'needs time' and that his testimony had been postponed. **SMAKAJ** reported that Witness 2 sent **THAÇI** 'greetings last week', and that they 'spoke one more time,' which is consistent with the 2 and 3 October 2023 phone contacts between **SMAKAJ** and Witness 2.[728] **THAÇI** then provided whispered instructions about how Witness 2 should pause when answering questions:

> HASHIM THAÇI: [Whispers] [Indiscernible] Bislim.

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[722] P00110_ET(Confidential):pp.177-178/P00110_LSU.3(Confidential):pp.34-35, P00110_ET(Confidential):p.179/P00110(Confidential):071023-132500.wav(00:02:13-00:02:27) ('[REDACTED]').
[723] P00110_ET(Confidential):pp.178-179/P00110_LSU.3(Confidential):p.35/P00110(Confidential):071023-132500.wav(00:01:51-00:02:12) ('[REDACTED].'). For other identifying facts concerning [REDACTED] and [REDACTED], *see above* Section_III.C.1(c)(ii)a).
[724] P00110_ET(Confidential):p.177/P00110_LSU.3(Confidential):p.34/P00110(Confidential):071023-132500.wav(00:01:09-00:01:13) ('HASHIM THAÇI: The problem is, they are not showing them on TV. No, really, if you were to hear what is being said here, pheww!').
[725] *See* Section_III.C.1(c)(ii)a); Section_III.C.1(d)(ii)d); Section_III.C.2(d)(ii). *See also* Section_III.C.2(c)(i).
[726] P00110_ET(Confidential):pp.20-21/P00110(Confidential):071023-114500.wav(00:03:11-00:03:41).
[727] P00110_ET(Confidential):pp.45-52/P00110_LSU.3(Confidential):pp.14-15,19/P00110_LSU.1(Confidential):p.2/P00110_LSU.2(Confidential):p.2.
[728] *See* Section_III.C.1(c)(iii).

BASHKIM SMAKAJ: Hmm.
HASHIM THAÇI: Uh?
BASHKIM SMAKAJ: [Whispers] Alright.
HASHIM THAÇI: You have —
BASHKIM SMAKAJ: [Laughs].
HASHIM THAÇI: But he needs time. Work.
BASHKIM SMAKAJ: [Whispers] Don't worry.
HASHIM THAÇI: Because he is not on until after the New Year, because they have, they have postponed it.[729]
BASHKIM SMAKAJ: He sent you greetings last week.
HASHIM THAÇI: [Speaks quietly] This is easy for him. After the little one, it is very easy for him. To tell the truth, only that pattern and -- but --
BASHKIM SMAKAJ: [Speaks quietly] Look, we spoke one more time [Indiscernible] [Rustling noise] otherwise, a little bit [Rustling noise] [Indiscernible].
HASHIM THAÇI: [Speaks quietly] Yes, of course, why not? Here?
BASHKIM SMAKAJ: Yes, when [Indiscernible].
HASHIM THAÇI: Come on man, don't worry -- well, well, well, tell him "It depends, … every day".
BASHKIM SMAKAJ: [Speaks quietly] Yes, yes. "Because we have some kind of a plan", he told me.
HASHIM THAÇI: [Speaks quietly] And tell him, "Listen to him, man, apply the five seconds, listen to him, man"
ARTAN BEHRAMI: [Sound resembling laughter] AH-AH-AH.
HASHIM THAÇI: "And use some full stops". You know these Yugoslavs do not use any full stops. It's all commas for them.[730]

238. While BEHRAMI got tea, **THAÇI** issued more whispered instructions to **SMAKAJ**, directing him to tell Witness 2 '[d]on't rush, stay calm', to which **SMAKAJ** replied that Witness 2 'just needs to avoid the rhetoric':

HASHIM THAÇI: Let me just get some tea there.
ARTAN BEHRAMI: What do you want?
[Movement noise].
HASHIM THAÇI: I want to [Indiscernible] something.
[Movement noise].
HASHIM THAÇI: Just some tea.

[729] The reference to Witness 2 not appearing 'until after the New Year, because they have […] postponed it', is consistent with Witness 2's lack of inclusion in the list of witnesses for the last evidentiary block of 2023, which THAÇI was notified of on 2 October 2023 – *see* JN.00032.1(Confidential):para.1. *See also* JN.00009(Confidential):para.3(fn.3), informing Trial Panel II that the SPO did not include Witness 2 in its next block of witnesses as a result of the attempted interference with his testimony detected during the 9 September Visit.
[730] P00110_ET(Confidential):pp.45-46/P00110_LSU.3(Confidential):pp.14-15/ P00110(Confidential):071023-120500.wav(00:00:12-00:00:59).

ARTAN BERHAMI: Let me get it for you.
[Door creaking noise] [ARTAN BEHRAMI leaves the room].
HASHIM THAÇI: [Whispers] "You should not care how it is [Indiscernible] because they have the books".
BASHKIM SMAKAJ: [Whispers] Yes.
HASHIM THAÇI: They are looking at it again.
BASHKIM SMAKAJ: Yes, yes. Yes, yes. [Indiscernible]. We have the experience.
HASHIM THAÇI: Yes. [Whispers] [Indiscernible]. Tell him, "Don't rush, stay calm. Bam, bam, bam, [Inaudible]". [With a normal voice] He doesn't like it.
BASHKIM SMAKAJ: Yes, of course. He just needs to avoid the rhetoric, you know.
HASHIM THAÇI: He just –
[Artan BEHRAMI returns to the room].
BASHKIM SMAKAJ: [Speaks quietly] He plays with, with --
HASHIM THAÇI: [Whispers] "Did we have aspirations? Yes". [Indiscernible].
BASHKIM SMAKAJ: [Whispers] [Noise] All of those, but [Indiscernible] we had [Indiscernible], however he doesn't have [Indiscernible].
ARTAN BEHRAMI: [Coughs 00:02:22-00:02:33 while Hashim THAÇI and Bashkim SMAKAJ whisper].
[Indiscernible whispering between Hashim THAÇI and Bashkim SMAKAJ].
BASHKIM SMAKAJ: [Whispering] There is nothing. [Indiscernible].
HASHIM THAÇI: [Whispering] [Indiscernible]
BASHKIM SMAKAJ: [Whispering] [Indiscernible] marketing. Yes, of course, if you do all these --
BASHKIM SMAKAJ: [Whispering] [Indiscernible] We were all trying to become commanders there, so get out of here.
HASHIM THAÇI: [Whispering] Yes, yes, one should tell him. One should tell him.
ARTAN BEHRAMI: I brought coffee, but did not bring some tea.
BASHKIM SMAKAJ: [Whispering] No, it is really interesting [Indiscernible].
ARTAN BEHRAMI: Someone?
BASHKIM SMAKAJ: [Speaks quietly] [Indiscernible] his whole directorate saw [Indiscernible].
HASHIM THAÇI: [Whispering] That's it!
BASHKIM SMAKAJ: [Whispering] "And the others", he said, "they didn't have any, neither a director nor any other human being".
HASHIM THAÇI: [Speaks quietly] The ones from November.
BASHKIM SMAKAJ: [Speaks quietly] Only two people, two officials, he said --
HASHIM THAÇI: [Whispers] Four, from November, there. DEMAÇI [Indiscernible].
BASHKIM SMAKAJ: [Whispering] Yes, there.
ARTAN BEHRAMI: [Coughs].
BASHKIM SMAKAJ: [Whispering] Yes, yes, come on [Indiscernible] perhaps he doesn't show them [Indiscernible]
HASHIM THAÇI: Uh?
BASHKIM SMAKAJ: [Whispering] I went out with him [Indiscernible].[731]

[731] P00110_ET(Confidential):pp.47-50/P00110(Confidential):071023-120500.wav(00:01:45-00:03:11).

239. With the sound of handwriting and then paper rustling audible, **THAÇI** and **SMAKAJ** engaged in the following whispered exchange during which **THAÇI** told **SMAKAJ**, 'You keep these':

> BASHKIM SMAKAJ: [Whispering] Maybe you need this because --
> HASHIM THAÇI: [Whispering] No, no.
> BASHKIM SMAKAJ: [Whispering] [Indiscernible].
> HASHIM THAÇI: No, no.
> [Short silence] [Handwriting noise].
> BASHKIM SMAKAJ: [Whispering] Can I bring the[se] papers?
> [Paper rustling noise].
> HASHIM THAÇI: Yes, you do that.
> ARTAN BEHRAMI: It's better.
> BASHKIM SMAKAJ: [Whispering] Because [Indiscernible].
> HASHIM THAÇI: Yes, yes, yes. You keep these.
> BASHKIM SMAKAJ: [Whispering] Put them in the pocket [Indiscernible].
> HASHIM THAÇI: Yes, yes, yes.[732]

240. Later in the visit, **THAÇI** and his visitors returned to discussing Witness 2 ('Bisa').[733] **SMAKAJ** recounted that Witness 2 'was afraid he harmed' **THAÇI** with his prior evidence, further confirming that **SMAKAJ** and Witness 2 had been in contact before the 7 October Visit and indicating that they indeed discussed **THAÇI** and Witness 2's anticipated testimony.[734] **THAÇI** expressed agreement with a prior version of the narrative regarding Witness 2's visit to the Llap Zone, all as seen here:

> BASHKIM SMAKAJ: [Indiscernible]. "Perhaps", he said, "some explanations [Indiscernible]".
> HASHIM THAÇI: What explanations?! Ah, tell him, "These are your problems".
> BASHKIM SMAKAJ: Okay.
> HASHIM THAÇI: What explanations, don't [Speaks with a low voice] [Indiscernible].
> BASHKIM SMAKAJ: The statements [Indiscernible].
> HASHIM THAÇI: [Indiscernible].
> BASHKIM SMAKAJ: There, there [Speaks with a low voice] [Indiscernible].

[732] P00110_ET(Confidential):pp.50-51/P00110_LSU.3(Confidential):p.19/P00110_LSU.1(Confidential):p.2/P00110_LSU.2(Confidential):p.2/P00110(Confidential):071023-120500.wav(00:03:14-00:03:28).
[733] P00110_ET(Confidential):p.108.
[734] *See* Section_III.C.1(c)(iii).

HASHIM THAÇI: What did he want explanations for? To elaborate further?!
BASHKIM SMAKAJ: [Indiscernible]. No, no, in the aspect that in some spots he was afraid he harmed you.
HASHIM THAÇI: No. No, nothing.
BASHKIM SMAKAJ: That's what he thought.
HASHIM THAÇI: No, really, the lawyers told me --
ARTAN BEHRAMI: But he, he those --
HASHIM THAÇI: If one praises you too much in there, they still cause you harm.
ARTAN BEHRAMI: Yes, of course, one has to strike a balance.
BASHKIM SMAKAJ: But he, he had taken some kind of tools.
HASHIM THAÇI: But, okay, but here you should -- you should talk about that, uh?
BASHKIM SMAKAJ: Don't hurt yourself at all!
HASHIM THAÇI: [Whispers] No.
BASHKIM SMAKAJ: I understand.
HASHIM THAÇI: No, I am saying, uh [Indiscernible] but the way it was, man, the way it was.
ARTAN BEHRAMI: That's it [Indiscernible].
HASHIM THAÇI: Because, for example, he explained it very well when I was in Llap. Very good because that's how it was. Because with Bisa, Bisa was handling that [Indiscernible]. "He went to Pristina. Hashim went to Pristina, I don't know". What is there to explain?
ARTAN BEHRAMI: Yes, of course.
HASHIM THAÇI: And it is true that he did not --
BASHKIM SMAKAJ: He stumped them. He, he stumped them.
HASHIM THAÇI: No, but it is true that he didn't know where I went.
BASHKIM SMAKAJ: He stumped all of them, all of them.
HASHIM THAÇI: Because I had told them, they would not have said [Indiscernible] the trip.[735]

b) The SMAKAJ Document and 7 October Visit

241. At multiple points during the remainder of the 7 October Visit, **THAÇI** issued detailed instructions regarding the content of Witness 2's testimony. These instructions match substantively with the SMAKAJ Document printed just hours before the visit and seized from **SMAKAJ's** vehicle three weeks later.[736]

242. The SMAKAJ Document reflects **THAÇI's** Preferred Narrative, consistent with interference instructions **THAÇI** provided for multiple witnesses during other

[735] P00110_ET(Confidential):pp.108-110/P00110(Confidential):071023-124500.wav(00:00:55-00:02:08).
[736] *See* Section_II.B.3(b)(i); Section_II.B.4(b); Section_II.B.4(d).

recorded visits.[737] That the version of the document seized from **SMAKAJ's** vehicle was tailored to and intended for the purpose of issuing instructions to Witness 2 is evident from, *inter alia*, the letter 'B' (for 'Bislim') handwritten in blank spaces on several pages of the document[738] next to facts that form part of the subject-matter of Witness 2's anticipated evidence as disclosed in Case 6. For example, the SMAKAJ Document includes that around June/July 1998, 'B' communicated with and received instructions from W04401 and that Rexhep SELIMI, was assigned to the KLA Operational Directorate and was given the responsibility to organise the local units in a military structure, which matches Witness 2's disclosed evidence in Case 6.[739]

243. Further, portions of the SMAKAJ Document correspond directly to several instructions **THAÇI** issued to **SMAKAJ** for Witness 2 during the 7 October Visit. Specifically, **THAÇI** instructed that one of 'these things' Witness 2 'needs to have […] clear'[740] was that the number of General Staff members at the relevant time was limited to six people, all six of whom **THAÇI** named[741] in an order similar to how they appear in the SMAKAJ Document, using language resembling how the people are described in the SMAKAJ Document,[742] as highlighted here and in Annex 6:

[737] *See* Section_III.D.1(a).
[738] P00125_ET(Confidential)/P00125(Confidential):pp.SPOE00344952-SPOE00344953(handwritten letter B visible in the original).
[739] *Compare* P00125_ET(Confidential):p.SPOE00344952 *with* JN.00057_ET(Confidential):Part2(pp.8-11); JN.00059(Confidential):p.SPOE00183320(paras.16-17). *See also* other information linked to Witness 2 in the SMAKAJ Document, including regarding the day of his entry to Kosovo: P00125_ET(Confidential):p.SPOE00344952; JN.00059(Confidential):p.SPOE00183320(para.17). *See also* Section_III.C.1(b)(iii).
[740] P00110_ET(Confidential):p.113/P00110_LSU.3(Confidential):p.28.
[741] P00110_ET(Confidential):pp.111-113/P00110_LSU.3(Confidential):pp.27-28.
[742] P00125_ET(Confidential):pp.SPOE00344952-SPOE00344953.

P00110_ET(Confidential):pp.111-113/P00110_LSU.3(Confidential).pp.27-28

7 October Visit, P00110_ET(Confidential):pp.111-113/ P00110_LSU.3(Confidential):pp.27-28

HASHIM THAÇI: [Indiscernible] because look that's where it is, that's it, Bashkim, this is -- until November they had nothing. [Speaks with a low voice] Until December they have gotten mixed up, up and down. The General Staff had six people; there was nothing.
[…]
HASHIM THAÇI: [Indiscernible] we had Sokol, Rexha, and Lahi BRAHIMAJ with soldiers. These three; two were students.
[…]
HASHIM THAÇI: Yes, of course, two literature students and --
[…]
ARTAN BEHRAMI Two part time ones.
HASHIM THAÇI: Two literature students and there were those working, those from Lahim's travel agency. Three were abroad, Azem, Xhavit, and this guy, SHALA, Xheladin SHALA, that's all.
BASHKIM SMAKAJ: All of them.
HASHIM THAÇI: And Xhela, but Xhela --
BASHKIM SMAKAJ: No, no, it was this guy --
ARTAN BEHRAMI: Plaku ["the old man"].
HASHIM THAÇI: Plaku.
BASHKIM SMAKAJ: GASHI, GASHI.
HASHIM THAÇI: Xhel -- Xheladin GASHI.

P00125_ET(Confidential):pp.SPOE00344952-SPOE00344953

SMAKAJ Document, P00125_ET(Confidential):pp.SPOE00344952-SPOE00344953

– As a recap, in July 1998,

The GS consisted of:

1. A. Syla General Commander (outside the country).
2. Solok Bashota Dep. Commander (active in Kosovo).
3. Rexhep Selimi, General Inspector (active in Kosovo).
4. Lahi Ibrahimaj who was involved in logistics, weapon supply and organizational matters only in Dukagjin. […]
5. Xheladin Gashi who was involved in Logistics in North Albania.
6. Xhavit Haliti who was in Albania (logistics and politics)

This was the entire composition of the structure known as the General Staff of the KLA: (Three members in Kosovo (Sokol, Rexhep – both students of Literature – and Lahi, employee in a travel agency and three members abroad (Xhavit, A. Syla and Xheladin Gashi – the three without any military experience).

244. **THAÇI** further directed **SMAKAJ** during the 7 October Visit to 'look that's where it is',[743] before providing the narrative related to the level of KLA organisation in 1998: 'In '98 there was nothing. We kind of tried in '99 somewhat. Then Rambouillet happened.'[744] This topically overlaps with the SMAKAJ Document, as seen here (with blue highlights as in the original):[745]

> But the war of Rahovec began in July. The impact of the war of Rahovec on the KLA is known; it reversed the level of organization of the KLA to ZERO.

here:[746]

> **Conclusion:** General Staff (March - November 1998) is used predominantly as a PUBLIC AND PROPAGANDIST NOTION AS OPPOSED to having been an ORGANIZED AND STRUCTURED COMMAND.

and here:[747]

> As a recap, what the GS tried to install from November '98, which was a better reorganization and coordination of the KLA, from January and ultimately FEBRUARY 1999, it fell into stage ZERO. Zone commanders took the situation in hand.

[743] P00110_ET(Confidential):pp.111-112/P00110(Confidential):071023-124500.wav(00:03:03-00:03:13).
[744] P00110_ET(Confidential):p.224. *See also* P00110_ET(Confidential):pp.111-112,225.
[745] P00125_ET(Confidential):p.SPOE00344952.
[746] P00125_ET(Confidential):p.SPOE00344953.
[747] P00125_ET(Confidential):p.SPOE00344959.

245. **THAÇI** also instructed what Witness 2 should say about the specific timing of his and **THAÇI's** membership in the General Staff before November 1998:

> HASHIM THAÇI: […] We joined in November. Bisa was mostly at the Staff headquarters. There were also…
> BASHKIM SMAKAJ: Even then with two people.
> HASHIM THAÇI: It was done -- he wrote letters. The guy from Albania overdid it. --
> BASHKIM SMAKAJ: Yes, yes because –
> HASHIM THAÇI: -- he was preparing them for him. He was competing with Jakup who was writing more.
> [Laughter].
> ARTAN BEHRAMI: [Indiscernible]
> HASHIM THAÇI: [Speaks quietly] And Bisa was elected in July, he was elected as Operations Chief, but he was not the leading man of the Staff. He needs to have these things clear; it was done by November.
> BASHKIM SMAKAJ: Eh.
> HASHIM THAÇI: What?
> BASHKIM SMAKAJ: [Speaks quietly] He knows.[748]

246. This again corresponds to the SMAKAJ Document in relation to a General Staff visit to Dukagjin Operational Zone in September 1998 (highlights in the original):[749]

> Concerning the KLA delegation, R. Selimi and Lahi Ibrahimaj were members of the GS, **whereas Hashim and Bislim NOT yet**.

247. Once he finished his detailed instructions for Witness 2, **THAÇI** and his visitors spent most of the remainder of the 7 October Visit discussing various other topics, primarily in normal tones of voice, including about **SMAKAJ's** family, politics, and media.[750]

248. Just before the visit ended **THAÇI** again praised Witness 1's testimony[751] and provided final reminders of his instructions for Witness 2, including those that overlap

[748] P00110_ET(Confidential):pp.113-114/P00110_LSU.3(Confidential):p.28/P00110(Confidential): 071023-124500.wav(00:04:01-00:04:29).
[749] P00125_ET(Confidential):p.SPOE00344955.
[750] P00110_ET(Confidential):p.115/P00110_LSU.3(Confidential):pp.29-30; P00110_ET(Confidential):pp.115-174.
[751] P00110_ET(Confidential):p.226.

with the SMAKAJ Document.[752] **THAÇI** also stated, 'Look, he should not quote what the book says how the army is supposed to be' and referenced '[a]spiration' – which is consistent with his 9 September Visit instructions for Witness 2.[753]

(v) SMAKAJ's meeting with Witness 2 after the 7 October Visit

249. **SMAKAJ's** phone records show that on 13 October 2023, he received a call from Witness 2 which lasted approximately one minute.[754] A week later, on 20 October 2023, after missing a call from him, **SMAKAJ** called Witness 2 and the call lasted for about one minute.[755] On the morning of 24 October 2023, **SMAKAJ** and Witness 2 exchanged two more brief phone calls and then, approximately 30 minutes later, around 12:00, they met at the Gizzi restaurant in Prishtinë/Priština.[756]

(vi) Witness 2's SPO obstruction interview in December 2023

250. The SPO summoned Witness 2 for an interview on 6 December 2023.[757] When asked about his relationship with **SMAKAJ**, Witness 2 explained that he and

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[752] *Compare* P00110_ET(Confidential):p.227 ('DETENTION OFFICER: [In English] *Come on. Time. Time.* HASHIM THAÇI: [In English] *Yeah.* ARTAN BEHRAMI: [In English] *Yes!* HASHIM THAÇI: You elected him/them yourself and all the zone commanders [Noise] [Indiscernible].') *with* P00125_ET(Confidential):p.SPOE00344954 ('The appointment of the commanders of some of the operational zones: This took place during the months of June and July 1998. They were elected through the VOTES of the local units, without consulting the GS. The GS found itself before a fait accompli; it simply formalized these decisions. The GS did not have the power to refuse them. The commanders worked independently. Some of these commanders did not even bring their appointments to be formalized by the GS.'); P00110_ET(Confidential):pp.226-227 ('BASHKIM SMAKAJ: Fuck it, do you remember when the zone commander fired the staff member? [Indiscernible]. HASHIM THAÇI: Eh! No, man, Ramush came to Likovc. I was not there [Indiscernible] […] HASHIM THAÇI: How they removed [Indiscernible] by voting. BASHKIM SMAKAJ: The coup.') *with* P00125_ET(Confidential):p.SPOE00344959 ('After the incident in Likovc (Ramush's demonstration by firing his weapon into the air during the meeting) in February 1999, S. Bashota leaves the GS sensationally. There was no working atmosphere and no good rapport among people… From this moment onwards, GS lost even that little role it had. - The election of Sylejman Selimi [Witness 5] as the General Commander of the KLA with VOTES of all zone commanders. (The defense is in possession of the minutes of the meeting.)').

[753] P00110_ET(Confidential):p.225/P00110_ET(Confidential)/P00110(Confidential):071023-135500.wav(00:00:14-00:00:21). *See* Section_III.C.1(c)(ii)b).

[754] P00183_ET(Confidential):p.2.

[755] P00183_ET(Confidential):p.2.

[756] P00183_ET(Confidential):p.2; P00189(Confidential):p.2; P00190(Confidential); Witness_9:T.679-681(04-Mar-2026)(Open). *See also* AF3.00107(Public); P00184(Confidential):p.2.

[757] AF3.00098(Public).

SMAKAJ both worked for several years as advisors to **THAÇI**,[758] and maintained a relationship based on friendship and overlapping professional work.[759] Witness 2 further stated that he and **SMAKAJ** were in regular contact by email and phone, and in person,[760] all of which is corroborated by phone records.[761]

251. Witness 2 confirmed that he and **SMAKAJ** met during the period between August and November 2023 – usually at the restaurants Gizzi or Tratoria – including sometime in October 2023.[762] Witness 2 further stated that he and **SMAKAJ** most often did not meet alone, but were joined by either another friend or by Witness 2's son.[763] Witness 2's most recent meeting with **SMAKAJ** was at a restaurant in Prishtinë/Priština (together with **SMAKAJ's** wife), about a month prior to his 6 December 2023 SPO interview.[764] Witness 2 stated that during this meeting, he and **SMAKAJ** discussed 'about things', including the recent seizure of their phones.[765]

252. Witness 2 denied that he and **SMAKAJ** ever discussed Witness 2's upcoming Case 6 testimony during any meeting, including in October 2023, explaining that **SMAKAJ** 'knows very well. He knows my stance toward this, and I do not discuss issues related to the testimony, not with Mr. SMAKAJ or be this anybody else.'[766] Witness 2 stated that he did not recall **SMAKAJ** ever showing him a document.[767]

(vii) SMAKAJ's possession of other Witness 2-related materials

253. In addition to the SMAKAJ Document, the SMAKAJ Search revealed additional Witness 2-related material.[768] Specifically, the SMAKAJ Laptop contains a five-page

[758] AF3.00102(Public).
[759] AF3.00103(Public). *See also* AF00013(Public).
[760] AF3.00104(Confidential).
[761] P00183_ET(Confidential); P00190(Confidential); 1D00033_ET.1(Confidential); 1D00034_ET(Confidential); Witness_9:T.697-703(04-Mar-2026)(Open).
[762] AF3.00106(Public); AF3.00107(Public); AF3.00108(Public).
[763] AF3.00111(Public).
[764] AF3.00105(Public).
[765] AF3.00105(Public).
[766] AF3.00108(Public); AF3.00111(Public).
[767] AF3.00109(Public).
[768] *See* Section_II.B.3(a).

Microsoft Word document based on Witness 2's prior statements.[769] Indicative of **SMAKAJ's** sustained focus on, and engagement in, efforts to interfere with Witness 2's evidence, the document file's metadata indicates that it was created on 21 December 2021, the same day the SPO filed its Confidential Case 6 Rule 95 List that included Witness 2 among the prospective SPO witnesses.[770] The document found on the SMAKAJ Laptop includes, *inter alia*, a first-person account of meeting **THAÇI** in Rahovec/Orahovac on 20 July 1998, which matches Witness 2's prior account of the same meeting in his SPO interview,[771] first disclosed to **THAÇI** in Albanian on 11 December 2020.[772]

(d) 6 October Visit (KILAJ Group)

254. The KILAJ Group charges arise from events before, during, and immediately after **KILAJ's** and Vllaznim KRYEZIU's 6 October Visit to **THAÇI**. During the visit, **THAÇI** targeted for interference the upcoming testimony of victim-witness **Witness 4** and revealed confidential information about multiple other Case 6 SPO witnesses.

255. As with **THAÇI**, **KILAJ's** criminal intent and deliberately obstructive conduct pre-dated the 6 October Visit. **KILAJ's** relevant conduct began at least as early as

[769] P00211(Confidential)/P00211_ET(Confidential)(original includes the metadata of the document).
[770] P00211(Confidential):p.1; JN.00020(Confidential).
[771] *Compare* P00211_ET(Confidential):p.SPOE00366638 ('When I met Hashim on 20 July (he had returned that day from Albania) around midnight somewhere in the highlands between Malisheva and Rahovec, he was standing among displaced residents and some fighters near a bulldozer, which was digging a hole in the main road as a temporary obstruction to the movement of the Serbian police and army towards Ostrazub /Astrozub/ village where many refugees from the city of Rahovec and surrounding villages had moved. Hashim left right away. He was worried about the plight of the civilian population and many KLA killed soldiers.') *with* JN.00057_ET(Confidential):Part2(pp.33-34) ('A. […] Hashim was there and he also told me about the situation of the population of Rahovec itself. When I arrived, Hashim was extremely tired. Once I arrived and started the reorganisation, he left. Because he was very tired, he asked to rest and then he moved towards Drenica. Together with me was Sokol Bashota, Lahi, Rexhep Selimi and we assisted in building up this defence line from all the units around. Q. You indicated in previous testimony that Hashim Thaci ordered that the road be cut off with a bulldozer. A. He'd ordered that already before I arrived. When I arrived there, the road had been cut off by bulldozers. Once the civilian population had left the town, the road was cut off so the Serbian forces wouldn't be able to travel.'). *See also* Witness 2's Rule 95 summary at JN.00020(Confidential):pp.480-482.
[772] JN.00090(Confidential):p.2(entry 083280-TR-AT Part 2, Disclosure 9).

February 2023, when he visited **THAÇI** at the DC and, approximately two weeks later, transmitted written instructions on how **Naim MALOKU (W04403)** should be told (by an intermediary) to answer questions.

256. **KILAJ's** intent to interfere with KSC proceedings is further demonstrated by his possession of the cache of confidential SPO information – including material used to target Witness 4 during the 6 October Visit – seized from his residence on 2 November 2023.

(i) KILAJ's February 2023 visit to THAÇI and witness instructions

257. On 1 January 2023, **THAÇI** called **KILAJ** and told him he was looking forward to **KILAJ** visiting him.[773] At the time, the SPO's deadline for disclosing the identities of the majority of delayed-disclosure Case 6 witnesses was 30 January 2023.[774]

258. As scheduled, the SPO notified the Case 6 Defence of the identities of more than 70 protected witnesses on 30 January 2023, including [REDACTED],[775] who had been previously identified as among the first 40 witnesses to be called.[776]

259. Three days later, on 2 February 2023, **KILAJ**, Jakup GASHI and Kushtrim KRASNIQI visited **THAÇI** at the DC.[777]

260. On 6 February, four days after visiting **THAÇI**, **KILAJ** sent [REDACTED] a WhatsApp message stating: 'Tell me when you have some time available because I

[773] P00085_ET(Confidential):p.2; P00075_ET(Confidential)/P00075(Confidential):p.124759(Albanian original includes all relevant data, the English translation only the headers); AF00018(Confidential).
[774] Trial in Case 6 was originally set to begin in March 2023, which triggered the disclosure of witness identities subject to delayed disclosure 30 days prior to the commencement of the trial. *See* Section_III.A.
[775] P00166(Confidential):p.125804.
[776] JN.00024.2(Confidential):p.2.
[777] P00010_ET(Confidential):p.1; P00012(Confidential):p.125503; P00001_ET(Confidential):Part4(pp.8-9). Registry records show KILAJ visited for almost three hours; KRASNIQI and GASHI left the visit early, after approximately one hour and 15 minutes, *see* P00012(Confidential):p.125503. The visit was not audio recorded.

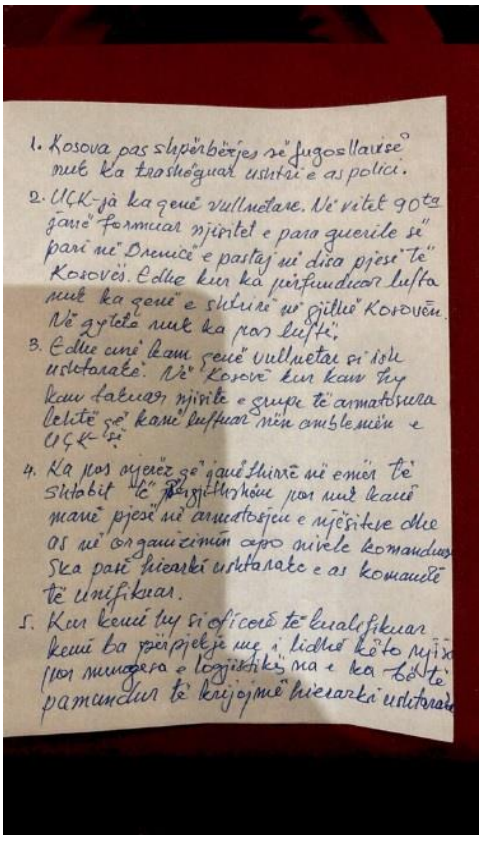
wanted to have a coffee with you! I. KILAJ'.[778] **KILAJ's** seized phone from which this message was extracted shows no prior contacts between **KILAJ** and [REDACTED]. That the 6 February contact was the first between the two phones is further indicated by **KILAJ** identifying himself by name in his message to [REDACTED], something he did not routinely do in other messages sent from his phone.[779]

261. Approximately three weeks later, on 26 February, **KILAJ** and Kushtrim KRASNIQI exchanged WhatsApp messages about instructions for what an unidentified person needed to do. Specifically, KRASNIQI wrote to **KILAJ**: 'Greetings, bac. I could not meet you. I came back to Slovenia. Please, make a photo of what that person needs to do. I believe I will meet them tomorrow.' [780] **KILAJ** immediately replied 'Ok!' via WhatsApp.[781] Approximately three hours later, **KILAJ** used Viber, a different encrypted messaging application, to send to KRASNIQI (without any accompanying message) two photos of paper containing numbered handwritten instructions, seen on the next page:

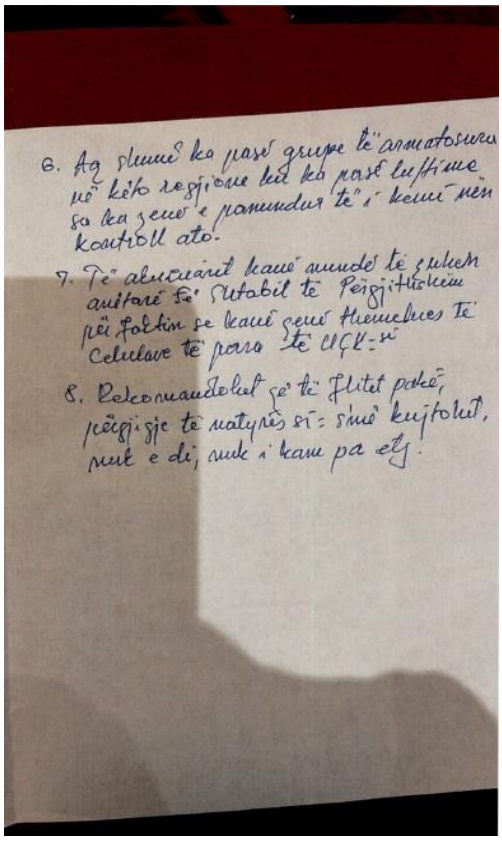
[778] P00203_ET(Confidential):p.2. That the recipient of the messages is [REDACTED] is clear from the contact information in P00203_ET(Confidential):p.3 ('[REDACTED]'). *See also* AF00018(Confidential) for corroboration of KILAJ's phone number.
[779] *See e.g.* P00204_ET(Confidential); P00205_ET(Confidential); P00206_ET(Confidential); P00208_ET(Confidential). When asked during a [REDACTED] call with the SPO on [REDACTED] if he had any information since his last contact suggesting that people knew he is an SPO witness, [REDACTED] stated he had not been directly contacted but that it is known 'in public opinion' that he is a witness. [REDACTED] further clarified that people have asked [REDACTED] if he is a witness, and he replied he did not know if he is. [REDACTED] could not recall the names of anyone who asked him such questions, but thought they were based on hearsay and asked just for the sake of it. [REDACTED] confirmed that no one made clear they actually knew he was an SPO witness in these conversations, nor did [REDACTED] feel threatened or concerned for his safety – *see* AF4.00132(Confidential).
[780] P00208_ET(Confidential):p.4. *See also* AF00018(Confidential). That KILAJ was corresponding with KRASNIQI – whose contact is stored in KILAJ's phone as 'KIK' – is apparent from the content of their communications, including (i) KILAJ's repeated use of KRASNIQI'S first name; (ii) their texts about their plans to visit 'Hashim' the day before their 2 February Visit to THAÇI at the DC, and (iii) reference to KRASNIQI's residing in Slovenia, a fact confirmed by his Visitor Application (P00011_ET(Confidential)).
[781] P00208_ET(Confidential):p.4.

PUBLIC
Date original: 24/08/2026 15:52:00
Date public redacted version: 24/09/2026 14:27:00

P00208(Confidential):p.10,
Attachment to Message 58



P00208(Confidential):p.11,
Attachment to Message 59



The English translation of the instructions is seen here:

P00208_ET(Confidential):pp.10-11, Attachments to Messages 58 and 59

1. Kosovo did not inherit an army or police force after the breakup of Yugoslavia.
2. KLA was a volunteer force. The first guerrilla units were established in the 1990-s, firstly in Drenica and then in several parts of Kosovo. It /KLA/ did not spread all over Kosovo even when the war ended. There was no war in the towns.
3. As a former military person I was also a volunteer. When I entered Kosovo I came across lightly armed units and groups who fought under the KLA emblem.
4. There were people who spoke on behalf of the General Staff but did not take part in the arming of the units, nor in the organisation, or commanding levels. There was no military hierarchy, nor a unified command.
5. We tried to link these units when we entered as qualified soldiers. However, the lack of logistics made it impossible for us to establish a military hierarchy.
6. There were so many armed groups in the regions where there was fighting that it was impossible to have them under control.
7. The accused could be called members of the General Staff because they were founders of the first KLA cells.
8. It is recommended to speak a little, answers like: I don't remember, I don't know, I did not see them, etc.

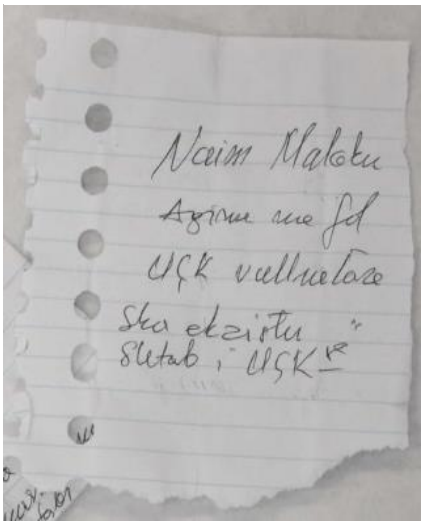
262. Collectively, the instructions **KILAJ** sent to Kushtrim KRASNIQI for delivery to a third person relate to charges in Case 6,[782] and are directed at how an unnamed former KLA member with prior military experience ('As a former military person I was also a volunteer') should answer questions, including 'It is recommended to speak a little, answers like: I don't remember, I don't know, I did not see them, etc.'.[783] The instructions regarding the level of KLA organisation and the General Staff overlap with instructions **THAÇI** issued for other witnesses during multiple recorded DC visits.[784]

263. Although KRASNIQI used coded language – 'what *that person* needs to do'[785] – in lieu of a name, there are numerous indications that the target of the instructions was SPO witness W04403. First, W04403 resides in Slovenia, where KRASNIQI also resided and had just returned to, as he told **KILAJ**.[786] Second, the targeted witness's profile and expected testimony overlap with that of W04403. The SPO's summary of W04403's anticipated testimony disclosed to **THAÇI** in December 2021 included that W04403 was a former professional soldier who joined the KLA on 8 March 1998, and would testify about *inter alia*: (i) the organisational and command structure of the KLA and efforts to professionalise and expand it from April 1998 onwards; and (ii) the role of and meetings with senior KLA members, including **THAÇI**, Kadri VESELI, Rexhep SELIMI, and Jakup KRASNIQI as the General Staff spokesperson.[787]

264. Additionally, several of the instructions **KILAJ** texted KRASNIQI closely mirror the KILAJ Loose Notes seized from the jacket **KILAJ** wore to visit **THAÇI** at the DC on 2 February 2023, and were clearly aimed at W04403. For example, the phrase 'KLA

[782] *E.g.* P00208_ET(Confidential):p.11 ('7. The accused could be called members of the General Staff because they were founders of the first KLA cells').
[783] P00208_ET(Confidential):pp.10-11.
[784] *E.g.* Section_III.C.1(a)(iv); Section_III.C.1(b)(ii)b); Section_III.C.1(c)(iv)b).
[785] P00208_ET(Confidential):p.4(emphasis added).
[786] P00208_ET(Confidential):p.4; P00011_ET(Confidential)/P00011(Confidential):p.SPOE00362844. *See also* Response F00697:para.13; Request F00676:para.8.
[787] *See* JN.00020(Confidential):pp.11,308-309. *See also* AF00065(Public).

was a volunteer force' from instruction #2 **KILAJ** that sent to KRASNIQI[788] is a near match to the phrase 'KLA voluntary' written beneath Naim MALOKU (W04403)'s name in the seized KILAJ Loose Notes, as seen here alongside its English translation:

P00004(Confidential): p.SPOE00343584	P00004_ET(Confidential): p.SPOE00343584
	Naim MALOKU Agim to talk to KLA voluntary The KLA HQ did not exist

265. Similarly, the phrase 'The KLA HQ did not exist' in the same note beneath W04403's name aligns with **KILAJ's** texted instruction #4's dictate that 'There was no military hierarchy, nor a unified command'.[789]

[788] P00208_ET(Confidential):p.10.
[789] P00208_ET(Confidential):p.10.

266. **KILAJ** confirmed during his November 2023 SPO interview that the KILAJ Loose Notes are in his handwriting, and that the previous winter was the last time he wore the jacket from which they were seized.[790] **KILAJ** was photographed wearing the same jacket while meeting with **KUÇI**, Jakup GASHI and others, immediately before **KILAJ**, GASHI and KRASNIQI's visit on 2 February 2023 to **THAÇI**, as shown here:[791]

P00124(Confidential): p.SPOE00344405



P00193(Confidential):p.3



267. The KILAJ Loose Notes also contain the names of several additional SPO witnesses whose identities had been revealed to **THAÇI** prior to the 2 February 2023 visit, including: [REDACTED], **[REDACTED] ([REDACTED])**, **[REDACTED] ([REDACTED])**, and **Ahmet RRAHMANAJ (W04278)**.[792] Both [REDACTED] and [REDACTED] had also been identified to **THAÇI** as among the first 40 witnesses expected to be called.[793] The KILAJ Loose Notes also contain handwritten text

[790] P00001_ET(Confidential):Part2(pp.11-19).
[791] *Compare* P00193(Confidential) and P00152(Public)/P00152_ET(Public) *with* P00124(Confidential). *See also* P00009(Confidential):p.SPOE00362808.
[792] *See* P00004_ET(Confidential):pp.SPOE00343582,SPOE00343584; P00166(Confidential):pp.125804-125805; P00168(Confidential):p.118243(para.4). *See also* JN.00007(Confidential):paras.4-5; P00001_ET(Confidential):Part2(pp.12-15), where KILAJ confirmed that these are the individuals whose names he had written on the KILAJ Loose Notes.
[793] JN.00024.2(Confidential):pp.2-3. Regarding [REDACTED], KILAJ identified '[REDACTED]' and '[REDACTED]' as the witness who testified on [REDACTED] in two separate text message threads –

resembling shorthand instructions for what witnesses should say, including, 'Individual, not the KLA' and 'I thought it was but it was not. I was misinformed at the time. I heard that A. DEMAÇI released us. He was someone with authority.'[794] These instructions closely match other instructions **THAÇI** issued during multiple recorded DC visits.[795]

(ii) 6 October Visit

268. During two phone calls in September 2023, **THAÇI** urged **KILAJ** to visit him again in late September or early October.[796] During one call, **KILAJ** told **THAÇI** that Vllaznim KRYEZIU also wanted to visit.[797]

269. **KILAJ** submitted Visitor Applications – including the Visitor Undertakings – for himself and KRYEZIU on 12 September, requesting to visit **THAÇI** on 6 October.[798] The DMU confirmed the visit on 26 September via an email to **KILAJ**, which included a reminder of the KSC prohibition on visitors giving/receiving any items to/from a detainee without explicit prior approval.[799]

270. **KILAJ** and KRYEZIU travelled to The Hague on 5 October,[800] and together visited **THAÇI** at the DC on 6 October for nearly three hours.[801]

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see P00205_ET(Confidential):pp.3-4(lns.19-37); P00207_ET(Confidential):p.2(lns.11-12); [REDACTED]; JN.00038(Confidential):pp.[REDACTED].

[794] P00004_ET(Confidential):p.SPOE00343589.

[795] *See* Section_III.D.1(a)(iv); Section_III.D.1(a)(ix).

[796] P00095_ET(Confidential):pp.2-4; P00080(Confidential):p.125029; P00100_ET(Confidential):pp.2-4; P00083(Confidential). *See also* AF00018(Confidential).

[797] P00095_ET(Confidential):p.4. *See also* AF00018(Confidential).

[798] P00064_ET(Confidential)/P00064(Confidential); P00066_ET(Confidential)/P00066(Confidential):p.SPOE00363198. The date of the visit was originally requested to be 28, 29, or 30 September 2023, and later updated to 6 October 2023.

[799] P00065(Confidential):p.SPOE00364045.

[800] P00191(Confidential):p.SPOE00368552.

[801] AF00085(Public); P00069(Confidential):p.125401. *See also* P00068(Confidential):p.124564; P00109_ET(Confidential); P00065(Confidential).

a) Voice attribution

271. The 6 October Visit transcript's voice attribution is accurate and readily verifiable from abundant evidence intrinsic and extrinsic to the Visit Recording. There is no dispute that **KILAJ** and KRYEZIU visited **THAÇI** on 6 October 2023,[802] and that P00109 contains the audio recording of their entire visit. Multiple Registry records,[803] extractions from seized mobile phones,[804] and **KILAJ's** own statements to the SPO,[805] further confirm the visit.

272. As detailed above, **THAÇI's** voice is identifiable from a multitude of evidence.[806] The record also contains multiple clear samples of **KILAJ's** voice for attribution purposes, including **KILAJ's**: (i) Registry-recorded phone calls *with* **THAÇI** during which each man's voice and identity is easily discernible; [807] (ii) video-recorded November 2023 SPO interview;[808] and (iii) recorded court appearances in this case.[809]

273. Moreover, the 6 October Visit recording is itself replete with information identifying the speakers. This includes multiple instances of the participants referring to themselves and each other by name,[810] including **THAÇI** beginning the visit by

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[802] *See* AF00085(Public).
[803] P00061 (Confidential); P00064_ET(Confidential)/P00064(Confidential); P00065(Confidential); P00066_ET(Confidential)/P00066(Confidential); P00067(Confidential); P00068(Confidential):p.124564; P00069(Confidential):p.125401.
[804]P00206_ET(Confidential); 3D00005_ET(Confidential):pp.2(lns.4-6),7-9; P00191(Confidential):pp.SPOE00368551-SPOE00368552.
[805] *See* P00001_ET(Confidential):Part4(pp.6-14),Part5(pp.1-2). KILAJ also confirmed during his SPO interview that – as reflected in the visit transcript (P00109_ET(Confidential):pp.1,7-8; P00109_ET(Confidential):p.19/P00109_LSU.2(Confidential):p.47; P00109_ET(Confidential):pp.184-185) – during the 6 October Visit, he saw both Kadri VESELI and Salih 'Cali' MUSTAFA in passing.
[806] *See* Section_II.B.1(b).
[807] P00085_ET/P00085(Confidential); P00095_ET/P00095(Confidential); P00100_ET/P00100(Confidential); P00101_ET/P00101(Confidential). *See also* F00713/A02:items 20,30,35,36.
[808] P00001.1(Confidential); P00001.2(Confidential); P00001.3(Confidential); P00001.4(Confidential); P00001.5(Confidential).
[809] Initial_Appearance_KILAJ:04:28-05:12(09-Dec-2024)(Open) https://www.youtube.com/watch?v=750TeCtASpk (last accessed 24 August 2026).
[810] P00109_ET(Confidential):pp.3-5/P00109_LSU.1(Confidential):pp.5-6; P00109_ET(Confidential):pp.7,9-10; P00109_ET(Confidential):p.19/P00109_LSU.2(Confidential):p.47;

directly addressing **KILAJ** and KRYEZIU by their names and inquiring about their families, which each man then individually answered.[811] Throughout the Visit Recording, **THAÇI**, **KILAJ**, and KRYEZIU referred to verifiable facts specifically attributable to each, including their family members,[812] unique professional and political roles[813] and, in **THAÇI's** case, details about his ongoing Case 6 trial, his detention conditions, and his potential release.[814] **KILAJ** and KRYEZIU also described their travel route to and from The Hague,[815] and repeatedly described their participation in events occurring outside of the DC, thus excluding **THAÇI** from the

P00109_ET(Confidential):p.24/P00109_LSU.2(Confidential):p.51; P00109_ET(Confidential):pp.67-69,76,79-80,88,143-144; P00109_ET(Confidential):p.146/P00109_LSU.2(Confidential):p.199; P00109_ET(Confidential):pp.152-153;
P00109_ET(Confidential):p.181/P00109_LSU.2(Confidential):p.220.

[811] P00109_ET(Confidential):pp.3-4/P00109_LSU.1(Confidential):pp.5-6.

[812] P00109_ET(Confidential):pp.3-4/P00109_LSU.1(Confidential):pp.5-6;
P00109_ET(Confidential):p.27/P00109_LSU.2(Confidential):p.53; P00109_ET(Confidential):p.76. *Compare also* P00109_ET(Confidential):p.76 ('…[REDACTED], he is married to Vllaznim's [REDACTED]') *with* AF10.00161(Confidential) ('IK-04 [Bajrush HOTI] is married to Vllaznim KRYEZIU's [REDACTED].').

[813] P00109_ET(Confidential):pp.9,16; P00109_ET(Confidential):p.24/P00109_LSU.2(Confidential):p.51; P00109_ET(Confidential):pp.74,76-79,98.

[814] P00109_ET(Confidential):p.11; P00109_ET(Confidential):p.17/P00109_LSU.2(Confidential):p.46; P00109_ET(Confidential):p.28/P00109_LSU.2(Confidential):pp.53-54;
P00109_ET(Confidential):p.35/P00109_LSU.2(Confidential):p.58; P00109_ET(Confidential):pp.37-38/P00109_LSU.2(Confidential):pp.59-60;
P00109_ET(Confidential):pp.45-66/P00109_LSU.1(Confidential):pp.9-12,16-17,23-24/P00109_LSU.2(Confidential):pp.96-108; P00109_ET(Confidential):p.69;
P00109_ET(Confidential):pp.99-102/P00109_LSU.2(Confidential):pp.109-110,146-147;
P00109_ET(Confidential):p.105/P00109_LSU.2(Confidential):p.148; P00109_ET(Confidential):pp.109-112/P00109_LSU.2(Confidential):pp.150-151; P00109_ET(Confidential):pp.118-122/P00109_LSU.1(Confidential):pp.26,30-31/P00109_LSU.2(Confidential):pp.157-158;
P00109_ET(Confidential):pp.123-124; P00109_ET(Confidential):pp.132-134/P00109_LSU.2(Confidential):pp.187-188; P00109_ET(Confidential):pp.139,150,165,171;
P00109_ET(Confidential):pp.176-177/P00109_LSU.2(Confidential):p.217.

[815] *Compare* P00109_ET(Confidential):pp.12-13/P00109_LSU.2(Confidential):pp.5-6, P00109_ET(Confidential):pp.125-126/P00109_LSU.2(Confidential):pp.181-182, P00109_ET(Confidential):p.183 *with* P00191(Confidential):pp.SPOE00368550-SPOE00368552 (wherein the travel details described match Wi-Fi connection information records extracted from the KILAJ Phone).

voices speaking,[816] all of which further enable their identification in the Visit Recording.

274. Each of the preceding factors alone is sufficient to identify and attribute **THAÇI's** and **KUÇI's** voices.[817] Together, they constitute overwhelming proof.

b) Case 6 disclosures relevant to Witness 4

275. The identity of Witness 4 – a protected Case 6 witness subject to delayed disclosure – was disclosed to the Case 6 Defence on 30 January 2023 via lesser redacted versions of several of his prior statements and other related materials.[818] Specifically, the material disclosed on 30 January 2023 included: (i) Witness 4's [REDACTED – Statement X];[819] (ii) Witness 4's [REDACTED – Statement W];[820] (iii) Witness 4's [REDACTED – Statement Y];[821] (iv) Part 6 of Witness 4's [REDACTED – Statement Z];[822] and (v) a compilation of news articles about [REDACTED].[823] Witness 4 was scheduled to testify among the first 40 witnesses,[824] and was included in the SPO's 9 June 2023 updated witness list.[825] On 2 October 2023, the Case 6 Defence were notified that Witness 4 would testify in [REDACTED].[826]

[816] P00109_ET(Confidential):p.11; P00109_ET(Confidential):p.46/P00109_LSU.2(Confidential):p.98; P00109_ET(Confidential):pp.112-116/P00109_LSU.2(Confidential):pp.152-155; P00109_ET(Confidential):p.129/P00109_LSU.2(Confidential):p.184; P00109_ET(Confidential):p.131/P00109_LSU.2(Confidential):pp.185-186; P00109_ET(Confidential):p.143; P00109_ET(Confidential):pp.182-183.
[817] *See also* Annex 10.
[818] *See* P00166(Confidential):p.125804; P00168(Confidential):p.118243(para.4); JN.00007(Confidential):paras.4-5.
[819] P00171(Confidential); JN.00090(Confidential):p.1(entry 051775-051780 RED2).
[820] P00217(Confidential). For disclosure date of 30 January 2023, *see* the item's LWF Description.
[821] P00172_ET(Confidential)/P00172(Confidential); JN.00090(Confidential):p.1(entry 051765-051770 RED2).
[822] P00173_ET(Confidential)/P00173_AT(Confidential). For disclosure date of 30 January 2023, *see* the item's LWF Description.
[823] P00218(Confidential). For disclosure date of 30 January 2023, *see* the item's LWF Description.
[824] JN.00024.2(Confidential):p.2.
[825] JN.00028(Confidential):pp.6,173.
[826] JN.00032.2(Confidential):pp.1,3-4; JN.00032.1(Confidential):para.1; P00168(Confidential):p.118245(para.11).

276. By this time, **THAÇI** had also already received the following four statements of **[REDACTED] ([REDACTED], or 'Witness 3')**, whose anticipated testimony concerned [REDACTED]: (i) Witness 3's [REDACTED – Statement X];[827] (ii) Witness 3's [REDACTED – Statement Y];[828] (iii) Witness 3's [REDACTED - Statement Z];[829] (iv) Witness 3's [REDACTED – Statement W].[830]

277. Both Witness 3 and Witness 4 were expected to testify about the following topics of relevance to this case: (i) their position [REDACTED]; (ii) their [REDACTED]; (iii) their [REDACTED]; and (iv) [REDACTED].[831]

278. In Witness 4's [REDACTED – Statement X], he stated that [REDACTED].[832] In Witness 4's [REDACTED – Statement Y], he confirmed the key details of his [REDACTED – Statement X] regarding [REDACTED].[833] In Part 6 of Witness 4's [REDACTED – Statement Z], when asked about [REDACTED] in his [REDACTED – Statement X], Witness 4 explained that [REDACTED].[834] According to Witness 4, Witness 3 [REDACTED].[835]

279. In Witness 3's [REDACTED – Statement X], he also [REDACTED].[836] Witness 3 [REDACTED] in his [REDACTED – Statement Y], and [REDACTED].[837]

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[827] JN.00069_ET/JN.00069_AT(Confidential); JN.00090(Confidential):p.1(entries 051798-051800; 051798-051800-ET).
[828] JN.00068_ET/JN.00068_AT(Confidential); JN.00090(Confidential):p.1(entries 051781-051787 RED; 051781-051787-ET RED).
[829] JN.00067_ET/JN.00067_AT(Confidential); JN.00090(Confidential):p.1(all entries including '055919-TR-AT' and '055919-TR-ET').
[830] JN.00070/JN.00070_ET/JN.00070_AT(Confidential); JN.00090(Confidential):p.1(all entries including '[REDACTED]').
[831] JN.00023(Confidential):pp.106,174.
[832] P00171(Confidential):p.051779. *See also* the Witness 4's [REDACTED – Statement W] at P00217(Confidential):p.051774.
[833] P00172_ET(Confidential):p.6.
[834] P00173_ET(Confidential):Part6(pp.2-8). *See also* P00173_ET(Confidential):Part2(pp.30-32).
[835] P00173_ET(Confidential):Part2(pp.31-32),Part6(p.5).
[836] JN.00069_ET(Confidential):pp.051799-051800.
[837] JN.00068_ET(Confidential):pp.4,7; JN.00067_ET(Confidential):Part10(pp.34-37); JN.00070_ET(Confidential):pp.6-9,12-15,29-30,34,36-39,48-49,52.

280. Both Witness 3 and Witness 4 [REDACTED].[838]

c) THAÇI's instructions for Witness 4's testimony

281. Approximately 45 minutes into the 6 October Visit, **THAÇI** targeted Witness 4's testimony for interference.[839] **THAÇI's** exhaustive instructions occupied nearly 35 minutes of the visit, spread across approximately 31 transcript pages,[840] 29 of which are LSU-verified.

282. That **THAÇI's** interference instructions targeted Witness 4 is proven by multiple identifying factors, including **THAÇI's**: (i) focus on Witness 4's [REDACTED]; (ii) recounting that [REDACTED], as stated in Witness 4's [REDACTED – Statement Y];[841] (iii) describing [REDACTED], as stated in Part 6 of Witness 4's [REDACTED – Statement Z];[842] (iv) reference to '[REDACTED]' in relation to Witness 4's [REDACTED], as discussed in Witness 4's [REDACTED – Statement X] and Part 6 of Witness 4's [REDACTED – Statement Z]; [843] (v) reference to

[838] JN.00069_ET(Confidential):p.051798; JN.00070_ET(Confidential):p.24; JN.00068_ET(Confidential):pp.4-5,7; JN.00067_ET(Confidential):Part9(p.14),Part11(p.22); P00171(Confidential):p.051779; P00172_ET(Confidential):p.6; P00173_ET(Confidential):Part2(pp.13-14),Part7(pp.7-11).
[839] P00109_ET(Confidential):p.45/P00109_LSU.1(Confidential):p.9.
[840] P00109_ET(Confidential):pp.45-66/P00109_LSU.1(Confidential):pp.9-12,16-17,23-24/P00109_LSU.2(Confidential):pp.97-108, P00109_ET(Confidential):pp.118-122/P00109_LSU.1(Confidential):pp.26,30-31/P00109_LSU.2(Confidential):pp.157-158; P00109_ET(Confidential):pp.123-124, P00109_ET(Confidential):pp.133-134/P00109_LSU.2(Confidential):pp.187-188.
[841] *Compare* P00109_ET(Confidential):p.54/P00109_LSU.2(Confidential):p.103 *with* P00003_ET(Confidential):p.6/P00003(Confidential):p.SPOE00343606. In the relevant seized page of Witness 4's [REDACTED – Statement Y], the [REDACTED] is underlined in black and the broader section highlighted in blue.
[842] *Compare* P00109_ET(Confidential):p.54/P00109_LSU.2(Confidential):p.103 *with* P00003_ET(Confidential):p.7. Additionally, the [REDACTED] is both underlined in black and the broader section highlighted in blue in the relevant seized page of Part 6 of Witness 4's [REDACTED – Statement Z].
[843] *Compare* P00109_ET(Confidential):pp.54-55/P00109_LSU.2(Confidential):p.103 ('[REDACTED].') *with* P00171(Confidential):p.051779 and P00173_ET(Confidential):Part6(pp.2-7).

'[REDACTED]', [REDACTED];[844] and (vi) reference to '[REDACTED]', when Witness 4 was scheduled to testify in Case 6.[845]

283. In a concerted effort to conceal **THAÇI's** instructions for Witness 4 from any outside listener, the KILAJ Group initiated two parallel conversations at different volumes. **THAÇI** alternated between whispering interference instructions to **KILAJ** (directing him to 'Read this one here', with the sound of paper shuffling clearly audible) and speaking about an unrelated matter in a normal tone and volume to KRYEZIU, whom **THAÇI** told, 'You just sit here':

> HASHIM THAÇI: Now this one, this one --
> ISNI KILAJ: -- whatever you say, he can --
> HASHIM THAÇI: [Whispers] Read this one here.
> [People shuffling around the room] [No conversation between 00:01:46-00:01:53]. [Paper shuffling is heard].
> ISNI KILAJ: Shall I put it in my pocket or do you need it?
> HASHIM THAÇI: [Noise of flicking through sheets of paper] No, man, just have a look at it, because it needs ... because I need to orientate you a little.
> ISNI KILAJ: Huh?
> HASHIM THAÇI: I need to orientate you a little.
> [People shuffle in the room].
> HASHIM THAÇI: You just sit here.
> VLLAZNIM KRYEZIU: Yes.
> HASHIM THAÇI: No, no, you, here. This part here. This is his, that he gave in [REDACTED].
> ISNI KILAJ: Yes, in [REDACTED].
> [Hashim THAÇI holds a separate conversation with Vllaznim KRYEZIU in a normal voice].[846]

[844] *See* Section_III.C.1(d)(ii)b).
[845] P00109_ET(Confidential):p.59/P00109_LSU.2(Confidential):p.105 ('HASHIM THAÇI: [Whispers] In here, he says that has [Indiscernible]. ISNI KILAJ: [Whispers] [REDACTED] – HASHIM THAÇI: [Whispers] [REDACTED], [Indiscernible] the first one. ISNI KILAJ: [Whispers] No, I don't believe this one will do badly. HASHIM THAÇI: [Whispers] No, he has to do well because [Indiscernible]. ISNI KILAJ: [Whispers] [Indiscernible] he will do well, he will do [Indiscernible]. Just for, just for that --'); JN.00032.2(Confidential):pp.1,3-4; JN.00032.1(Confidential):para.1; P00168(Confidential):p.118245(para.11).
[846] P00109_ET(Confidential):p.45/P00109_LSU.1(Confidential):pp.9-10/P00109(Confidential):061023-115746.wav(00:01:38-00:02:10).

284. As **KILAJ** 'orientated' himself, **THAÇI** resumed whispering to **KILAJ** and, with the sound of paper flipping audible, homed in on the part of Witness 4's prior evidence that he insisted the witness must change:

> HASHIM THAÇI: [Whispers] This is his, that he gave in [REDACTED].
> ISNI KILAJ: [Speaks quietly] Yes.
> HASHIM THAÇI: [Whispers] You see [Indiscernible] and you change it [Indiscernible]. [Speaks in a normal voice] Yes, and?
> VLLAZNIM KRYEZIU: And I told him, "I am ashamed, you as a Member of Parliament, and myself, a member of Parliament". He said, "Yes, Member of the Parliament [Indiscernible]. "I told him, "At your level, what analysis did you conduct [Indiscernible]".
> HASHIM THAÇI: [Speaks in a normal voice] [Indiscernible] the idiot!
> VLLAZNIM KRYEZIU: He found that really upsetting. Upsetting, "Why did you say that?". "I told you my very own opinion, man". I told him, "I am telling you, I am with the PDK, but I am expressing my own opinion". He said, "All the others are ready and there [Indiscernible]". And he has not been any more.
> HASHIM THAÇI: [Whispers] This is where it started, this is how it starts.
> ISNI KILAJ: Mhm.
> HASHIM THAÇI: [Whispers] In [REDACTED].
> ISNI KILAJ: In [REDACTED].
> HASHIM THAÇI: [Whispers] This part is very good, this one [Indiscernible].
> ISNI KILAJ: Yes.
> HASHIM THAÇI: [Whispers] Now put it in your pocket, put it in. This one is of [REDACTED].
> ISNI KILAJ: [Whispers] Yes.
> HASHIM THAÇI: [Speaks quietly] This is the first one.
> VLLAZNIM KRYEZIU: And this was it, so now --
> HASHIM THAÇI: [Whispers] Because I don't know anything about that, do you…
> ISNI KILAJ: Huh?
> HASHIM THAÇI: [Whispers] Do you need to [Whispers very quietly] [Indiscernible]?
> ISNI KILAJ: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] These ones too. [Speaks in a normal voice] Yes, and?
> VLLAZNIM KRYEZIU: He has never called us since then. Never mind.
> ISNI KILAJ: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] [Indiscernible] [Paper flipping sound] just this part. Just read this part.
> VLLAZNIM KRYEZIU: On the phone —

> HASHIM THAÇI: [Speaks in a normal voice] Yes.[847]
> […]
> HASHIM THAÇI: [Lowers his voice] You can see it here. These are the answers, and these are the questions, these are the answers.
> ISNI KILAJ: Fine.
> HASHIM THAÇI: [Speaks in a lower voice] Answer-question, answer-question, answer, answer. Question-answer.[848]
> […]
> HASHIM THAÇI: [Whispers very quietly] This is the next page, page eight.
> ISNI KILAJ: Yes.
> HASHIM THAÇI: [Whispers] This is where it needs to be corrected. Those that [Indiscernible].
> ISNI KILAJ: [Whispers] [Indiscernible]?
> HASHIM THAÇI: Hmm.
> ISNI KILAJ: No.
> VLLAZNIM KRYEZIU: How are you getting on in here?
> HASHIM THAÇI: [Speak in a normal voice] Fine, fine. Very good.
> ISNI KILAJ: [Whispers] [Indiscernible] the first time he said, "I suspected because it was like this [Indiscernible]".
> HASHIM THAÇI: [Speaks in a low voice] Yes, yes, yes.
> ISNI KILAJ: [Whispers] Because this is how I [Indiscernible]. This is what I was going to say. "But now [Indiscernible], when I go, I will remove that too, that word, too".
> HASHIM THAÇI: [Whispers] What does that word mean? He should remove it.
> ISNI KILAJ: [Speaks quietly] Do you understand [Indiscernible].
> HASHIM THAÇI: [Whispers] Yes, that [Indiscernible].
> ISNI KILAJ: [Whispers] Because, look, [Indiscernible].
> HASHIM THAÇI: [Whispers] Here, here, here![849]

285. **THAÇI** was referencing the Witness 4 Statements, both of which – as detailed above – were present in electronic form on **THAÇI's** Cell Computer and printed at the DC one and two days before the 6 October Visit respectively, and pages of which were *seized in torn pieces from* ***KILAJ's*** *residence just three weeks after the visit.*[850] **THAÇI** used the documents to issue precise directions on how Witness 4 must [REDACTED]:

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[847] P00109_ET(Confidential):pp.46-48/P00109_LSU.2(Confidential):pp.98-99/P00109_LSU.1(Confidential):p.11/P00109(Confidential):061023-115746.wav(00:02:51-00:03:54).
[848] P00109_ET(Confidential):p.49/P00109_LSU.2(Confidential):p.100/P00109(Confidential):061023-115746.wav(00:04:35-00:04:47).
[849] P00109_ET(Confidential):pp.51-52/P00109_LSU.2(Confidential):p.101/P00109(Confidential):061023-120246.wav(00:00:40-00:01:18).
[850] *See* Section_II.B.4(a); Section_II.B.4(d).

> HASHIM THAÇI: [Whispers] He made a mistake here.
> ISNI KILAJ: [Speaks quietly] Yes. Did he give this to these [REDACTED]?
> HASHIM THAÇI: [Whispers] To these ones here.
> ISNI KILAJ: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] [Indiscernible].
> VLLAZNIM KRYEZIU: I see.
> HASHIM THAÇI: [Whispers very quietly] [Indiscernible].[851]
> […]
> HASHIM THAÇI: [Whispers very quietly] This is the next page, page eight.
> ISNI KILAJ: Yes.
> HASHIM THAÇI: [Whispers] This is where it needs to be corrected. Those that [Indiscernible].[852]
> […]
> ISNI KILAJ: [Whispers] [Indiscernible] the first time he said, "I suspected because it was like this [Indiscernible]".
> HASHIM THAÇI: [Speaks in a low voice] Yes, yes, yes.
> ISNI KILAJ: [Whispers] Because this is how I [Indiscernible]. This is what I was going to say. "But now [Indiscernible], when I go, I will remove that too, that word, too".
> HASHIM THAÇI: [Whispers] What does that word mean? He should remove it.[853]
> […]
> HASHIM THAÇI: [Whispers] "It seemed to me, but I am not sure".[854]
> ISNI KILAJ: Yes, yes.
> HASHIM THAÇI: [Whispers] That's all. They will start to [Whispers very quietly] [Indiscernible], he in fact has to say -- but he needs to correct it the day he comes, before he enters the court room, he corrects it, and then just repeats it there.[855]

286. With **KILAJ** taking notes, **THAÇI** pinpointed – in a whisper – the specific page and line of Part 6 of Witness 4's [REDACTED – Statement Z] that Witness 4 must change, and told **KILAJ** to take a copy of the document with him:

> HASHIM THAÇI: [Indiscernible] "The Sixth Part 6, Part 6", tell him --
> ISNI KILAJ: [Whispers] [Indiscernible].

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[851] P00109_ET(Confidential):p.50/P00109_LSU.2(Confidential):p.100/P00109(Confidential):061023-120246.wav(00:00:12-00:00:30).
[852] P00109_ET(Confidential):p.51/P00109_LSU.2(Confidential):p.101/P00109(Confidential):061023-120246.wav(00:00:41-00:00:47).
[853] P00109_ET(Confidential):pp.51-52/P00109_LSU.2(Confidential):p.101/ P00109(Confidential):061023-120246.wav(00:00:54-00:01:12). *See also* P00109_ET(Confidential):p.55/P00109_LSU.2(Confidential):pp.103-104.
[854] *See also e.g.* P00173_ET(Confidential):Part6(pp.2,3,5,6), where Witness 4 [REDACTED] in his [REDACTED – Statement Z] when questioned about [REDACTED].
[855] P00109_ET(Confidential):p.61/P00109_LSU.1(Confidential):pp.23-24/P00109(Confidential):061023-121246.wav(00:01:10-00:01:25).

> HASHIM THAÇI: [Whispers] Tell him, "You have to correct Part 6" [Clicking of pen heard] [Silence 00:01:22-00:01:32] "Page 7" [Indiscernible]. You take just this for him to correct it [Indiscernible]. You take this one because we also have more. [Noise of clothing rubbing and paper shuffling is heard]
> HASHIM THAÇI: [Whispers] [Indiscernible] page 7.
> ISNI KILAJ: [Mutters] [Indiscernible] Part 6 page 7?
> HASHIM THAÇI: [Whispers] Here, it needs to [Indiscernible] Page 7, line /?9 /. [Indiscernible].
> ISNI KILAJ: [Whispers] [Indiscernible]
> HASHIM THAÇI: [Whispers] Tell me [Indiscernible]. [Noise of flicking through sheets of paper] [Indiscernible] Line 9 only, line 9.
> ISNI KILAJ: [Whispers] Yes, yes, I saw them [Indiscernible]
> HASHIM THAÇI: [Whispers] Tell him, "You should correct this in line 9". [Indiscernible]
> ISNI KILAJ: Huh?
> HASHIM THAÇI: [Whispers] [Indiscernible] Here.
> ISNI KILAJ: Shall I write it down here?
> HASHIM THAÇI: [Whispers] [Indiscernible] Here.
> ISNI KILAJ: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] And it was the Assembly [Indiscernible].
> ISNI KILAJ: [Whispers] Yes, that it is written [Indiscernible].
> HASHIM THAÇI: [Whispers] Yes, but now [Indiscernible].
> ISNI KILAJ: Yes.
> HASHIM THAÇI: [Whispers] This is what has to be changed.[856]

287. The multiple markings on the Seized Witness 4 Material recovered from **KILAJ's** trash lay bare the KILAJ Group's determination to ensure Witness 4 [REDACTED].

288. For example, the torn-up page 7 of Part 6 of Witness 4's [REDACTED – Statement Z] seized from **KILAJ** contains, *inter alia*: (i) a hand-drawn box around [REDACTED];[857] (ii) highlighting of lines [REDACTED]; and (iii) at least eight handwritten question marks at [REDACTED], which is also underlined and highlighted by hand.[858] All marked and/or highlighted questions and answers in this section concern Witness 4's [REDACTED]. The underlined and highlighted answer 'Yes' at line [REDACTED] – where **THAÇI** or **KILAJ** wrote at least eight question marks – is where Witness 4 [REDACTED] as described in his [REDACTED – Statement

[856] P00109_ET(Confidential):pp.56-57/P00109_LSU.1(Confidential):pp.16-17/P00109_LSU.2(Confidential):p.104/P00109(Confidential):061023-120746.wav(00:01:17-00:02:25).
[857] P00003(Confidential):p.SPOE00343600. *See also* P00003_ET(Confidential):p.7.
[858] P00003(Confidential):p.SPOE00343600. *See also* P00003_ET(Confidential):p.7.

X] was [REDACTED].[859] The torn-up page 7 of Part 6 of Witness 4's [REDACTED – Statement Z] seized from **KILAJ** is seen here alongside its English translation (for clarity, the full-size comparison is included in Annex 7 to this filing):

P00003(Confidential):p.SPOE00343600	P00003_ET(Confidential):p.7
[Image REDACTED]	[Image REDACTED]

289. **THAÇI** directly referred to this specific page of Part 6 of Witness 4's [REDACTED – Statement Z] (and to page 8, also seized in pieces from **KILAJ**) at *least seven times* during the visit.[860]

290. Integral to **THAÇI's** instructions for Witness 4 to 'correct' Part 6 of Witness 4's [REDACTED – Statement Z] for **THAÇI's** benefit was his corresponding demand that the witness [REDACTED] Witness 4's [REDACTED – Statement Y], in which Witness 4: (i) [REDACTED];[861] (ii) claimed [REDACTED]; and (iii) claimed his [REDACTED – Statement X], [REDACTED].[862] **THAÇI** focused on these points during the 6 October

[859] P00173_ET(Confidential):Part6(p.7).
[860] P00109_ET(Confidential):p.51/P00109_LSU.2(Confidential):p.101, P00109_ET(Confidential):pp.56-57/P00109_LSU.1(Confidential):pp.16-17, P00109_ET(Confidential):p.62/P00109_LSU.1(Confidential):p.24, P00109_ET(Confidential):p.118/P00109_LSU.1(Confidential):p.26. *See also* P00003(Confidential):pp.SPOE00343600,SPOE00343604; P00003_ET(Confidential):pp.7-8.
[861] In Witness 4's [REDACTED – Statement X], he [REDACTED]: P00171(Confidential):p.051779.
[862] *See also* Section_III.C.1(d)(ii)b).

Visit,[863] and each was highlighted and/or underlined in the torn up pages of Witness 4's [REDACTED – Statement Y] seized from **KILAJ**, as shown here and in Annex 7:

P00003(Confidential):p.SPOE00343606	P00003_ET(Confidential):p.6
[Image REDACTED]	[Image REDACTED]

291. **THAÇI** comingled his demand that Witness 4 [REDACTED] with the need to [REDACTED] *individuals* rather than the KLA generally. This instruction, seen below, is consistent with **THAÇI's** Preferred Narrative and witness instructions he issued during other recorded visits:

> HASHIM THAÇI: [Whispers] Yes. Because they will tell him, "Do you want to correct anything?", "Yes, this one, Part 6, page 7, line 6, [REDACTED]". And he gets it done with that! All day long then "The KLA was good, [Indiscernible] good there were individuals [Indiscernible]"
> ISNI KILAJ: It was a misunderstanding.
> HASHIM THAÇI: [Whispers] "This was not done [REDACTED] by the KLA but individuals", tell him, "[Indiscernible]".
> ISNI KILAJ: That's right, there was a misunderstanding over there and [Indiscernible].
> HASHIM THAÇI: [Indiscernible].
> [061023-130746.wav]
> -- a misunderstanding, [REDACTED] [Indiscernible] individuals, not the KLA.
> ISNI KILAJ: Yes.[864]

[863] P00109_ET(Confidential):p.54/P00109_LSU.2(Confidential):p.103, P00109_ET(Confidential):pp.121-122/P00109_LSU.1(Confidential):pp.30-31; P00109_ET(Confidential):pp.133-134/P00109_LSU.2(Confidential):p.187.

[864] P00109_ET(Confidential):pp.118-119/P00109_LSU.1(Confidential):p.26/P00109_LSU.2(Confidential):p.157/P00109(Confidential):061023-130246.wav(00:04:33-00:04:59),061023-130746.wav(00:00:00-00:00:03). Regarding THAÇI's reference to '[REDACTED]' ([REDACTED]) towards the end of the text block, *see* P00109_ET(Confidential):p.22/P00109_LSU.2(Confidential):p.49, where THAÇI praised [REDACTED]: '[REDACTED], "This was done to me by individuals, not the KLA". [Speaks quietly] "Individuals, individuals, individuals"' and *compare with e.g.* JN.00039(Confidential):p.[REDACTED], where [REDACTED] '[REDACTED]. And, again, I stress not by the KLA but by the individuals.' *See also* P00109_ET(Confidential):p.62/P00109_LSU.1(Confidential):p.24/P00109_LSU.2(Confidential):p.106, P00109_ET(Confidential):p.122/P00109_LSU.1(Confidential):p.31; Section_III.D.1(a)(ix).

292. **THAÇI** also forecast specific questions he believed Witness 4 would be asked about [REDACTED], and emphasised the importance of following his instructions. **THAÇI** insisted that Witness 4 'shut it down' by declaring [REDACTED]:

> HASHIM THAÇI: Because they will ask him there, "[REDACTED]". Because he has said, "No -- [Indiscernible]". Yes, but they ask him, [REDACTED] [Indiscernible].
> ISNI KILAJ: Yes, I know the incident [Indiscernible] the way they explained it to me before —
> HASHIM THAÇI: That's right, that's right.
> ISNI KILAJ: -- [Indiscernible] between themselves.
> HASHIM THAÇI: That's right, that's right, that's right.
> ISNI KILAJ: [Indiscernible]. They replaced each other.
> HASHIM THAÇI: He said, [REDACTED]. And then it is done. [Indiscernible].
> ISNI KILAJ: He has not [Indiscernible].
> HASHIM THAÇI: He has said, [REDACTED]. Done! This will end it now. He should end it, fuck it. [Whispers very quietly] And he should not care [Indiscernible].
> ISNI KILAJ: No man, [Indiscernible]. Do not worry [Indiscernible].[865]

293. Consistent with his instructions to be delivered to other witnesses, including Witness 1,[866] Witness 2,[867] and [REDACTED],[868] **THAÇI** ordered that Witness 4 keep his answers short, whispering to **KILAJ**, '[a]nd tell him "Be brief", tell him "Be brief" [Indiscernible]'.[869] At several points, **THAÇI** coupled his instructions for Witness 4 with pressure and implicit threats, whispering: (i) 'tell him, "Because it is not in his interest"'[870]; and (ii) 'tell him, "This is for your own good".'[871] Similarly, after **THAÇI**

[865] P00109_ET(Confidential):pp.133-134/P00109_LSU.2(Confidential):p.187/P00109(Confidential):061023-131746.wav(00:01:21-00:02:11). *See also* P00173_ET(Confidential):Part2(pp.30-32),Part6(pp.2-5).
[866] *E.g.* P00105_ET(Confidential):pp.41-44/P00105_LSU.1(Confidential):pp.6-8/P00105_LSU.2(Confidential):p.37.
[867] *E.g.* P00108_ET(Confidential):pp.189-190/P00108_LSU(Confidential):p.20, P00108_ET(Confidential):p.204.
[868] *E.g.* P00113_ET(Confidential):p.84.
[869] P00109_ET(Confidential):p.60/P00109_LSU.1(Confidential):p.23.
[870] P00109_ET(Confidential):p.60/P00109_LSU.1(Confidential):p.23.
[871] P00109_ET(Confidential):p.62/P00109_LSU.1(Confidential):p.24.

and **KILAJ** agreed that Witness 4 did not want to 'shame' himself, **THAÇI** whispered 'tell him, "Do not cause any harm there"'.[872]

294. As in the other admitted Visit Recordings, **THAÇI** delivered nearly all of his extensively detailed instructions regarding how Witness 4 must testify in a whisper, in an attempt to prevent anyone outside the visit room from hearing his orders. As noted by the '[Indiscernible]' annotations in the verified transcript, the sustained whispering made certain parts of **THAÇI's** instructions and **KILAJ's** responses untranscribable.

295. **KILAJ** consistently agreed to ensure **THAÇI's** instructions reached Witness 4, promising **THAÇI** at one point, 'I will work on it at home',[873] and at another point volunteering, 'I can write it down'.[874] At multiple points, **KILAJ** sought to sharpen **THAÇI's** instructions, including by providing his own proposal for how Witness 4 should inject ambiguity when answering anticipated questions from the trial judges about [REDACTED]:

> HASHIM THAÇI: [Whispers] Tell him, "They are [Indiscernible]", as the Judges will ask him, he has to say "Yes, but [Indiscernible], it seemed to me [Indiscernible]". Tell him, "Speak convincingly, do not [Indiscernible]".
> [Silence 00:03:10 – 00:03:24].
> HASHIM THAÇI: [Whispers very quietly] Right here [Indiscernible] this one was, this one was not, just this point [Indiscernible]. There is nothing else.
> ISNI KILAJ: Huh?
> HASHIM THAÇI: [Whispers] No, no, no. [Indiscernible].
> ISNI KILAJ: [Whispers] [Indiscernible] Fine, fine, "Just that they are not understanding me".

[872] P00109_ET(Confidential):p.116/P00109_LSU.2(Confidential):p.155.
[873] P00109_ET(Confidential):p.62/P00109_LSU.1(Confidential):p.24. *See also* P00109_ET(Confidential):p.45/P00109_LSU.1(Confidential):pp.9-10, P00109_ET(Confidential):p.52/P00109_LSU.2(Confidential):pp.101-102, P00109_ET(Confidential):pp.55-57/P00109_LSU.2(Confidential):pp.103-104/P00109_LSU.1(Confidential):pp.16-17, P00109_ET(Confidential):pp.59-62/P00109_LSU.2(Confidential):p.105/P00109_LSU.1(Confidential):pp.23-24.
[874] P00109_ET(Confidential):p.52/P00109_LSU.2(Confidential):p.102.

HASHIM THAÇI: [Whispers] [REDACTED]".[875]

296. To execute **THAÇI's** instructions, **KILAJ** offered and agreed to take – and in fact took from the DC – the confidential Witness 4 documents later seized from **KILAJ's** residence.[876] **KILAJ's** intention in doing so DC is unambiguous: **KILAJ** and/or another intermediary would review the material with Witness 4 to ensure that the witness did exactly as **THAÇI** directed, and would do so *before* Witness 4 reviewed his prior statements during his SPO witness preparation session. **THAÇI** and **KILAJ** made this explicit during the visit:

> ISNI KILAJ: If you leave it with me [Indiscernible] you don't need to do that because I have the back pocket [The noise of clothing is heard].
> HASHIM THAÇI: [Whispers] Now when he comes, when he comes here, they call you here two days earlier.
> ISNI KILAJ: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] He has to check it, as they will give it to him. They will give him all of these documents.
> ISNI KILAJ: [Whispers]: Ah!
> HASHIM THAÇI: [Whispers] They will give all of these to him.
> ISNI KILAJ: Is it OK if take these to him?
> HASHIM THAÇI: [Whispers] No, they will give it to him.
> ISNI KILAJ: Ah, they will!
> HASHIM THAÇI: [Whispers] They will give it to him, but he has to correct them. When he comes here, before entering the court room he has to correct them. Give me that part that I just gave you now. That one [Indiscernible] [Noise of clothing rubbing is heard]
> HASHIM THAÇI: [Indiscernible] "The Sixth Part 6, Part 6" tell him --
> ISNI KILAJ: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] Tell him, "You have to correct Part 6" [Clicking of pen heard] [Silence 00:01:22-00:01:32] "Page 7" [Indiscernible] You take just this for him to correct it [Indiscernible]. You take this one because we also have more. [Noise of clothing rubbing and paper shuffling is heard]
> HASHIM THAÇI: [Whispers] [Indiscernible] page 7.
> ISNI KILAJ: [Mutters] [Indiscernible] Part 6, page 7?

[875] P00109_ET(Confidential):p.58/P00109_LSU.2(Confidential):pp.104-105/ P00109(Confidential):061023-120746.wav(00:02:51-00:03:49). *See also* P00109_ET(Confidential):pp.59-60/P00109_LSU.2(Confidential):p.105/P00109_LSU.1(Confidential):p.23.
[876] *E.g.* P00109_ET(Confidential):p.45/P00109_LSU.1(Confidential):p.9 ('ISNI KILAJ: Shall I put it in my pocket or do you need it?'), P00109_ET(Confidential):p.52/P00109_LSU.2(Confidential):p.101 ('HASHIM THAÇI: [Whispers] Here, here, here! ISNI KILAJ: If you want me, I can put it in here. [A zipper noise being zipped up or down is heard]').

> HASHIM THAÇI: [Whispers] Here, it needs to [Indiscernible] Page 7, line /?9/.[877]
> […]
> ISNI KILAJ: Shall I write it down here?
> HASHIM THAÇI: [Whispers] [Indiscernible] Here.
> ISNI KILAJ: [Whispers] Yes.[878]

297. Shortly thereafter, **THAÇI** explained how SPO witness preparation sessions work. He did so for the express purpose of dictating *how* **KILAJ** should use the pages of Witness 4's [REDACTED – Statement Z] that **THAÇI** provided during the visit. This included the specific instruction *not* to leave the pages with the witness, in a clear effort to avoid detection. **KILAJ's** assent and intent to execute **THAÇI's** instructions were unequivocal:

> HASHIM THAÇI: [Speaks in a normal voice] For example, he has to appear tomorrow. For example, on Monday. He will start on the Monday, on Friday he will have everything, and will have a look at everything once again. Then they will tell him, they will ask him, "Do you want to correct, delete or add something? This is when [Whispers very quietly].
> ISNI KILAJ: [Whispers] He can correct it.
> HASHIM THAÇI: [Whispers] [Indiscernible] [REDACTED], it is written there on page, [REDACTED] [Indiscernible].
> ISNI KILAJ: Uhu.
> HASHIM THAÇI: [Whispers] [REDACTED]. It is written there, you have everything [Indiscernible]. Do not leave these with him, do not leave them with him.
> ISNI KILAJ: [Whispers] No, of course not!
> HASHIM THAÇI: [Whispers] [Indiscernible] tell him, "This is for your own good". [A zipper is heard being either zipped or unzipped, and papers are being shuffled].
> HASHIM THAÇI: [Whispers] [Indiscernible] [REDACTED], the one of [REDACTED].
> ISNI KILAJ: [Whispers] Ah [REDACTED]. Because [REDACTED] is [Indiscernible].
> HASHIM THAÇI: [Whispers] [REDACTED].
> ISNI KILAJ: [Mutters to himself] [REDACTED].[879]

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[877] P00109_ET(Confidential):pp.56-57/P00109_LSU.1(Confidential):pp.16-17/ P00109(Confidential):061023-120746.wav(00:00:24-00:01:51).
[878] P00109_ET(Confidential):p.57/P00109_LSU.2(Confidential):p.104/P00109(Confidential):061023-120746.wav(00:02:14-00:02:18).
[879] THAÇI's repeated references to '[REDACTED]' correspond to the exact date of Witness 4's [REDACTED – Statement Z]. The date is printed in the lower left corner of each page of the [REDACTED], as also seen on pages 7 and 8 of Part 6 of Witness 4's [REDACTED – Statement Z] seized from KILAJ's residence. *See* P00003_ET:pp.7-8/

> HASHIM THAÇI: It is on page 7. [Noise of flicking through sheets of paper].
> ISNI KILAJ: I will work on it at home [Indiscernible].
> HASHIM THAÇI: [Whispers] Here [Indiscernible], tell him, "[Indiscernible] all, [Indiscernible] every idiot there ganged up on me, someone pointed the finger at me, because the KLA did not do this to me, because I helped the KLA. Because I did help them". Because he [Indiscernible] patriot [Indiscernible].
> ISNI KILAJ: [Whispers] Yes, of course.[880]

298. **KILAJ's** removal of confidential witness statements from the DC was prohibited, and violated the Visitor Undertaking both he and KRYEZIU signed and submitted to the KSC.[881]

299. While discussing the instructions for Witness 4, both **KILAJ** and KRYEZIU also referenced one or more prior attempts to contact a witness, with KRYEZIU stating, 'We have made attempts to speak to him and he has just said "Shut your mouth".'[882]

300. At another point, in an exchange prompted by **THAÇI**, KRYEZIU stated in reference to an unidentified individual, 'I will sort it out, I will sort it out [Indiscernible] the problem. […] I told him, I told him [Indiscernible] "Go and meet him".'[883] Similarly, **THAÇI**, **KILAJ**, and KRYEZIU engaged in the following exchange, further demonstrating the visitors' agreement to execute **THAÇI's** instructions and their disregard for the plan's unlawfulness. When **THAÇI** joked that the men could end up in prison if not careful, both visitors acknowledged this reality and **KILAJ** made clear he was prepared to accept the consequences:

> ISNI KILAJ: [Laughs] I came [Indiscernible] I am still mentioning it, I am saying, I will get it done.
> HASHIM THAÇI: [Whispers] No, no, no. [Indiscernible].

P00003(Confidential):pp.SPOE00343600,SPOE00343604, with the specific date also highlighted on the torn page 8.
[880] P00109_ET(Confidential):pp.61-63/P00109_LSU.1(Confidential):p.24/P00109_LSU.2(Confidential):p.106/P00109(Confidential):061023-121246.wav(00:01:31-00:03:22).
[881] P00064_ET(Confidential)/P00064(Confidential):pp.SPOE00364051-SPOE00364052,SPOE00364057-SPOE00364058; P00066_ET(Confidential)/P00066(Confidential):pp.SPOE00363200-SPOE00363201,SPOE00363207-SPOE00363208.
[882] P00109_ET(Confidential):p.65/P00109_LSU.2(Confidential):p.108.
[883] P00109_ET(Confidential):p.146/P00109_LSU.2(Confidential):pp.199-200.

> ISNI KILAJ: Yes, yes, but I know, you don't have to tell me anything [Overlapping speakers].
> HASHIM THAÇI: Yes, but [Indiscernible] [Overlapping speakers].
> VLLAZNIM KRYEZIU: Nothing at all. Why are you asking?
> ISNI KILAJ: Huh?
> VLLAZNIM KRYEZIU: For God's sake do not ask him.
> ISNI KILAJ: [Indiscernible].
> HASHIM THAÇI: Not for the others, because concerning this [Indiscernible]. But in particular about these, do not –
> ISNI KILAJ: I am careful with these things, you know. I have always been, you know...
> HASHIM THAÇI: They will bring you in here with me! Do not tell me now… [Laughs].
> VLLAZNIM KRYEZIU: Yes.
> ISNI KILAJ: It does not matter, I can stay for two-three years, two-three years.[884]

301. Witness 4's Case 6 testimony was ultimately postponed to allow for the completion of the SPO investigation into the attempted obstruction during the 6 October Visit.[885]

d) THAÇI's unlawful revelation of confidential Case 6 information

302. As detailed above, in attempting to interfere with his testimony, **THAÇI** repeatedly revealed to **KILAJ** and KRYEZIU confidential information about Witness 4. This included not only orally revealing confidential information about Witness 4's identity, status as a testifying witness, and prior statements, but also summarising and providing to **KILAJ** printed copies of – at least[886] – Witness 4's

[884] P00109_ET(Confidential):pp.111-112/P00109_LSU.2(Confidential):p.152/P00109(Confidential): 061023-125746.wav(00:03:45-00:04:17). THAÇI similarly cautioned KILAJ at an early point in the visit –
see P00109_ET(Confidential):p.52/P00109_LSU.2(Confidential):p.102 ('HASHIM THAÇI: [Whispers] Here, here, right here, and do not [Indiscernible] you mustn't take these with you because they might bring you here [Indiscernible]').
[885] JN.00011(Confidential):para.17; JN.00010(Confidential):paras.10-15.
[886] Section_II.B.4(a)(iii)(detailing the DC printing on 5 October 2023 of an additional Witness 4 prior statement minutes apart from the printing of Witness 4's [REDACTED – Statement Y] (P00217(Confidential)).

[REDACTED – Statement Y] and pages 7 and 8 of Part 6 of Witness 4's [REDACTED – Statement Z].[887]

303. **THAÇI** also revealed confidential information about multiple other witnesses, including [REDACTED], [REDACTED], [REDACTED], [REDACTED], and **[REDACTED] ([REDACTED])**. Similar to other visits, **THAÇI** acknowledged the non-public nature of the evidence he divulged.[888] Each individual's status as an SPO witness and the substance of their anticipated testimony was confidential at the time of the visit.[889]

[REDACTED]

304. **THAÇI** revealed [REDACTED]'s identity and status as a Case 6 witness by describing [REDACTED], who [REDACTED], as '[REDACTED]' and '[REDACTED]' ([REDACTED]). [890] **THAÇI** then revealed confidential private session parts of [REDACTED]'s trial testimony, including about: (i) [REDACTED];[891] (ii) the mention

[887] P00123(Confidential). *See also* P00002(Confidential):pp.116884-116885; Section_II.B.4(a); Section_II.B.3(b)(ii); and Section_II.B.4(d).
[888] P00109_ET(Confidential):pp.25-26; P00109_ET(Confidential):p.34/P00109_LSU.2(Confidential):p.57. *See also* Section_III.C.1(c)(ii)a); Section_III.C.1(c)(iv)a); Section_III.C.2(d)(ii); Section_III.C.2(c)(i).
[889] [REDACTED]: P00168(Confidential):pp.118243-118245(paras.4,11). [REDACTED]: P00170(Confidential):pp.125819-125820(paras.2,5). [REDACTED]: P00170(Confidential):pp.125819-125820(paras.2,5). [REDACTED]: P00170(Confidential):pp.125819-125820(paras.2,5). [REDACTED]: P00170(Confidential):pp.125819-125820(paras.2,5).
[890] *Compare* P00109_ET(Confidential):p.30/P00109_LSU.2(Confidential):p.55, P00109_ET(Confidential):p.111/P00109_LSU.2(Confidential):p.152 *with* JN.00040(Confidential):p.[REDACTED]. *See also* P00155_ET(Public):pp.SPOE00364213-SPOE00364214. For similar identifying factors concerning [REDACTED], *see* Section_III.C.1(a)(iv).
[891] *Compare* P00109_ET(Confidential):pp.21-22/P00109_LSU.2(Confidential):p.49 *with* JN.00040(Confidential):pp.[REDACTED]. Notably, and as this testimony aligned with his Preferred Narrative, THAÇI said during the 6 October Visit, 'Fuck it! Not even a genius could formulate it like that.' *See* P00109_ET(Confidential):p.21/P00109_LSU.2(Confidential):p.49.

of [REDACTED];[892] (iii) the description of [REDACTED];[893] (iv) the assertion that [REDACTED];[894] and (v) testimony about [REDACTED].[895]

[REDACTED]

305. **THAÇI** revealed [REDACTED]'s identity and status as a Case 6 witness by, *inter alia*, identifying [REDACTED] as being from [REDACTED].[896] That **THAÇI** was discussing [REDACTED]'s testimony is also evident from **THAÇI** telling **KILAJ** and KRYEZIU that [REDACTED] during his Case 6 testimony.[897] **THAÇI** then disparagingly revealed [REDACTED]'s confidential private session testimony about [REDACTED],[898] and [REDACTED].[899] This overlaps with **THAÇI's** revelations about [REDACTED] during the 2 July Visit, 9 September Visit, and 7 October Visit.[900]

[REDACTED]

306. In conjunction with his discussion of [REDACTED], **THAÇI** also revealed [REDACTED]'s identity as an SPO witness. Specifically, **THAÇI** identified

[892] *Compare* P00109_ET(Confidential):pp.23-24/P00109_LSU.2(Confidential):pp.50-51 *with* JN.00040(Confidential):pp.[REDACTED].
[893] *Compare* P00109_ET(Confidential):p.24/P00109_LSU.2(Confidential):p.51, P00109_ET(Confidential):p.36/P00109_LSU.2(Confidential):p.59 *with* JN.00040(Confidential):pp.[REDACTED].
[894] *Compare* P00109_ET(Confidential):p.18/P00109_LSU.2(Confidential):pp.46-47, P00109_ET(Confidential):p.25/P00109_LSU.2(Confidential):p.51 *with* JN.00038(Confidential):pp.[REDACTED]; JN.00039(Confidential):pp.[REDACTED]; JN.00040(Confidential):pp.[REDACTED]. The same narrative is provided by THAÇI in P00113_ET(Confidential):pp.39-40,43; P00114_ET(Confidential):p.298. *See also* P00004_ET(Confidential):p.SPOE00343589.
[895] *Compare* P00109_ET(Confidential):pp.19-20/P00109_LSU.2(Confidential):p.48, P00109_ET(Confidential):pp.25-26/P00109_LSU.2(Confidential):p.52 *with* JN.00038(Confidential):pp.[REDACTED].
[896] *Compare* P00109_ET(Confidential):pp.102-104/P00109_LSU.2(Confidential):pp.147-148 *with* JN.00043(Confidential):p.[REDACTED]; JN.00044(Confidential):pp.[REDACTED].
[897] *Compare* P00109_ET(Confidential):p.108/P00109_LSU.2(Confidential):p.150 *with* P00104(Confidential). For similar identifying factors concerning [REDACTED], *see* Section_III.C.1(c)(ii)a).
[898] *Compare* P00109_ET(Confidential):pp.102-104/P00109_LSU.2(Confidential):pp.147-148 *with* JN.00044(Confidential):pp.[REDACTED].
[899] *Compare* P00109_ET(Confidential):pp.102-103/P00109_LSU.2(Confidential):p.147 *with* JN.00044(Confidential):pp.[REDACTED].
[900] *See* Section_III.C.1(a)(iv); Section_III.C.1(c)(ii)a); Section III.C.1(c)(iv)a).

[REDACTED] as [REDACTED] ([REDACTED])[901] – and thus [REDACTED] – and as coming from a specific village.[902] **THAÇI** revealed parts of [REDACTED]'s confidential, private session testimony about [REDACTED] and [REDACTED] mentioned above.[903]

[REDACTED] and [REDACTED]

307. SPO witness [REDACTED] testified in Case 6 on [REDACTED] with the protective measures of a pseudonym and facial and voice distortion.[904] The statement of [REDACTED], who was granted the protective measures of a pseudonym and facial and voice distortion, was admitted pursuant to Rule 153 on [REDACTED].[905]

308. **THAÇI** revealed confidential information about both [REDACTED] and [REDACTED], including by identifying both– by full name – as SPO witnesses, and further identifying them as [REDACTED].[906] When **KILAJ** suggested to **THAÇI** that [REDACTED] could be approached indirectly, KRYEZIU affirmed the notion.[907]

(iii) KILAJ's possession of confidential material

309. In addition to the hand-marked-up copies of Seized Witness 4 Material printed at the DC and used during the 6 October Visit, the SPO recovered a trove of other confidential Case 6 witness related material during the KILAJ Search.

[901] *Compare* P00109_ET(Confidential):pp.102-104/P00109_LSU.2(Confidential):pp.147-148 *with* JN.00041_ET(Confidential):pp.[REDACTED].
[902] *Compare* P00109_ET(Confidential):pp.102-103/P00109_LSU.2(Confidential):p.147 *with* JN.00041_ET(Confidential):p.[REDACTED]. For similar identifying factors concerning [REDACTED], *see* Section_III.C.1(a)(iv).
[903] *Compare* P00109_ET(Confidential):pp.102-104/P00109_LSU.2(Confidential):pp.147-148 *with* JN.00041_ET(Confidential):pp.[REDACTED].
[904] P00170(Confidential):pp.125819-125820(paras.2,5,7),125843-125844. *See also* [REDACTED].
[905] P00170(Confidential):pp.125819-125820(paras.2,5,7),125827. *See also* AF00060(Confidential).
[906] *Compare* P00109_ET(Confidential):pp.127-131/P00109_LSU.2(Confidential):pp.182-185 *with* P00170(Confidential):pp.125827,125843-125844. *See also* P00001_ET(Confidential):Part2(p.14), where KILAJ stated that [REDACTED] was [REDACTED].
[907] P00109_ET(Confidential):p.129/P00109_LSU.2(Confidential):p.184.

310. The seized evidence included the KILAJ Loose Notes referenced above, which **KILAJ** admitted to writing.[908] The notes contain the names of multiple SPO witnesses and what appear to be instructions on what witnesses should say,[909] and correspond with **THAÇI's** patterned instructions issued across multiple visits.[910]

311. The KILAJ MacBook contains evidence that **KILAJ** (unlawfully) obtained electronic copies of the SPO's Confidential Case 6 [REDACTED] and Confidential Case 6 [REDACTED]. This is evident from the fact that a record of the full file name of each document was found on the KILAJ MacBook.[911] That **KILAJ** possessed the material is also proven by the fact that *verbatim* text blocks of multiple witness summaries from the Confidential Case 6 [REDACTED] were found within the English/Albanian translation application 'Translate Now' on the KILAJ MacBook.[912] The excerpts – which appear to have been cut and pasted into Translate Now – include confidential summaries of the anticipated testimony of Witness 3,[913] and fellow Case 6 witnesses **Demush KRASNIQI (W03885)**,[914] **[REDACTED] ([REDACTED])**,[915] and W04278.[916] The text blocks recovered from KILAJ MacBook include not just the

[908] P00001_ET(Confidential):Part2(pp.12-17).
[909] P00004_ET(Confidential), including reference to [REDACTED], [REDACTED], W04278, [REDACTED] and W04403 by name. Note their witness status as per AF00066(Confidential); AF00047(Confidential); AF00072(Public); AF00059(Confidential); AF00065(Public). *See also* Section_III.C.1(d)(i).
[910] P00004_ET(Confidential):pp.SPOE00343588-SPOE00343589.
[911] *Compare e.g.* P00201(Confidential):p.SPOE00403492 ('/Users/m1/Desktop/[REDACTED].pdf') *with* JN.00020(Confidential) ('[REDACTED]'). *See also* P00177(Confidential):paras.13-15(detailing the methodology used to locate the records on the KILAJ MacBook). Notably, the traces of file names of the two confidential documents found on the KILAJ MacBook match exactly the file names for the same documents as found on KUÇI's seized iPhone 12 – *see e.g.* F00485/A01:pp.2-4. *See also* Section_II.B.3(a).
[912] *See* P00177(Confidential):paras.5-9 for the methodology used to retrieve data from the Translate Now application on the KILAJ MacBook.
[913] *Compare* P00200_ET(Confidential):pp.125778/P00200(Confidential):pp.125777-125778 *with* JN.00020(Confidential):p.107(paras.2-4).
[914] *Compare* P00200(Confidential):p.125780 *with* JN.00020(Confidential):p.224(paras.3-7).
[915] *Compare* P00200_ET(Confidential):p.125776/P00200(Confidential):pp.125776,125779 *with* JN.00020(Confidential):p.248(paras.1-5). Ultimately, this witness was not called to testify in Case 6.
[916] *Compare* P00200_ET(Confidential):p.125782/P00200(Confidential):pp.125781-125782 *with* JN.00020(Confidential):pp.253-254(paras.1-7). Notably, the KILAJ MacBook also stored a copy of

verbatim witness summary excerpts themselves, but also *the corresponding metadata* from the underlying electronic file of the Confidential Case 6 [REDACTED] as disclosed via LWF.[917] The evidence further shows that **KILAJ** gained possession of this confidential Case 6 [REDACTED] material sometime between 21 December 2021 and 1 April 2022.[918]

312. Finally, the seized material also included the KILAJ Notebooks (Brown Notebook and Black Notebook) which contain largely overlapping content, including – in **KILAJ's** handwriting[919] – the names, witness codes and summaries of the anticipated testimony of SPO Case 6 witnesses.[920] Several witnesses in the KILAJ Notebooks were referred to during the 6 October Visit around the time **KILAJ** stated

W04278's March 2022 Visitor Application (*see* P00192_ET(Confidential)/P00192(Confidential)), and KILAJ's phone records show contact between KILAJ and W04278 on 3 February 2023, the day after KILAJ's 2 February 2023 visit to THAÇI (*see* P00204_ET(Confidential), and P00192_ET(Confidential)/P00192(Confidential):p.125784 for W04278's phone number).

[917] *Compare e.g.* P00200(Confidential)/P00200_ET(Confidential):p.125781 ('[REDACTED]' and '[REDACTED]') *with* the header of JN.00020(Confidential):p.1 ('[REDACTED]', '[REDACTED]' and '[REDACTED]'), which indicates that the relevant confidential version of the document was dated [REDACTED]. Of note, P00200(Confidential) replicates the text blocks as extracted from KILAJ MacBook in full, while P00200_ET (Confidential) includes the English translation of only those text blocks that were extracted from the translation application in Albanian.

[918] The timeline is based on, *inter alia*, the 21 December 2021 date of first disclosure of the material in Case 6 and Witness 9's evidence that the latest date of Translate Now tasks related to the [REDACTED] text blocks performed on the KILAJ MacBook was 1 April 2022. *See* P00177(Confidential):p.4.

[919] P00001_ET(Confidential):Part2(pp.19,26-30) as to the Black Notebook (P00005(Confidential)/P00005_ET(Confidential)); P00001_ET(Confidential):Part3(pp.1-5,10) as to the Brown Notebook (P00006(Confidential)/P00006_ET(Confidential)).

[920] P00005_ET(Confidential) includes references to, *inter alia*, Witness 3 by name and his Case 6 witness code ([REDACTED]), and to W03885, [REDACTED], W04278, W04401, [REDACTED] ([REDACTED]), [REDACTED] ([REDACTED]), [REDACTED] ([REDACTED]), and [REDACTED] ([REDACTED]) by name only (with witness codes crossed out), as well as evidentiary summaries for W03885, [REDACTED], W04278, W04401, [REDACTED] and [REDACTED]. P00006_ET(Confidential) also includes references to, *inter alia*, Witness 3, W03885, [REDACTED], W04278, W04401, [REDACTED], [REDACTED] ([REDACTED], name crossed out), Ismet TARA (W04745), [REDACTED], [REDACTED] and [REDACTED] (spelled as [REDACTED]) by name and witness code, and evidentiary summaries for W03885, [REDACTED], W04278, [REDACTED], W04401 and [REDACTED]. *See also* AF00034(Confidential); AF00035(Confidential); AF00063(Confidential); AF00068(Confidential); AF00069(Confidential); AF00071(Public); AF00072(Public); AF00073(Public); AF00074(Confidential); P00001_ET(Confidential):Part3(pp.1-4); P00169(Confidential); P00170(Confidential). *See also* P00001_ET(Confidential):Part2(pp.8,29-31),Part3(pp.6-7), where KILAJ describes his relationship with individuals named in the KILAJ Notebooks.

'I studied it' and 'I know about everyone'.[921] Most were expected to provide Witness 4-related evidence,[922] and/or had been directly linked to **KILAJ** in his role as the Lumi Unit Commander in Malishevë/Mališevo during the Case 6 Indictment period.[923] Both the Brown Notebook and the Black Notebook entries follow the sequence and phrasing in the Confidential Case 6 [REDACTED] summaries.[924]

(iv) KILAJ's SPO interview in November 2023

313. During his voluntary interview[925] following the KILAJ Search, **KILAJ** admitted several incontrovertible facts while making multiple misleading and false statements designed to conceal the KILAJ Group's criminal activity and the origins of the confidential material he possessed.

314. For example, while **KILAJ** denied having spoken to Witness 3 or Witness 4 about their testimony,[926] he acknowledged knowing both men,[927] Witness 4 since [REDACTED]. This was something **KILAJ** could not deny, particularly given that the

[921] *See e.g.* P00109_ET(Confidential):pp.122-123/P00109_LSU.1(Confidential):p.31 for 'Demush', '[REDACTED]', '[REDACTED]' and 'Ahmet'.
[922] Witness 3/[REDACTED], W03885, [REDACTED], [REDACTED], W04278, [REDACTED] and [REDACTED] were anticipated to testify about [REDACTED], *see* P00168(Confidential):pp.118246,118248-118251,118254-118255,118260; P00170(Confidential):p.125833.
[923] W03885, [REDACTED], W04278, [REDACTED], [REDACTED] and [REDACTED] were anticipated to give evidence in relation, and are linked to, KILAJ and the Lumi unit, *see* P00168(Confidential):pp.118248-118251,118254-118255,118258-118260.
[924] *Compare* P00005_ET(Confidential):pp.SPOE00346772([REDACTED]/Witness 3),SPOE00346773(W03885),SPOE00346774([REDACTED]),SPOE00346775(W04278),SPOE00346776-SPOE00346778(W04401),SPOE00346779-SPOE00346781([REDACTED]),SPOE00346782-SPOE00346783([REDACTED]),SPOE00346784-SPOE00346786([REDACTED]) *and* P00006_ET(Confidential):pp.SPOE00346758-SPOE00346759([REDACTED]/Witness 3,W03885),SPOE00346760-SPOE00346761([REDACTED]),SPOE00346762(W04278), SPOE00346763-SPOE00346765(W04401),SPOE00346766-SPOE00346767([REDACTED]), SPOE00346768-SPOE00346769([REDACTED]) *with* P00168(Confidential):pp.118246([REDACTED]/Witness 3),118248(W03885),118249([REDACTED]),118250-118251(W04278),118252-118253(W04401),118254-118255([REDACTED]),118258-118259([REDACTED]),118260([REDACTED]).
[925] *See* P00007_ET(Confidential); Section_II.B.6.
[926] P00001_ET(Confidential):Part2(pp.4-8,16). KILAJ acknowledged that he had Witness 4's phone number and *vice versa*, and that they were Facebook friends, but repeated that it had been a long time since they had spoken on the phone.
[927] P00001_ET(Confidential):Part2(pp.3-8).

SPO had already disclosed in Case 6 Witness 3's [REDACTED – Statement W], in which Witness 3 [REDACTED].[928]

315. **KILAJ** then falsely claimed that: (i) he did not leave the 6 October Visit with anything other than written greetings from **THAÇI** to friends/family;[929] (ii) the group did not discuss any Case 6 SPO witnesses;[930] and (iii) he has never been asked to contact any witnesses in an effort to change their testimony.[931] The 6 October Visit recording and Seized Witness 4 Material recovered from his trash directly contradict **KILAJ** on each claim.

316. Regarding the Seized Witness 4 Material, **KILAJ** stated that he knew the documents were Witness 4's statements.[932] He admitted writing the name 'Adem DEMAÇI' on one page while denying making any highlights.[933] **KILAJ** further claimed: (i) that he could not recall how he obtained the statements but might have received them via Facebook Messenger;[934] and (ii) that he printed the documents himself, and no one physically gave them to him.[935] The record refutes both claims.

317. Regarding why he tore up and threw away the Seized Witness 4 Material, **KILAJ** claimed he did so because 'it was not a matter of interest to me' and 'it was not a matter or an issue I should be looking into'.[936] **KILAJ** further claimed he received the documents 'probably two, three, four years ago', a claim belied not just by the fact that he clearly received them during the 6 October Visit when **THAÇI** told him to take

[928] JN.00070_ET(Confidential):pp.10,20,44-45.
[929] P00001_ET(Confidential):Part5(pp.1-2).
[930] P00001_ET(Confidential):Part4(pp.12-13) ('Q. [Interpretation] Did you speak about any witnesses, regarding any witness? A. No. No. Q. [Interpretation] So, nothing about witnesses who had testified or witnesses who would testify. A. No. No. No. No.').
[931] P00001_ET(Confidential):Part2(pp.24-26),Part5(pp.4-5).
[932] P00001_ET(Confidential):Part2(p.3). KILAJ admitted that what he tore up was 'an unclear testimony of a witness'. *See* P00001_ET(Confidential):Part1(pp.11-12).
[933] P00001_ET(Confidential):Part1(pp.12-14). *See* P00003(Confidential):p.SPOE00343600/P00003_ET(Confidential):p.7.
[934] P00001_ET(Confidential):Part1(pp.14-16),Part2(p.2).
[935] P00001_ET(Confidential):Part2(pp.2-3).
[936] P00001_ET(Confidential):Part1(pp.11-12).

them with him and he agreed to do so, but by the fact that the SPO-registered RED2 Albanian versions of the Witness 4 Statements in his possession were *not disclosed by the SPO to any party – including the court – until 30 January 2023*.[937] Indeed, in addition to the extensive discussion of pages 7-8 of Part 6 of Witness 4's [REDACTED – Statement Z] during the 6 October Visit described above, the torn-up Page 7 also contains the names **[REDACTED] ([REDACTED])** and '[REDACTED]' handwritten in the margin as seen on the next page:[938]

P00003(Confidential):p.SPOE00343600

[Image REDACTED]

318. This handwritten notation corresponds directly to a specific sentence containing *both names*[939] spoken by **THAÇI** and verified by the LSU, along with the specific whispered direction from **THAÇI** to **KILAJ** to 'Write this. "Do you know this [REDACTED] [Indiscernible]. "Do you know him? In case you know him", tell him 'Watch your back because they screw you and you end up here".'[940]

[937] *See* the relevant disclosure dates in JN.00090(Confidential):p.1(entries KSC-BC-2020-06-051765-051770 RED2; KSC-BC-2020-06-053191-TR-AT Part 6 Revised RED2). *See also* Section_III.C.1(d)(ii)b); P00001_ET(Confidential):Part1(pp.12-16).
[938] P00003(Confidential):p.SPOE00343600. *See also* P00003_ET(Confidential):p.7.
[939] P00109_ET(Confidential):p.180/P00109_LSU.2(Confidential):p.220 ('HASHIM THAÇI: Because there is no [Indiscernible] [REDACTED].').
[940] P00109_ET(Confidential):pp.180-181/P00109_LSU.2(Confidential):pp.219-220 (THAÇI telling KILAJ to '[h]ave a coffee with him [REDACTED] and ask him about these things'). As context, [REDACTED] was on the SPO's list of reserve witnesses to be called if scheduled witnesses were unavailable or if time allowed, as notified by the SPO on 22 September 2023, *see* JN.00031(Confidential):paras.1-2. The [REDACTED] referenced by THAÇI is assessed to be [REDACTED], [REDACTED] (*see* P00169(Confidential):pp.119403-119405; JN.00020(Confidential):pp.267-269; JN.00023(Confidential):pp.258-260; JN.00028(Confidential):pp.259-261).

319. As to the KILAJ Loose Notes seized from his jacket, **KILAJ** admitted he wrote them but claimed he did not know why he wrote the names of SPO witnesses [REDACTED]; [REDACTED] W04278; [REDACTED]; and W04403.[941]

320. **KILAJ** admitted that the names of SPO witnesses and their (in several instances crossed-out) witness numbers found in the KILAJ Notebooks were written in his handwriting.[942] His claim that this witness information originated from material distributed by the KLA War Veterans ('KLA WVA Publications')[943] is demonstrably false. In fact, multiple witness codes in the KILAJ Notebooks were assigned only *after* the KLA WVA Publications.[944]

321. In sum, **KILAJ's** possession of confidential information and his repeated false and misleading answers about his possession of the material are further indications of his extensive efforts to obstruct the work of the KSC/SPO and his criminal intent to commit the charged offences.

2. Pattern Visits

322. The Pattern Visits consist of four recorded visits to **THAÇI** by uncharged persons on 4 August, 15 and 22 September, and 1 October 2023. During each visit, **THAÇI** engaged in his pattern of obstructive conduct and demonstrated his

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[941] P00001_ET(Confidential):Part2(pp.11-16); P00004_ET(Confidential). The names Adem DEMAÇI, Milaim MAZREKU, and Agim ÇEKU also appear in these handwritten notes. After saying that he did not know why he had written the names, KILAJ speculated that this was a reminder to write about the past or talk to them about a potential biography about the events they experienced together. P00001_ET(Confidential):Part2(p.16).
[942] P00001_ET(Confidential):Part2(pp.19,26-30)(as to the Black Notebook),Part3(pp.1-5,10)(as to the Brown Notebook). *See also* P00005_ET(Confidential):pp.SPOE00346773-SPOE0034677-SPOE00346786/P00005(Confidential):pp.SPOE00346773-SPOE0034677,SPOE00346779-SPOE00346786(handwriting in Albanian original); P00006_ET(Confidential):p.SPOE00346757/P00006(Confidential):p.SPOE00346757(handwriting in Albanian original).
[943] P00001_ET(Confidential):Part2(pp.19-20),Part3(pp.4-8). KILAJ also stated that materials published to such websites 'could not remain on such pages that, perhaps, were in breach of – I don't know – the Specialist Prosecution's rules', thereby implicitly acknowledging his awareness of the illegality of possession of such materials. P00001_ET(Confidential):Part3(pp.8-9).
[944] P00168(Confidential):p.118244(para.6); Witness_7:T.486-488(02-Mar-2026)(Private).

leadership role consistent with his conduct in the Core Visits by: (i) issuing consistent instructions on how witnesses should testify in line with his Preferred Narrative, often obfuscating conversation by whispering; and (ii) revealing confidential witness information.

323. As noted above, the Defence on 10 April 2026 withdrew all their prior requests for LSU verification of Pattern Visit transcripts.[945]

(a) 4 August Visit

324. There is no dispute Sami LUSHTAKU and Isni THAÇI aka 'Stilli/Shtilli' visited **THAÇI** at the DC on 4 August 2023 ('**4 August Visit**'), and that P00111 contains the audio recording of the visit.[946] The visit participants are also confirmed by contemporaneous Registry records.[947]

(i) Voice attribution

325. The 4 August Visit recording contains ample evidence confirming the accuracy of the voice attribution in the visit transcript.[948] **THAÇI's** voice is readily identifiable from other Visit Recordings,[949] as well as from his extensive discussion of his ongoing detention and firsthand accounts of Case 6 proceedings, unique to him.[950] Isni THAÇI's voice is easily identifiable from comparison with the 1 October Visit recording[951] and from multiple one-on-one recorded DC calls with **THAÇI**.[952] The

[945] Annex 3, email from the THAÇI Defence to the Registry's CMU on 10 April 2026 at 09:19.
[946] AF00079(Confidential).
[947] P00029_ET(Confidential)/P00029(Confidential); P00030(Confidential); P00031(Confidential); P00032(Confidential):p.124519.
[948] *See* Annex 10.
[949] *See* Section_II.B.1(b).
[950] *E.g.* P00111_ET(Confidential):pp.21-22,38-46,337,385-386,388.
[951] P00114(Confidential)/P00114_ET(Confidential).
[952] P00087(Confidential)/P00087_ET(Confidential); P00091(Confidential)/P00091_ET(Confidential); P00094(Confidential)/P00094_ET(Confidential); P00096(Confidential)/P00096_ET(Confidential); P00097(Confidential)/P00097_ET(Confidential); P00099(Confidential)/P00099_ET(Confidential). By way of example, in one such call between THAÇI and Isni THAÇI at P00091_ET(Confidential)/P00091(Confidential), the speakers' voices are identifiable both by comparison to other Visit Recordings, as well as from the call's contents, including the references to

speakers are also identifiable from repeated references to their: (i) nicknames 'Stilli' and 'Sami';[953] and (ii) positions, including **THAÇI's** as 'president' or 'party chairman'.[954] Isni THAÇI and Sami LUSHTAKU are further identifiable from their discussions of their travel and of people and events outside of the DC.[955]

(ii) Interference instructions and revelation of confidential information

326. Early in the visit, **THAÇI** discussed Case 6 proceedings, including summarising parts of the testimony of [REDACTED] two SPO witnesses. He derided both witnesses and revealed confidential testimony, including from [REDACTED], whom he called '[REDACTED]' and '[REDACTED]', all as seen here:

> HASHIM THAÇI: [Indiscernible] prosecutors, and judges… Bam! Fuck it! When I get out at two-thirty, as if it is a new day. We are finished at four. But now it has started really well. [Indiscernible]. [Clears his throat] First, I gave a blow to [REDACTED].
> SAMI LUSHTAKU: Yes.
> HASHIM THAÇI: [REDACTED].
> SAMI LUSHTAKU: [REDACTED].
> HASHIM THAÇI: [REDACTED] --
> SAMI LUSHTAKU: [REDACTED].
> HASHIM THAÇI: [REDACTED]. [REDACTED]. [Indiscernible] out of respect [Indiscernible]. There is justice here.
> ISNI THAÇI: [Indiscernible].
> HASHIM THAÇI: There is justice here. There is justice here. [REDACTED]. Then came [REDACTED].
> ISNI THAÇI: Yes.
> HASHIM THAÇI: [With a low voice] When he comes, he fucks us up.
> ISNI THAÇI: [With a low voice] He fucks us up.

THAÇI as 'chief' and the context of the discussion about the upcoming DC visit. That Isni THAÇI is the call participant in all five calls is confirmed by the matches between the relevant phone number and: (i) the phone number provided by Isni THAÇI in his visit applications (*see* P00029_ET(Confidential)/P00029(Confidential):p.SPOE00363557; P00060_ET(Confidential)/P00060(Confidential):p.SPOE00363879); (ii) the phone number provided for 'Stilli' by Abelard TAHIRI (*see* P00086_ET(Confidential)), in addition to THAÇI addressing Isni THAÇI as 'STILLI' during one of the calls involving the same phone number (*see* P00087_ET(Confidential):p.1).

[953] P00111_ET(Confidential)/P00111(Confidential):pp.18,23,65,150,242,299,302.

[954] P00111_ET(Confidential):pp.14,17,25,282. *See also* AF00005(Public).

[955] P00111_ET(Confidential):pp.16,36,176-178,195,303-304,325,381-382,404.

> HASHIM THAÇI: That's right. [REDACTED].[956] […] [REDACTED].[957]
> […]
> HASHIM THAÇI: And, my friend, uh-uh-uh, at the end -- [Indiscernible] [REDACTED].
> SAMI LUSHTAKU: Wow!
> HASHIM THAÇI: [Indiscernible]. [REDACTED].[958]
> […]
> HASHIM THAÇI: […] [REDACTED].[959]

327. After having issued precise instructions to **FAZLIU** on how Witness 1 should testify during the 2 July Visit as detailed above, **THAÇI** in the 4 August Visit praised Witness 1's testimony, describing 'Remi' as having 'show[n] them his chest' and as someone who 'came here, like a man'.[960]

328. As in other visits, **THAÇI** identified additional KLA insider witnesses who would be called to testify as 'the ones from the KLA', explicitly naming 'Bisa' (Witness 2), 'Syla' (Witness 5), 'Koli' (W04401), and 'Shukri' (W01453).[961] **THAÇI** repeatedly referred to these witnesses in portions of the 4 August Visit where he discussed the same Preferred Narrative that formed the basis of his witness interference in other recorded visits. For example, for 'Syla' (Witness 5),[962] **THAÇI** provided an instruction

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[956] P00111_ET(Confidential):pp.39-41/P00111(Confidential):040823-081616.wav(00:02:29-00:04:59).
[957] P00111_ET(Confidential):p.43/P00111(Confidential):040823-082116.wav(00:00:00-00:01:46).
[958] P00111_ET(Confidential):p.44/P00111(Confidential):040823-082116.wav(00:01:50-00:02:30).
[959] P00111_ET(Confidential):p.45/P00111(Confidential):040823-082116.wav(00:03:13-00:03:37). *See also* P00111_ET(Confidential):pp.384,388. THAÇI's reference to [REDACTED]'s testimony as '[REDACTED]' is clear from the identifying facts above, *see also* Section_III.C.1(a)(iv); Section_III.C(d)(ii)d). Additionally, as referenced by THAÇI, [REDACTED] testified about: (i) [REDACTED] (*see* JN.00038(Confidential):pp.[REDACTED] and JN.00039(Confidential):pp.[REDACTED]); (ii) [REDACTED] (*see* JN.00039(Confidential):pp.[REDACTED] and JN.00040(Confidential):pp.[REDACTED]); and (iii) [REDACTED] (*see* JN.00040(Confidential):p.[REDACTED]). *See also* Section_III.D.2(b).
[960] P00111_ET(Confidential):pp.21-22,369-370,396/P00111(Confidential):040823-080116.wav(00:04:23-00:04:31)('He showed them his chest.')/P00111(Confidential):040823-114616.wav(00:04:25-00:04:36)('Remi […] came here, like a man'). *See also* P00111_ET(Confidential):pp.313,327 ('HASHIM THAÇI: […] [Whispers] [Indiscernible] he was saying so beautifully, "Perhaps we have spoken, but they never gave me an order".'). *See also* Section_III.D.2(a) for other examples of THAÇI expressing satisfaction with Witness 1's testimony.
[961] P00111_ET(Confidential):p.389. *See also* Section_III.D.2(a) for other mentions of decisive witnesses.
[962] P00111_ET(Confidential):pp.315,389,391-392.

that mirrors the one he issued to **KUÇI** for Witness 5 during the 3 September Visit, specifically relating to the role of Sabit GECI during the war:

> HASHIM THAÇI: [Whispers] Just that Syla hasn't given statements previously. But it is good. He has something else. Because he is an idiot, he has nothing more in anything else. Nothing. Send him, man, [Indiscernible], to [In Serbian] *bolnicë* [hospital], leave him.
> SAMI LUSHTAKU: Yes.
> HASHIM THAÇI: Just send him to [In Serbian] *bolnicë* [hospital] [Indiscernible] and that's it.
> SAMI LUSHTAKU: No, really, don't worry about it![963]

329. Between facts linked to Witness 5, **THAÇI** also told LUSHTAKU – Witness 5's former deputy in the Drenica Operational Zone[964] – that 'it would be better to have a talk with [Indiscernible]' and '[y]ou should hang out with him'.[965] Similarly, **THAÇI** instructed that 'he should forget, man, that we have had intelligence [Indiscernible] the service',[966] and commented that 'he should know to come back more manly than [Indiscernible]' – a likely reference to Witness 1.[967]

330. Similarly, **THAÇI** asked LUSHTAKU about W01453 – identified in disclosed Case 6 materials as Nerodime Operational Zone Commander[968] – and then told LUSHTAKU: 'Tell him, "Yours -- what was yours, yours, don't go any further"'.[969] This is consistent with **THAÇI's** instructions issued in other visits regarding the remit of witnesses of a similar profile, including Witness 1 and Witness 5, who were also Operational Zone Commanders.[970]

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[963] P00111_ET(Confidential):pp.56-57/P00111(Confidential):040823-083116.wav(00:01:24-00:01:37). *See also* P00111_ET(Confidential):pp.307-308,314; Section_III.C.1(b)(ii)b).
[964] *E.g.* JN.00080(Confidential):p.14.
[965] P00111_ET(Confidential):pp.315-317.
[966] P00111_ET(Confidential):p.390/P00111(Confidential):040823-120116.wav(00:03:25-00:03:41). *See also* P00111_ET(Confidential):pp.320,391; Section_III.C.1(a)(iv); Section_III.C.1(c)(ii)b).
[967] P00111_ET(Confidential):pp.392-395. *See also* Section_III.D.2(a).
[968] *E.g.* JN.00020(Confidential):p.88 ('BUJA was the Operational Zone Commander for Nerodime from June 1998 until the end of the war.'); JN.00059(Confidential):p.SPOE00183320.
[969] P00111_ET(Confidential):pp.309-310.
[970] *See* Section_III.C.1(a)(iv); Section_III.C.1(b)(ii)b).

331. Additional examples of **THAÇI's** Preferred Narrative expressed during the 4 August Visit – which follow the pattern of obstructive instructions in other visits – relate to: (i) the level of KLA and General Staff organisation in summer 1998, including the formation of brigades in Drenica Operational Zone only on paper;[971] (ii) the presence of Rexhep SELIMI at the election of Witness 5 as the Drenica Operational Zone Commander in May 1998;[972] (iii) the location of the General Staff headquarters;[973] (iv) the election of Witness 5 as the KLA General Commander in February 1999 by Operational Zone Commanders and the absence of any meetings in the subsequent period;[974] and (v) threats issued to **THAÇI** in the context of the Rambouillet negotiations.[975] By way of example:

> HASHIM THAÇI: [Whispers] [Indiscernible] [With a low voice] The other thing. All summer they functioned [Indiscernible] -- what the villager said [Indiscernible]. "They, I was upset with them because I thought they can bring me weapons, they didn't. I thought that, uh, they can bring organi... more soldiers, they didn't, they didn't bring uniforms. Not them. I was in better shape than these."
> SAMI LUSHTAKU: Yes, yes.
> HASHIM THAÇI: [With a low voice] "[Indiscernible]. I was in better shape than these. And as far as I am concerned, there was no staff". [Whispers] There isn't any, bro![976]

332. At another point, while speaking in normal tones of voice and shortly after discussing Isni THAÇI's and LUSHTAKU's plan to meet an unidentified individual upon their return from visiting **THAÇI** in The Hague,[977] **THAÇI** - consistent with other visits – described how Case 6 witnesses could explain changes in their testimony

[971] *See also* P00111_ET(Confidential):pp.318-322,391-392. *See also* Section_III.D.1(a)(i); Section_III.C.1(b)(ii)b); Section_III.C.1(c)(ii)b).
[972] P00111_ET(Confidential):pp.316-318. *See also* Section_III.C.1(b)(ii)b).
[973] P00111_ET(Confidential):pp.314-315,391-393. *See also* Section_III.C.2(b)(ii); P00004_ET(Confidential):p.SPOE00343584.
[974] P00111_ET(Confidential):p.315. *See also* Section_III.C.1(b)(ii)b); Section_III.C.1(b)(iii)b); Section_III.C.1(c)(ii)b).
[975] P00111_ET(Confidential):pp.322-323. *See also* Section_III.C.1(c)(ii)b).
[976] P00111_ET(Confidential):p.318/P00111(Confidential):040823-111616.wav(00:01:55-00:02:22).
[977] P00111_ET(Confidential):pp.303-305.

during the SPO preparation sessions, with LUSHTAKU adding that witnesses should 'remove' information:

> HASHIM THAÇI: And it is possible because they bring them two or three days earlier.
> SAMI LUSHTAKU: Uh-huh.
> ISNI THAÇI: Uh-huh.
> HASHIM THAÇI: They have the ability to --
> ISNI THAÇI: To [Indiscernible].
> HASHIM THAÇI: [Mumbles] [Indiscernible] handles them. There [Indiscernible]. And with the others this way [Indiscernible].
> SAMI LUSHTAKU: According to him --
> HASHIM THAÇI: Because they ask, "Do you agree with these earlier ones?".
> SAMI LUSHTAKU: Yes.
> HASHIM THAÇI: There you can [Indiscernible]. In, in fact, according to the lawyers some part wasn't there because it is not any --
> SAMI LUSHTAKU: Yes, indeed, yes, indeed. And it's better to remove, remove, remove, remove.[978]

(b) 15 September Visit

333. It is undisputed that Milaim CAKIQI and Idriz THAÇI visited **THAÇI** at the DC on 15 September 2023 ('**15 September Visit**'), and that P00112 contains the audio recording of the visit.[979] The visit participants are also confirmed by contemporaneous Registry records.[980]

(i) Voice attribution

334. The 15 September Visit recording contains ample evidence confirming the accuracy of the voice attribution in the visit transcript.[981] **THAÇI's** voice is identifiable from the other Visit Recordings,[982] contextually from the discussion of his ongoing

[978] P00111_ET(Confidential):p.306/P00111(Confidential):040823-110616.wav(00:04:07-00:04:34). *See also* P00111_ET(Confidential):p.361. *See also* Section_III.D.1(b).
[979] AF00082(Confidential) ('On 15 September 2023, between 9.50 and 14.00, Milaim CAKIQI, Idriz THAÇI and Gani THAÇI visited Hashim THAÇI at the DC.'). *See also* the next footnote corroborating AF00082(Confidential) that Gani THAÇI was initially also scheduled to visit but only Milaim CAKIQI and Idriz THAÇI actually visited.
[980] P00045(Confidential); P00048(Confidential); P00049(Confidential):p.125380.
[981] *See* Annex 10.
[982] *See* Section_II.B.1(b).

Case 6 proceedings,[983] and from extensive references to his detention,[984] including his recent compassionate release,[985] and CAKIQI's efforts to provide **THAÇI** with commissary funds.[986] Additionally, all three participants were also referred to by their names or nicknames more than 50 times throughout the visit, including 'Mil'/'Mili', 'Idro', and 'boss'.[987] The speakers are further identifiable through references to CAKIQI's and Idriz THAÇI's travel to/from The Hague[988] and other events outside detention.[989]

(ii) Interference instructions and revelation of confidential information

335. Approximately 10 minutes into the visit, **THAÇI** started discussing Case 6 and revealed confidential information, calling Case 6 witnesses 'stupid people' and 'idiots'.[990] **THAÇI** then identified protected witnesses [REDACTED] and [REDACTED] by their place of origin and as [REDACTED] respectively, using a victim's first name ('[REDACTED]'), before describing in detail and disparaging the private session testimony of these witnesses in a manner consistent with **THAÇI's** comments in several other visits.[991]

336. For the next approximately 90 minutes, **THAÇI** and his visitors largely discussed innocuous topics including family, travel, meetings, and **THAÇI's** requests to pass his

[983] P00112_ET(Confidential):pp.6-10,111-112,135-137,150,181-187,224-229,232,299-301.
[984] P00112_ET(Confidential):pp.17,41,142-145,162,208-209,271.
[985] *Compare* P00112_ET(Confidential):pp.41-42 *with* Request F00140:paras.9-10. *See also* Section_III.C.1(b)(i).
[986] P00112_ET(Confidential):pp.144-149,194.
[987] P00112_ET(Confidential):pp.1,4,6,14-16,22,30,58,60,67,70,79,109-110,172,204,253,257-258,275,282,284,303 (Milaim CAKIQI), P00112_ET(Confidential):pp.2,5,28,99,109,145,275,303 (Idriz THAÇI), P00112_ET(Confidential):pp.5,15,28,37,58,88-89,101-102,255,293-294,296 (THAÇI as 'Hashim'), and P00112_ET(Confidential):pp.3-4,19,24,30,33,35,46,60,87,94,109-110,160,206,218,252,258,287 (THAÇI as 'boss').
[988] P00112_ET(Confidential):pp.29-30,41,140,214,253,255.
[989] P00112_ET(Confidential):pp.13,25-26,28-31,90,93,110,114,140,244,252,255-256.
[990] P00112_ET(Confidential):p.6/P00112(Confidential):150923-080354.wav(00:01:12-00:01:20).
[991] P00112_ET(Confidential):pp.7-9,15. *See also* Section_III.D.2(b).

greetings to people outside the DC,[992] with occasional references to Case 6 proceedings.[993]

337. **THAÇI** then revealed parts of confidential SPO witness [REDACTED]'s private session testimony.[994] **THAÇI** did so less than a week after he identified [REDACTED] as an SPO witness – by her full name and parts of her testimony –in the 9 September Visit.[995] Between facts linked to [REDACTED], **THAÇI** also expressed his satisfaction with a prior witness, who 'could not have done any better than he did', since '[t]o everything he said, [Whispers] "I don't remember", "I don't know", "I don't remember", "I don't know", "No, I don't remember", "I don't know".'[996]

338. **THAÇI** then whispered praise for the testimony of Case 6 protected witness [REDACTED],[997] revealing his full name and alluding to his status as a witness, as follows:

> HASHIM THAÇI: [Whispers] This one has [Indiscernible] [REDACTED]. He was brilliant, uh. [REDACTED]. [Whistles] Because, for example, he was [Indiscernible] totally, totally, totally.[998]

339. Later in the visit, **THAÇI** returned to discussing Case 6 proceedings and witnesses, telling his visitors that 'these next three months that are pending are very important'.[999] Consistent with his approach in other visits, and with the audible sound of paper shuffling,[1000] **THAÇI** then oriented his visitors to a document containing SPO

[992] *See generally*, P00112_ET(Confidential):pp.16-134.
[993] *See e.g.* P00112_ET(Confidential):pp.33-34,111-112.
[994] *Compare* P00112_ET(Confidential):pp.135,137 *with* JN.00051(Confidential):pp.[REDACTED]. *See also* AF00061(Confidential); [REDACTED].
[995] *See* Section_III.C.1(c)(ii)a); Section_III.D.2(b).
[996] P00112_ET(Confidential):pp.136-137. *See also* P00112_ET(Confidential):pp.139,149-150; Section III.D.1(b).
[997] AF00066(Confidential); [REDACTED]. *See also* Section_III.C.1(d)(i); Section III.C.1(d)(iii); Section_III.C.2(c)(ii).
[998] P00112_ET(Confidential):p.150/P00112(Confidential):150923-095854.wav(00:00:21-00:00:33). *See also* P00112_ET(Confidential):pp.183,186-187,219-220,229,261.
[999] P00112_ET(Confidential):p.181/P00112(Confidential):150923-101854.wav(00:04:09-00:04:15).
[1000] P00112_ET(Confidential):p.181/P00112(Confidential):150923-101854.wav(00:04:17-00:04:24).

witness names, providing an approximately 20 second pause before naming the witnesses he was focused on:

> HASHIM THAÇI: Yes. [Papers being shuffled] Look, you can see who is coming here. [Movement] Starting from that line.
> [Silence ^00:04:30-00:04:49]
> MILAIM CAKIQI: [Indiscernible].
> HASHIM THAÇI: Believe me, the main ones come here, now, during the next three months. [Whispers] [Indiscernible] Koli, Bisa.
> [150923-102354.wav]
> HASHIM THAÇI: [Whispers] [Indiscernible] BASHOTA, Syla. The four main ones [Indiscernible].
> MILAIM CAKIQI: These are the ones.
> HASHIM THAÇI: They are the ones.
> MILAIM CAKIQI: There are no others.[1001]

340. The same key witnesses were discussed on a number of subsequent occasions, for instance when **THAÇI** stated that multiple upcoming witnesses[1002] 'could come out like Remi'.[1003] This included the 'four superiors', identified as 'Bisa' (Witness 2), 'Syla' (Witness 5), 'Koli'/'BASHOTA' (W04401) and 'Shuki' (W01453), as well as '[REDACTED]' ([REDACTED]), who was targeted for interference just a week later in the 22 September Visit.[1004]

341. **THAÇI** referenced W04401 by name and by reference to Mal BASHOTA multiple times,[1005] and at one point instructed that a message be delivered to him: 'Tell

[1001] P00112_ET(Confidential):pp.181-182/P00112(Confidential):150923-101854.wav(00:04:17-00:04:59),150923-102354.wav(00:00:00-00:00:11). *See also* P00112_ET(Confidential):p.210, where the number of removed witnesses is discussed by THAÇI.
[1002] *Compare* JN.00024.2(Confidential):pp.1-2,4-6 (showing that were included in the list of first 40 witnesses) *with* P00169(Confidential):p.119397(para.7); AF00064(Public); AF4.00123(Confidential); AF4.00132(Confidential); and JN.00011(Confidential):para.12, indicating that none of the witnesses in question had testified in Case 6 by the time of the 15 September Visit.
[1003] P00112_ET(Confidential):p.231. *See also* Section_III.D.2(a).
[1004] P00112_ET(Confidential):pp.231-232/P00112(Confidential):150923-105854.wav(00:01:23-00:02:26). *See also* JN.00046_ET(Confidential):pp.5592-5595; JN.00049_ET(Confidential):pp.5920-5922; P00112_ET(Confidential):pp.156-158; Section_III.C.1(a)(iv) for the instructions issued for Witness 1 during the 2 July Visit in relation to his authority in the Llap Operational Zone.
[1005] P00112_ET(Confidential):pp.151,181,188,208,216,226,231,263,283. For similar identifying factors of W04401, *see* Section_III.C.1(b)(v). *See also* Section_III.C.2(d)(ii).

Koli, "You [are] at a higher level than him."'.[1006] Shortly thereafter, **THAÇI** inquired whether Witness 2 came for lunch and Milaim CAKIQI indicated that he had seen 'Bisa'/'Bislim' a week before.[1007]

342. **THAÇI** repeated parts of his Preferred Narrative that resemble instructions in other visits regarding, for example, the location of General Staff headquarters and the role of **THAÇI** in boosting morale:

> HASHIM THAÇI: For example, this Kali who [Indiscernible]. Who has gotten involved there with him? [With a low voice] Nothing at all. [With a normal voice] He himself has [Indiscernible].
> MILAIM CAKIQI: [Indiscernible].
> HASHIM THAÇI: But there are papers here that [Indiscernible] they are his.
> MILAIM CAKIQI: [Indiscernible].
> HASHIM THAÇI: But he himself should be careful there.
> MILAIM CAKIQI: [Indiscernible].
> HASHIM THAÇI: He should be careful with him. He is [Indiscernible]. Enough [Indiscernible] that's it. He doesn't know anything about [Indiscernible].
> MILAIM CAKIQI: [Indiscernible].
> HASHIM THAÇI: Let alone the other things. He has [Indiscernible] not at all because it was his own house. Where could they have gone?
> MILAIM CAKIQI: That's right. There was nowhere for him to go.
> HASHIM THAÇI: Because, for example, they made [REDACTED]'s house into a general headquarters. There were family relations there.
> MILAIM CAKIQI: House [Indiscernible]. Yes.
> HASHIM THAÇI: They didn't put it/him in there anymore. [Indiscernible].
> MILAIM CAKIQI: No, but [Indiscernible] house, he had --
> HASHIM THAÇI: Yes, indeed.
> MILAIM CAKIQI: -- his own house and it's him.
> HASHIM THAÇI: Yes, but he should [Indiscernible].
> MILAIM CAKIQI: Yes.
> HASHIM THAÇI: Yes, because he says, "When we saw him somewhere he boosted our morale". God forbid, he gave to Syla, fuck it, he gave encouragement because he --
> MILAIM CAKIQI: [Chuckles]
> HASHIM THAÇI: -- what morale to him. He boosted their morale because he himself has fought.
> MILAIM CAKIQI: Yes, indeed, [Indiscernible].
> HASHIM THAÇI: Isn't that so?
> [Overlapping speakers]

[1006] P00112_ET(Confidential):p.183.
[1007] P00112_ET(Confidential):pp.198-199.

> MILAIM CAKIQI: He [Indiscernible].
> HASHIM THAÇI: No one can ever deny him these things.
> MILAIM CAKIQI: No one can ever deny him these things.
> HASHIM THAÇI: Eh. And it's considered that only Adem JASHARI boosted his/their morale. When alive, you know like that?[1008]

343. Finally, **THAÇI** identified to his visitors how an unidentified witness could use his witness preparation session to change a prior answer:

> HASHIM THAÇI: You have to prove yourself. You don't --
> MILAIM CAKIQI: -- nobody can do it any easier than when you do it yourself.
> HASHIM THAÇI: He just does it himself there because they call him two days earlier and ask him, "Do you want to correct anything?" Because earlier... earlier he messed up. [Murmurs] "This is not so. This [Indiscernible].".[1009]

(c) 22 September Visit

344. On 22 September 2023, Milaim AHMETAJ visited **THAÇI** at the DC.[1010] Consistent with and demonstrative of his pattern of obstructive conduct and leadership role, **THAÇI** provided detailed witness interference instructions for AHMETAJ to execute. This time, **THAÇI** issued detailed instructions for AHMETAJ to deliver to SPO witness [REDACTED].

345. **THAÇI's** conduct during the visit followed his *modus operandi* employed across the Core Visits. Specifically, **THAÇI**: (i) attempted to avoid detection by whispering his interference instructions, including while referencing a document containing parts of the witness's prior evidence disclosed in Case 6, with the sounds of writing and paper rustling clearly audible;[1011] (ii) directed AHMETAJ to write down his

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[1008] P00112_ET(Confidential):pp.204-206/P00112(Confidential):150923-103854.wav(00:00:01-00:01:06). *See also* Section_III.C.1(b)(ii); Section_III.C.2(a)(ii); Section_III.D.1(vii); P00004_ET(Confidential):p.SPOE00343584.
[1009] P00112_ET(Confidential):p.189/P00112(Confidential):150923-102854.wav(00:00:14-00:00:31). *See also* Section_III.D.1(b).
[1010] AF00083(Public).
[1011] For examples of THAÇI's and AHMETAJ's whispering, the sounds of paper rustling, the sound of writing, and prolonged silences *see e.g.* P00113_ET(Confidential):pp.19-52/P00113(Confidential):220923-122435.wav(00:04:52-00:04:59),220923-122935.wav,220923-

interference instructions;[1012] and (iii) targeted a witness whom he deemed threatening to his case, and revealed confidential witness information in the process.[1013]

346. At the time of the 22 September Visit, [REDACTED] was a Case 6 protected witness[1014] and listed among the first 40 to testify.[1015] He was anticipated to 'provide highly incriminating evidence'.[1016] **THAÇI's** targeting of [REDACTED] during the 22 September Visit was consistent with his identification of [REDACTED] (by name) among important KLA [REDACTED] witnesses just a week earlier, during **THAÇI's** visit with Milaim CAKIQI and Idriz THAÇI.[1017]

(i) Voice attribution

347. The 22 September Visit recording contains abundant evidence confirming the accuracy of the voice attribution in the visit transcript. There is no dispute that AHMETAJ visited **THAÇI** at the 22 September Visit, and that P00113 contains the audio recording of the visit.[1018] The visit participants are also confirmed by contemporaneous Registry records.[1019]

123435.wav,220923-123935.wav,220923-124435.wav,220923-124935.wav,220923-125435.wav,220923-125935.wav,220923-130435.wav,220923-130935.wav. *Compare with* conversation at normal volume about everyday topics, politics, and acquaintances at P00113_ET(Confidential):p.22(lns.11-15)/P00113(Confidential):220923-123935.wav(00:00:10-00:00:17), P00113_ET(Confidential):p.22(lns.24-25)/P00113(Confidential):220923-123935.wav(00:01:02-00:01:04), P00113_ET(Confidential):p.23(lns.1-11)/P00113(Confidential):220923-123935.wav(00:01:06-00:01:22), P00113_ET(Confidential):p.23(lns.19-25)/P00113(Confidential):220923-123935.wav(00:03:16-00:03:31), P00113_ET(Confidential):pp.50(ln.25)-52(ln.20)/P00113(Confidential):220923-130935.wav(00:03:27-00:04:59).

[1012] P00113_ET(Confidential):pp.21,24-25,27-29,33,44,102.

[1013] P00113_ET(Confidential):pp.19-50,77-85. The SPO notes that throughout the visit THAÇI also derided other witnesses. *See* P00113_ET(Confidential):pp.7-8,73,76-77.

[1014] AF00076(Confidential); JN.00015_ET(Confidential):paras.67,75,132(h).

[1015] JN.00024.2(Confidential):p.3. *See also* JN.00032.2(Confidential):p.2; AF4.00132(Confidential); AF4.00131(Confidential).

[1016] JN.00015_ET(Confidential):para.75.

[1017] P00112_ET(Confidential):p.231. *See also* Section_III.C.2(b)(ii).

[1018] AF00083(Public).

[1019] P00050_ET(Confidential)/P00050(Confidential); P00051_ET(Confidential); P00052_ET(Confidential)/P00052(Confidential); P00053(Confidential); P00054(Confidential); P00055(Confidential):p.124547; P00056(Confidential):p.125399.

348. The visit was between **THAÇI** and AHMETAJ only, rendering the voice identification binary. **THAÇI's** voice is readily identifiable from other evidence.[1020] The Visit Recording contains multiple instances of **THAÇI** referring to AHMETAJ by name or nickname.[1021] And, finally, throughout the visit **THAÇI** and AHMETAJ repeatedly spoke words identifying themselves and each other based both on content and context. For example, at the beginning and end of the visit, **THAÇI** thanked AHMETAJ for visiting him.[1022] Shortly thereafter, AHMETAJ conveyed greetings to **THAÇI** from individuals in Kosovo.[1023] AHMETAJ discussed his travel to the DC to visit **THAÇI**,[1024] as well as other events outside the DC that **THAÇI** could not have participated in while detained.[1025] **THAÇI** also referenced the length of his custody,[1026] his prior role in government,[1027] inquired about the public perception of his possible release in Kosovo,[1028] and discussed his ongoing Case 6 trial, including aspects which **THAÇI** identified as 'not shown for the public'.[1029]

(ii) Interference instructions and revelation of confidential information

349. The visit began with approximately 15 minutes of conversation in normal tones of voice about, *inter alia*, domestic politics, Case 6 proceedings, and life in Kosovo.[1030] **THAÇI** then began whispering instructions to AHMETAJ on how [REDACTED] must testify; specifically, **THAÇI** provided some initial framing for his instructions,[1031]

[1020] *See* Section_II.B.1(b). *See also* Annex 10.
[1021] P00113_ET(Confidential):pp.20,72.
[1022] P00113_ET(Confidential):pp.4,102.
[1023] P00113_ET(Confidential):p.9.
[1024] P00113_ET(Confidential):pp.18,85.
[1025] P00113_ET(Confidential):pp.8-9,18,25,35,52,61,69-70,74,89-90.
[1026] P00113_ET(Confidential):p.6.
[1027] P00113_ET(Confidential):pp.5,7.
[1028] P00113_ET(Confidential):p.85.
[1029] P00113_ET(Confidential):pp.6-8.
[1030] P00113_ET(Confidential):pp.1-18.
[1031] P00113_ET(Confidential):pp.19-21/P00113(Confidential):220923-122435.wav(00:04:52-00:05:00),220923-122935.wav,220923-123435.wav(00:00:00-00:00:12).

followed by nearly five minutes without **THAÇI** or AHMETAJ speaking.[1032] Then, immediately following the sound of pages turning – a sound readily discernible and which the STJ can verify himself – **THAÇI**, whispering, focused AHMETAJ on a series of questions and answers in the document before them:

> [Sound of pages being turned over].
> [Silence 00:00:17-00:00:36].
> [Sound of paper being flicked].
> HASHIM THAÇI: [Indiscernible] [Whispers] it is written here one after the other, questions-answers [Indiscernible].
> MILAIM AHMETAJ: Yes.
> HASHIM THAÇI: [Whispers] This question here, this one.
> [Silence 00:00:46-00:01:02].[1033]

350. The conversation then briefly switched back to normal tones of voice about an unrelated topic,[1034] before **THAÇI** again reverted to whispering instructions.[1035] He drew AHMETAJ's attention to a specific page of [REDACTED]'s prior evidence, stating '[e]specially the part when it comes up, [REDACTED]. [Indiscernible] [REDACTED]. [REDACTED] –'.[1036] This was followed by another nearly 90 seconds,

[1032] P00113_ET(Confidential):p.22/P00113(Confidential):220923-123435.wav(00:00:16-00:04:59),220923-123935.wav(00:00:11). Throughout the visit AHMETAJ was provided significant periods of time to review material and take notes on THAÇI's instructions. The SPO notes that for time periods longer than five seconds, timestamps were provided within the transcript itself.
[1033] P00113_ET(Confidential):p.22/P00113(Confidential):220923-123935.wav(00:00:18-00:01:02).
[1034] P00113_ET(Confidential):pp.22-23.
[1035] P00113_ET(Confidential):p.23.
[1036] P00113_ET(Confidential):p.23/P00113(Confidential):220923-123935.wav(00:01:24-00:02:27).

during which neither man spoke, as AHMETAJ apparently read the paper in front of him.[1037]

351. Shortly thereafter, **THAÇI** instructed AHMETAJ to keep the papers they were discussing, telling him: '[n]ow, who is [Indiscernible] who was saying? As a written part, write it down now. You can take it right now. Keep these three pages.'[1038]

352. **THAÇI** then briefed AHMETAJ on Case 6 witness preparation procedures, and in particular the practice of witnesses reviewing their prior statements before testifying:

> HASHIM THAÇI: [Whispers] No, no, tell him "There is no chance". You just tell this one only. [Indiscernible] tell him, [Indiscernible] because he has lied. [Indiscernible]. Two days before he comes here, they will call him and will give them to him, "You have stated this here, you have stated this.". They will tell him, "Do you have anything to add? Do you have any corrections to make?". And he will be questioned that day of the week [Indiscernible] that I had told you about [Indiscernible]. [Sound of pages being turned over].
> MILAIM AHMETAJ: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] This one is something to [Indiscernible].
> MILAIM AHMETAJ: [Whispers] He wanted to [Indiscernible] here.
> HASHIM THAÇI: [Whispers] That's right, he can't do it afterwards. [Indiscernible] indeed, like this.
> [Sound of papers being picked up].
> MILAIM AHMETAJ: [Whispers] Like this.
> HASHIM THAÇI: [Whispers] Ah, write down the correction. [Indiscernible].
> [Sound of handwriting on paper].[1039]

353. For the next 20 minutes, **THAÇI** continued whispering instructions to AHMETAJ regarding how [REDACTED] should change his evidence to fit **THAÇI**'s Preferred Narrative, as well as how AHMETAJ should approach [REDACTED].[1040] For example, as AHMETAJ was taking notes as directed, **THAÇI** repeated his desired characterisation of the battle of Rahovec as 'chaos' and 'anarchy' five times in approximately 30 seconds, interrupted only by clarifying questions whispered by

[1037] P00113_ET(Confidential):p.23/P00113(Confidential):220923-123935.wav(00:01:51-00:03:16).
[1038] P00113_ET(Confidential):p.24/P00113(Confidential):220923-123935.wav(00:04:15-00:04:29).
[1039] P00113_ET(Confidential):pp.26-27/P00113(Confidential):220923-124435.wav(00:01:06-00:02:06).
[1040] P00113_ET(Confidential):pp.27-44.

AHMETAJ, such as '[w]hat was it once again because I did not understand it?'.[1041] **THAÇI** then provided AHMETAJ a 'template' for [REDACTED] to make certain changes, while the sound of pages turning and paper detaching are clearly audible, and then told AHMETAJ to '[r]ead it out to him and tell him, simply read it out to him and tell him, "You will come [Indiscernible]"'.[1042] **THAÇI** also instructed AHMETAJ to: (i) write certain things down for [REDACTED];[1043] (ii) 'tell him, "you are strong"';[1044] and (iii) take the witness out to coffee.[1045]

354. **THAÇI** then returned to the issue of witness preparation and again detailed precisely which part of [REDACTED]'s prior evidence the witness needed to 'correct':

> HASHIM THAÇI: [Whispers] He has it [Indiscernible]. He has in [REDACTED], he will just have to read them. Then they will ask him and when he reads Part 3 [Indiscernible]. Because he has to read it. Because he has the right to /?correct/ it. For example, [Indiscernible] because they will give it to him to look at them and for him to read them himself and [Indiscernible]. And he gets straight there. And [Indiscernible].[1046]
> […]
>
> [Pages being turned are heard].
> MILAIM AHMETAJ: [Whispers] [REDACTED].
> HASHIM THAÇI: [Whispers] He now has to say those things [Indiscernible] these things. Only from [REDACTED] [Indiscernible].
> MILAIM AHMETAJ: [Whispers] Yes, yes.
> HASHIM THAÇI: [Whispers] But [REDACTED] [Indiscernible] [REDACTED] [Indiscernible].
> MILAIM AHMETAJ: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] [Indiscernible] that this, for example, [Indiscernible] because he can [Indiscernible].
> [Pages being turned over are heard].
> HASHIM THAÇI: [Whispers] Indiscernible] he now, I was [Indiscernible].
> MILAIM AHMETAJ: [Whispers] Yes.

[1041] P00113_ET(Confidential):p.29/P00113(Confidential):220923-124935.wav(00:01:34-00:01:36).
[1042] P00113_ET(Confidential):pp.29-30/P00113(Confidential):220923-124935.wav(00:02:08-00:02:15).
[1043] P00113_ET(Confidential):p.33/P00113(Confidential):220923-124935.wav(00:04:48-00:04:59),220923-125435.wav(00:00:00-00:00:49).
[1044] P00113_ET(Confidential):p.34/P00113(Confidential):220923-125435.wav(00:00:48-00:00:58).
[1045] P00113_ET(Confidential):p.35/P00113(Confidential):220923-125435.wav(00:01:48-00:02:09).
[1046] P00113_ET(Confidential):p.44/P00113(Confidential):220923-130435.wav(00:00:32-00:01:06). *See also* P00113_ET(Confidential):pp.36-38(additional discussion of witness preparation procedures).

> HASHIM THAÇI: [Whispers] [Indiscernible]. He must say, "I do not believe that this happened like this". He must say [Indiscernible] "I have never believed this".
> MILAIM AHMETAJ: [Whispers] Yes.
> HASHIM THAÇI: [Whispers] "Why do I not believe it? Because [Indiscernible]". [Indiscernible]. "[REDACTED] told me that he lied" or something [Indiscernible].[1047]

355. Shortly thereafter **THAÇI** and AHMETAJ resumed speaking in normal tones about innocuous subjects.[1048] Then, after approximately 20 minutes, **THAÇI** resumed discussing Case 6 witnesses,[1049] including whispering about protected witnesses.[1050]

356. As **THAÇI** returned focus to how [REDACTED] should testify, he concluded his instructions to AHMETAJ by again discussing: (i) 'improving' his prior evidence; (ii) keeping it 'as brief as possible'; (iii) 'chaos and anarchy'; and (iv) the knowledge of the General Staff, which resembles the instructions **THAÇI** provided for [REDACTED] earlier in the visit.[1051]

357. The remainder of the visit then shifted back to normal tones and topics, including travel, politics, and mutual acquaintances,[1052] with only sporadic, whispered, mentions of overlapping witness instructions.[1053]

358. That [REDACTED] was the target of **THAÇI's** extensive interference instructions during the 22 September Visit is proven by a multitude of independent and overlapping facts.

[1047] P00113_ET(Confidential):pp.45-46/P00113(Confidential):220923-130435.wav(00:01:47-00:03:04). *See also* P00113_ET(Confidential):p.47/P00113(Confidential):220923-130435.wav(00:04:30-00:04:53) ('you tell him, "You have to correct it", […] tell him "Perhaps the translation was bad"').
[1048] P00113_ET(Confidential):p.51.
[1049] P00113_ET(Confidential):p.73.
[1050] P00113_ET(Confidential):pp.77-85. *Compare e.g.* P00113_ET(Confidential):pp.77-78 *with* P00170(Confidential):p.125841; AF00066(Confidential); JN.00024.2(Confidential):p.4; JN.00018(Confidential):paras.15(v),53,77,93(h)-(i),(m)(THAÇI and AHMETAJ discussed [REDACTED] by family name, known party affiliation, and place of origin).
[1051] P00113_ET(Confidential):pp.81-85.
[1052] P00113_ET(Confidential):pp.85-103.
[1053] P00113_ET(Confidential):pp.88-89,102-103.

359. For example, there are multiple references to the subject-matter of [REDACTED]'s anticipated evidence, including when: (i) **THAÇI** directed AHMETAJ to a *specific passage* of [REDACTED]'s SPO Interview concerning the General Staff;[1054] (ii) **THAÇI** and AHMETAJ identified '[REDACTED]' as a person who gave information to this witness,[1055] a reference to [REDACTED] (an individual named by [REDACTED] in his prior statements as [REDACTED], and who featured in the specific part of [REDACTED]'s SPO Interview concerning [REDACTED] referenced by **THAÇI** during the 22 September Visit);[1056] and (iii) **THAÇI** quoted to AHMETAJ the portion of [REDACTED]'s SPO Interview in which [REDACTED] stated '[REDACTED]'.[1057]

360. **THAÇI's** targeting of [REDACTED] for interference and use of confidential printed material to do so is further proven by printing records obtained from the DC Printing System. Specifically, and as detailed above,[1058] records from the DC Printer establish that the [REDACTED] Document was printed by the DC Printer on 19 September 2023 — three days before AHMETAJ's visit.[1059] The [REDACTED] Document's file name as printed at the DC is '[REDACTED]',[1060] an unambiguous reference to [REDACTED].

361. The [REDACTED] Document as printed at the DC contains three distinct parts, all of which refer to, summarise, and/or directly excerpt prior statements/evidence of

[1054] *Compare* P00113_ET(Confidential):pp.44-46 *with* JN.00084_AT(Confidential):Part3(p.23)/JN.00084_ET(Confidential):Part3(pp.10,23-24)(*e.g.* '[REDACTED]' Emphasis added). *See also* P00216_ET(Confidential):p.SPOE00409316.
[1055] *E.g.* P00113_ET(Confidential):pp.45-46. THAÇI referred to [REDACTED] at least 12 times during the visit. P00113_ET(Confidential):pp.23,25,27,41-42,45-46.
[1056] JN.00084_ET(Confidential):Part3(pp.1,9-10,23-24); JN.00028(Confidential):pp.188-189,para.5.
[1057] *Compare* P00113_ET(Confidential):p.85('HASHIM THAÇI: [Whispers] "I do not know [Indiscernible]". Damn it they might bring him here and they will fuck us up. MILAIM AHMETAJ: [Whispers] [Indiscernible]. HASHIM THAÇI: [Whispers] [Indiscernible] "[REDACTED]".' Emphasis added) *with* JN.00084_ET(Confidential):Part2(p.3)('[REDACTED]' Emphasis added),Part4(p.30)('[REDACTED]' Emphasis added).
[1058] *See* Section_II.B.4(c).
[1059] P00133(Confidential):p.17.
[1060] P00133(Confidential):p.17.

[REDACTED]. The first part, found at the top third of the document's first page under a heading that includes an SPO ERN associated with [REDACTED],[1061] contains a summary of one of [REDACTED]'s prior statements.[1062] The second part is immediately below that and consists of information from another prior statement of [REDACTED]: his [REDACTED] EULEX interview. This is readily apparent from, *inter alia*, the heading for this part of the [REDACTED] Document, which contains the following bold, (digitally) red-highlighted text in the original:[1063]

[Image REDACTED]

362. Not only does the heading include the SPO ERN '054129-054138-AT',[1064] it includes the witness's name[1065] and the EULEX interview reference.[1066]

363. Finally, the third part of the [REDACTED] Document printed at the DC consists entirely of *verbatim* questions and answers extracted from several pages of Parts 3 and 4 of [REDACTED]'s SPO Interview[1067] which was disclosed to **THAÇI** and the other Case 6 co-accused on 30 January 2023.[1068] The below comparison between a portion of [REDACTED]'s SPO Interview (left) and the [REDACTED] Document (right) demonstrates the exact match:

[1061] P00216_ET(Confidential):p.SPOE00409315(using the SPO's Electronic ('SPOE') evidence ERN convention for an Albanian translation ('-AT') of a document: 'SPOE002529-00200536-AT'). *See* JN.00032.2.p.25('SPOE002529-00200536-AT').
[1062] P00216_ET(Confidential):p.SPOE00409315; Report F00617:paras.23-25.
[1063] P00216_ET(Confidential):p.SPOE00409315. For legibility, the tone of the red highlighting in the original seized document has been lightened in the cited text above.
[1064] *See* JN.00032.2(Confidential):p.25; JN.00084_ET(Confidential):Part1(p.6); Report F00617:para.23.
[1065] P00216_ET(Confidential):p.SPOE00409315.
[1066] P00216_ET(Confidential):p.SPOE00409315. *See also* Report F00617:paras.26-29.
[1067] *Compare* P00216(Confidential)(all excerpts with a citation beginning in 054769-TR-AT) *with* JN.00084_AT(Confidential):Part3(pp.11,23),Part4(pp.41,44,50). The SPO notes that the [REDACTED] Document differs from [REDACTED]'s SPO Interview only in that it contains digital highlighting, as seen below.
[1068] JN.00090(Confidential):p.SPOE00409194.

JN.00084_AT(Confidential):Part3,[REDACTED]	P00216(Confidential):p.SPOE00409316 (highlights in the original)
[Image REDACTED]	[Image REDACTED]

The English translation can be seen here:

JN.00084_ET(Confidential):Part3,[REDACTED]	P00216_ET(Confidential):p.SPOE00409316 (highlights in the original)
[Image REDACTED]	[Image REDACTED]

364. Throughout the 22 September Visit, in pursuit of efforts to cast doubt on the responsibility of members of the General Staff as charged in Case 6, **THAÇI** repeatedly referenced this exact portion – Part 3, [REDACTED] – of the Albanian version of [REDACTED]'s SPO Interview,[1069] while issuing instructions to AHMETAJ on how [REDACTED] must testify including in relation to hearsay received from [REDACTED][1070]

(d) 1 October Visit

365. On 1 October 2023, Abelard TAHIRI, Blerim THAÇI, and Isni THAÇI visited **THAÇI** at the DC ('**1 October Visit**'). As detailed below, **THAÇI** issued instructions while discussing multiple Case 6 witnesses and revealed confidential information about protected and non-protected witnesses, including details of testimony given in private session and the scheduling of forthcoming witnesses. As in other visits,

[1069] P00113_ET(Confidential):pp.23,25,44.
[1070] P00113_ET(Confidential):pp.26,40,46. *See also* P00216_ET(Confidential); JN.00084_ET(Confidential):Part1(pp.30-33),Part3(pp.10-13,23-30),Part4(pp.2-18,41,44,50).

THAÇI and his visitors attempted to obfuscate their discussion at several points, including by whispering and holding parallel conversations.

(i) Voice attribution

366. There is no dispute that Abelard TAHIRI, Blerim THAÇI, and Isni THAÇI visited **THAÇI** on 1 October 2023, and that P00114 contains the audio recording of that visit.[1071] The visit participants are also confirmed by contemporaneous Registry records.[1072]

367. The 1 October Visit recording contains evidence confirming the accuracy of the voice attribution in the visit transcript.[1073] In addition to **THAÇI's** voice being readily identifiable from other evidence in this case,[1074] Abelard TAHIRI and Isni THAÇI referred to **THAÇI** as 'boss' or 'chief' throughout the visit,[1075] and **THAÇI** identified himself as being 'in prison', with 'Kadri' (VESELI) and 'Jakup' (KRASNIQI).[1076] Throughout, **THAÇI** and Isni THAÇI addressed Abelard TAHIRI by his full first name or the abbreviated 'Abel'.[1077] **THAÇI** also addressed Blerim THAÇI by his first

[1071] AF00084(Confidential). Isni THAÇI had previously visited THAÇI on 4 August 2023, along with Sami LUSHTAKU. *See also* Section_III.C.2(a); AF00079(Confidential); AF00006(Public).
[1072] P00062(Confidential):p.124556; P00063(Confidential):p.125391; P00057_ET(Confidential)/P00057(Confidential); P00058_ET(Confidential); P00059_ET(Confidential)/P00059(Confidential); P00060_ET(Confidential)/P00060(Confidential). *See also* P00112_ET(Confidential):pp.161-162 (THAÇI discussing the upcoming visit of Blerim THAÇI and Isni THAÇI 'on the 1st').
[1073] *See* Annex 10.
[1074] Section_II.B.1(b).
[1075] P00114_ET(Confidential):pp.11-13,21,31-32,34,94,165,233,250,255,289,307.
[1076] P00114_ET(Confidential):p.49/P00114(Confidential):011023-083825.wav(00:01:57-00:02:16), P00114_ET(Confidential):p.209/P00114(Confidential):011023-103809.wav(00:02:51-00:03:01), P00114_ET(Confidential):p.281/P00114(Confidential): 011023-113309.wav(00:02:47-00:02:52).
[1077] P00114_ET(Confidential):pp.15,21,26-27,45-46,49,56,68,74,94,100,125-126,133,158,162,173,175,187,208-209,213,249,267,280,289,307. At the start of the Visit Recording, Hysni GUCATI, who is in a nearby room, also refers to Abelard TAHIRI by his first name – *see* P00114_ET(Confidential):pp.1,11,14.

name or short name 'Blero',[1078] and addressed Isni THAÇI by his nickname, 'Stilli' or 'Shtilli' and other iterations thereof.[1079]

(ii) Interference instructions and revelation of confidential information

368. As in other visits, **THAÇI** identified 'Bisa' (Witness 2),[1080] 'Koli'/'Kola' (W04401),[1081] 'Shukja'/'Shukri'/'Shuki' (W01453)[1082] and 'Syla' (Witness 5)[1083] in the context of 'decisive' witnesses in Case 6,[1084] and expressed satisfaction with Witness 1 as 'a very good example' for other witnesses.[1085] **THAÇI** also provided specific instructions for W04401, noting that he should 'rectify two things, which he was foolish enough to say then' – including on the topic of issuing communiques – and that he 'should be focused when he comes here'.[1086]

[1078] P00114_ET(Confidential):pp.18,209,229.
[1079] Regarding Isni THAÇI's nickname 'Shtilli', *see also* Section_III.C.2(a). P00114_ET(Confidential):pp.14,21,26,31-32,34,79,94-95,98,153,175-176,189,202,256.
[1080] P00114_ET(Confidential):pp.50-51,53. For his identification as one of the key witnesses in Case 6 in other visits, *see* Section_III.D.2(a).
[1081] P00114_ET(Confidential):pp.52-54. In addition to his short name 'Koli'/'Kola', W04401's identification is clear from, *inter alia*: (i) THAÇI's references to him as a 'decisive' witness in the context of other high-level KLA insiders in Case 6 – *see also* Section_III.D.2(a); (ii) the reference to 'Koli' as not having 'given an interview here' - *see* JN.00085(Confidential); (iii) the reference to 'Koli' having testified 'at the Tribunal once' - *see* JN.00087.1(Confidential); JN.00087.2(Confidential); JN.00087.3(Confidential); JN.00087.4(Confidential); JN.00087.5(Confidential); JN.00087.6(Confidential); JN.00087.7(Confidential); JN.00088(Confidential); and (iv) W04401's February 1999 departure after 'Ramush' fired his weapon. *see* P00125_ET(Confidential):p.SPOE00344959.
[1082] P00114_ET(Confidential):pp.29,51,53-54. For his identification as one of the key witnesses in Case 6 in other DC visits, *see* Section_III.D.2(a).
[1083] P00114_ET(Confidential):p.53. For his identification as one of the key witnesses in Case 6 in other DC visits, *see* Section_III.D.2(a).
[1084] P00114_ET(Confidential):pp.50-55/P00114(Confidential):011023-083825.wav(00:03:37-00:04:59),011023-084325.wav(00:00:00-00:03:35). *See also* Section_III.D.2(a).
[1085] P00114_ET(Confidential):p.54. *See also* P00114_ET(Confidential):p.51; Section_III.D.2(a).
[1086] P00114_ET(Confidential):pp.53-54/P00114(Confidential):011023-084325.wav(00:01:30-00:02:13). *Compare with* JN.00088(Confidential):p.3(para.8) and JN.00087.1(Confidential):Part1(p.10), which include W04401's prior evidence on communiques.

369. In the context of instructing his visitors on what they 'should tell' a witness[1087] and agreeing that 'one should sit down with him',[1088] **THAÇI** outlined his Preferred Narrative – consistent with his witness instructions in other visits, the SMAKAJ Document, and the KILAJ Loose Notes – regarding the key role and independence of Operational Zone Commanders *vis-à-vis* the General Staff, and the absence of orders issued by the General Staff. As **THAÇI** stated:

> HASHIM THAÇI: But he said, "The General Staff had nothing in its hands. It was not an organized body [Indiscernible] for a month".
> ISNI THAÇI: [Indiscernible].
> HASHIM THAÇI: What? Nothing. He should only say the same thing, "The zone commanders were in charge".[1089]
> […]
> HASHIM THAÇI: […] "I did not know what some thieves or some rascals were doing, misusing [power] to settle personal scores for revenge. Hence I do not know anything". It will be easy for him, because these here will not dare to wait, because they are not allowed by law to do it. Remi would not have gone without – but the law with respect to those who have undergone proceedings does not -- they will just ask him, "Did you receive orders from these ones here?", and things like that
> ISNI THAÇI: Yes.
> HASHIM THAÇI: He should only say, "I was independent". Nothing else.
> ISNI THAÇI: "No, I did not receive any".
> HASHIM THAÇI: Yes, indeed. Just, "independent".[1090]

370. Similarly, **THAÇI** provided instructions related to an unidentified witness's recognition of an individual, and outlined the specific answer the witness should provide.[1091]

371. During the visit, **THAÇI** – as indicated by both the content and context of the conversation – also discussed other Case 6 witnesses.[1092] The *modus operandi* of parts of

[1087] P00114_ET(Confidential):p.56 ('HASHIM THAÇI: No, no, in fact you should tell him "There is nothing left there. There is nothing". They will call him soon.').
[1088] P00114_ET(Confidential):p.56.
[1089] P00114_ET(Confidential):p.55/P00114(Confidential):011023-084325.wav(00:03:23-00:03:32).
[1090] P00114_ET(Confidential):p.53/P00114(Confidential):011023-084325.wav(00:00:42-00:01:12).
[1091] P00114_ET(Confidential):p.52 ('HASHIM THAÇI: […] They might ask him, "Did you recognize [him]?". There he should say, "Sir, you should know I had nothing". Do you understand?').
[1092] *See e.g.* P00114_ET(Confidential):pp.78,85,282-284.

the visit with whispers, parallel conversations and sound of paper – in combination with limited discernible words such as '[t]hese are the question' and 'because it will cause harm' – also resembles other occasions during which **THAÇI** provided witness-specific instructions.[1093]

372. In one such instance, **THAÇI** provided instructions closely matching his instructions for Witness 4 which he issued to **KILAJ** and KRYEZIU less than a week later during the 6 October Visit. This includes instructions related to Witness 4's [REDACTED], as well as [REDACTED] to individuals and not the KLA itself, as seen below:

> HASHIM THAÇI: [Whispers] He has to be told that this one just [Indiscernible].
> ABELARD TAHIRI: Yes.
> HASHIM THAÇI: [Whispers] "[Indiscernible] mustn't slander them [Indiscernible] they wanted to push me to slander them, but I did not slander them because [Indiscernible]".
> ABELARD TAHIRI: Yes. Yes, yes.
> HASHIM THAÇI: [Whispers] What did he say?
> ABELARD TAHIRI: [Whispers] [Indiscernible].
> HASHIM THAÇI: Uh! [Indiscernible] Yes.
> ABELARD TAHIRI: Those, yes [Indiscernible].
> HASHIM THAÇI: [Whispers] [Indiscernible].
> ABELARD TAHIRI: [Whispers] [Indiscernible].
> HASHIM THAÇI: Huh?
> ABELARD TAHIRI: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] [Indiscernible] and that's it.
> ABELARD TAHIRI: Done deal, done deal [Indiscernible].
> HASHIM THAÇI: [Whispers] [Indiscernible] one more thing [Indiscernible] "they were individuals, it was not the KLA, there was no KLA".
> ABELARD TAHIRI: [Whispers] Yes, that's right.
> HASHIM THAÇI: [Whispers] [Indiscernible].
> ABELARD TAHIRI: [Whispers] [Indiscernible].
> HASHIM THAÇI: [Whispers] Just [Indiscernible] like this. "[REDACTED]".
> ABELARD TAHIRI: Yes. These other things [Indiscernible].
> HASHIM THAÇI: No, just those.[1094]

[1093] P00114_ET(Confidential):pp.41-44.
[1094] P00114_ET(Confidential):pp.297-299/ P00114(Confidential):011023-114809.wav(00:00:56-00:01:46). *Compare with* Section_III.C.1(d)(ii)c).

373. As in other visits, **THAÇI** discussed the prior testimony of various witnesses including – in detail – the testimony of protected witnesses [REDACTED] and [REDACTED], which was conducted in private session.[1095] Again,[1096] **THAÇI** used personalised and derogatory language, repeatedly referring to [REDACTED]'s and [REDACTED]'s [REDACTED] as a '[REDACTED]'[1097] who had '[REDACTED]',[1098] and to a witness as the '[REDACTED]'.[1099] **THAÇI** also shared information about the scheduling of upcoming Case 6 witnesses, for example telling his visitors that 'when Bisa [Witness 2] comes […] I think in October -- not in October, but in November he will be one of the first one. He might be one of the first ones'.[1100]

374. At several points, **THAÇI** displayed his awareness of the confidential nature of the testimony under discussion by explicitly acknowledging that it was not publicly broadcast:

> HASHIM THAÇI: The important thing is -- the biggest problem with us here, Abelard, is that they are not showing it on television. They are not making it public.
> ABELARD TAHIRI: Public. Because they should have [Indiscernible] to do it [Indiscernible].
> HASHIM THAÇI: The case would collapse while the proceedings are still ongoing.
> ABELARD TAHIRI: The proceedings are still ongoing.
> HASHIM THAÇI: Because the pressure of the public opinion would have been extraordinary.
> ABELARD TAHIRI: The public opinion, ahh!
> HASHIM THAÇI: Because we, to tell you the truth we spent four days dealing with [REDACTED]! Four days!
> ISNI THAÇI: All the television stations would have definitely broadcast it.

[1095] P00114_ET(Confidential):pp.57-61. For identifying factors concerning [REDACTED] and [REDACTED], *see* Section_III.C.1(a)(iv); Section_III.C.1(c)(ii)a); Section_III.C.1(c)(iv)a); Section_III.C.1(d)(ii)d); Section_III.C.2(b)(ii).
[1096] *See* Section_III.D.2(b).
[1097] P00114_ET(Confidential):p.57. *See also* P00114_ET(Confidential):p.59 ('[REDACTED]').
[1098] P00114_ET(Confidential):p.57; P00114(Confidential):011023-084325.wav(00:04:48-00:04:59), 011023-084825.wav(00:00:00-00:00:11).
[1099] P00114_ET(Confidential):p.59.
[1100] P00114_ET(Confidential):p.50. *See also* P00114_ET(Confidential):pp.49,259.

HASHIM THAÇI: Not just -- yes, indeed.[1101]

D. THAÇI'S LEADERSHIP ROLE AND PATTERN OF INTERFERENCE INSTRUCTIONS

375. All nine of **THAÇI's** recorded visits admitted in this case reveal his leadership role and his consistent, deliberate pattern regarding, *inter alia*: (i) the specific content and themes of **THAÇI's** witness interference instructions; (ii) the manner in which **THAÇI** wanted the targeted witnesses to conduct themselves before and during their testimony; (iii) **THAÇI's** *modus operandi* for issuing and concealing his interference instructions, including his repeated use of documents to instruct his Co-Accused on his precise instructions; and (iv) **THAÇI's** targeting of specific categories of witnesses he deemed 'decisive' or otherwise threatening to his defence in Case 6.

1. THAÇI's Instructions to His Visitors Across Multiple Visits

(a) Instructions on the content of expected testimony

376. The witness interference instructions **THAÇI** delivered to his visitors across the Core Visits and Pattern Visits contain multiple common elements aimed at minimising both the overall level of KLA/General Staff organisation and **THAÇI's** own roles and responsibilities in the context of charged Case 6 conduct, while deflecting responsibility to others. These common instructions for witnesses are consistent with and reflect **THAÇI's** Preferred Narrative as reflected, for example, in the SMAKAJ Document and KILAJ Loose Notes. While the evidence shows **THAÇI** providing over 20 common instructions,[1102] the following 10 exemplars are detailed below.

[1101] P00114_ET(Confidential):pp.56-57/P00114(Confidential):011023-084325.wav(00:04:07-00:04:44). *See also* P00114_ET(Confidential):p.63; Section_III.C.1(c)(ii)a); Section_III.C.1(c)(iv)a); Section_III.C.1(d)(ii)d); Section_III.C.2(c)(i) for other evidence of THAÇI's awareness of non-public nature of witness testimonies.

[1102] Other instructions direct, for example, that the armed resistance in Kosovo would have taken place after the JASHARI killings even without the KLA (*e.g.* P00106_ET(Confidential):pp.70-72/P00106_LSU.1(Confidential):pp.30-31; P00108_ET(Confidential):pp.190-191;

(i) Limited organisation of the KLA between at least March and July 1998

377. In multiple visits, **THAÇI** emphasised that during the period between at least March and July 1998, the KLA was an army of volunteers without a proper structure or organisation.[1103] The KLA followed rather than led the arming of the population, which occurred as a voluntary initiative in response to the Serb offensive in Kosovo.[1104]

378. During the 3 September Visit, part of **THAÇI's** instructions directed at Witness 2 was that the KLA 'was an army of volunteers, from down up'.[1105] In the 9 September Visit, the message for Witness 2 was stressed again: 'they were all volunteers. No, all volunteers'. [1106] Witness 5 was to get the same message, as seen in **THAÇI's**

P00111_ET(Confidential):pp.391-392); that the brigades within the Drenica Operational Zone were formed only on paper (*e.g.* P00106_ET(Confidential):pp.72-73/P00106_LSU.2(Confidential):pp.76-77; P00111_ET(Confidential):pp.318-319,391); or that Likoc/Likovac was never the KLA/General Staff headquarters (P00106_ET(Confidential):p.75/P00106_LSU.2(Confidential):p.78; P00111_ET(Confidential):pp.315; P00112_ET(Confidential):pp.204-206).

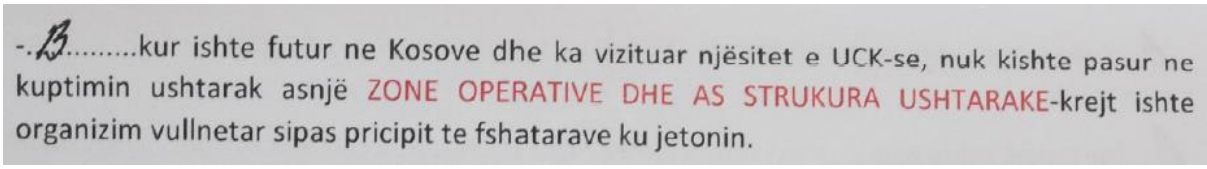
[1103] *E.g.* P00106_ET(Confidential):pp.71-72/P00106_LSU.1(Confidential):p.76, P00106_ET(Confidential):p.104/P00106_LSU.1(Confidential):p.55.

[1104] *See* P00108_ET(Confidential):p.192/P00108_LSU(Confidential):pp.28-29.

[1105] P00106_ET(Confidential):pp.103-104/P00106_LSU.1(Confidential):p.55 ('HASHIM THAÇI: [Whispers] "[…] What could we do? Either confront or agree with them. I agreed". We were faced with a fait accompli. One has to tell him. Because he [Indiscernible]. … to tell him, "Either to confront them, kill each other or -- we came to an agreement, however, it was not done on the basis of military regulations. This means that it was an army of volunteers, from down up". This should be said, man.').

[1106] P00108_ET(Confidential):pp.191-192/P00108_LSU(Confidential):pp.28-29 ('HASHIM THAÇI: In March '98 there were 70-80 people, one month later there were 5.000 people. BLERIM SHALA: Yes. HASHIM THAÇI: [With a lower voice] Because they went to Albania to get weapons. They went on foot until July. BLERIM SHALA: Yes. HASHIM THAÇI: In July -- everyone was a volunteer, I mean, until July -- in July Rahovec happened. BLERIM SHALA: Yes. HASHIM THAÇI: Since Rahovec until the MILOSEVIC-HOLBROOKE agreement, the KLA was in survival mode, no organisation. […] You saw it, it was in survival mode, no organisation. If we made any steps in March-July – BLERIM SHALA: Just three steps— HASHIM THAÇI: -- they were all volunteers. No, all volunteers. BLERIM SHALA: Volunteers. HASHIM THAÇI: The KLA was more -- believe me, followed the developments, [Lowers his voice] did not lead them [Indiscernible]. BLERIM SHALA: That's right. Very accurate. HASHIM THAÇI: And it followed the arming of the population, for the brand to work. [Lowers his voice] [Rustling noise] [Indiscernible] what it means [Indiscernible]. BLERIM SHALA: Yes, yes, of course. HASHIM THAÇI: [Indiscernible] This means, from March until July everything was on a volunteer basis. In July it started, and volunteering was destroyed.'). *See also* P00108_ET(Confidential):p.202 ('HASHIM THAÇI: And now I am saying -- it is very valuable. March-July -- […] -- all on a volunteer basis.'), P00108_ET(Confidential):p.213/P00108_LSU(Confidential):p.42 ('HASHIM THAÇI: Tell him, "You could not, all the villagers were volunteers, and" -- ARTAN BEHRAMI: [Indiscernible]. [Noise of chairs creaking].').

instructions during the 4 August Visit ('they didn't bring uniforms'; 'no one knew where anyone was!')[1107] and the 3 September Visit ('[a]ll volunteers').[1108] These instructions are also consistent with the narrative outlined in the SMAKAJ Document, where it is stated in reference to Witness 2 ['B' for Bislim ZYRAPI[1109]] that:[1110]


-.B.....kur ishte futur ne Kosove dhe ka vizituar njësitet e UCK-se, nuk kishte pasur ne kuptimin ushtarak asnjë ZONE OPERATIVE DHE AS STRUKURA USHTARAKE-krejt ishte organizim vullnetar sipas pricipit te fshatarave ku jetonin.

With the corresponding English translation (highlights in the original):[1111]

- When .....*B*..... entered Kosovo and visited the units of the KLA, there were no OPERATIONAL ZONES OR MILITARY STRUCTURES in the military sense. It was all organized voluntarily according to the principles of the villages they lived in.

379. The KILAJ Loose Notes contain similar instructions ('KLA voluntary'),[1112] and the handwritten instructions **KILAJ** texted to Kushtrim KRASNIQI also included the following:

[1107] P00111_ET(Confidential):p.318 ('HASHIM THAÇI: [Whispers] [Indiscernible] [With a low voice] The other thing. All summer they functioned [Indiscernible] -- what the villager said [Indiscernible]. "They, I was upset with them because I thought they can bring me weapons, they didn't. I thought that, uh, they can bring organi... more soldiers, they didn't, they didn't bring uniforms. Not them. I was in better shape than these." SAMI LUSHTAKU: Yes, yes. HASHIM THAÇI: [With a low voice] "[Indiscernible]. I was in better shape than these. And as far as I am concerned, there was no staff". [Whispers] There isn't any, bro! [Indiscernible] motherfucker [Indiscernible]. SAMI LUSHTAKU: Are you ashamed of them? HASHIM THAÇI: Look, the offensives started in July, then no one knew where anyone was!').
[1108] P00106_ET(Confidential):pp.59-60/P00106_LSU.1(Confidential):p.9 ('HASHIM THAÇI: [Whispers] Imer HALITI. He should mention these two, "From the Emergency [Fund], from BUKOSHI's Fund, from the Diaspora. The Staff did not give us a single penny". It is true. They did not take [Indiscernible]. On the other hand, "All volunteers".'). *See also* P00106_ET(Confidential):pp.71-72/P00106_LSU.2(Confidential):p.76 ('HASHIM THAÇI: [Whispers] "There were volunteers throughout the whole spring, going to Albania and back, back and forth. The volunteers were coming until July; they went back and forth. I sent them -- I did not send them, the people went voluntarily to collect weapons. I also went there and I was wounded". He should tell how he went, because there was no organization. He went there himself, together with Sami.').
[1109] P00125_ET(Confidential):pp.SPOE00344953-SPOE00344954(handwritten nature of letter 'B' visible in Albanian original) (emphasis in original). As indicated above, the letter 'B' in the SMAKAJ Document is handwritten and refers to Witness 2. *See also* Section_III.C.1(c)(iv)b).
[1110] P00125(Confidential):p.SPOE00344953 (highlights in the original).
[1111] P00125_ET(Confidential):p.SPOE00344953.
[1112] P00004_ET(Confidential):p.SPOE00343584.

> KLA was a volunteer force. The first guerilla units were established in the 1990-s, firstly in Drenica and then in several parts of Kosovo. It /KLA/did not spread all over Kosovo even when the war ended […] As a former military person I was also a volunteer […].[1113]

(ii) The General Staff composition until November 1998 and THAÇI's membership therein

380. Through his instructions delivered during the 3 September Visit,[1114] 9 September Visit[1115] and 7 October Visit[1116], **THAÇI** attempted to diminish witness testimony about the General Staff's power and authority, and minimise his own involvement therein, during the period from spring/summer of 1998 to November 1998.

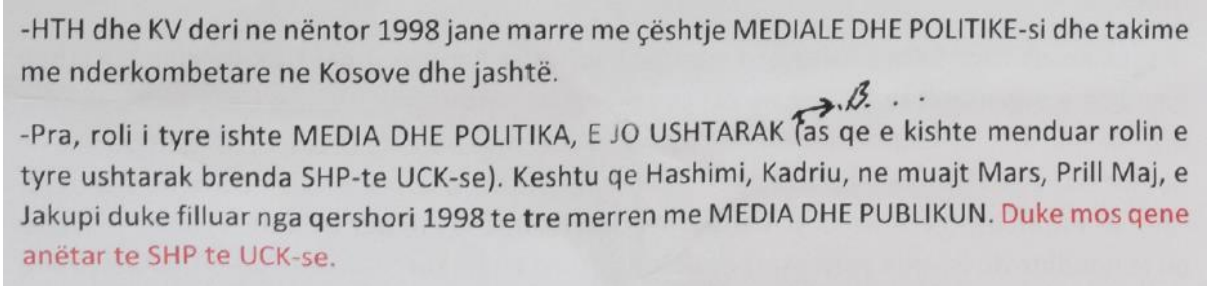
381. For example, during the 7 October Visit **THAÇI** directed that Witness 2 explain that 'until November they had nothing. […] The General Staff had six people; there was nothing.'[1117] **THAÇI** identified the General Staff members until November 1998 as 'Sokol', 'Rexha', 'Lahi BRAHIMAJ', 'Azem', 'Xhavit', and 'Xheladin GASHI', and described some of them as 'literature students', 'those from Lahim's travel agency' and 'three […] abroad'.[1118]

382. During the 3 September Visit, **THAÇI** instructed Witness 2, via **KUÇI**, to testify that in November 1998 both **THAÇI** and VESELI only worked with the media, and that they, together with Witness 2, '"[…] became Staff members on the same day in November '98".'[1119] In an attempt to minimise any responsibility of the General Staff

[1113] P00208_ET(Confidential):pp.8,10-11 (directed at W04403); *See also* AF00018; Section_III.C.1(d).
[1114] P00106_ET(Confidential):pp.92-103/P00106_LSU.1(Confidential):pp.42-43,49-50,55/P00106_LSU.2(Confidential):pp.87-90, P00106_ET(Confidential):pp.105-109/P00106_LSU.1(Confidential):p.56/P00106_LSU.2(Confidential):pp.90-92.
[1115] P00108_ET(Confidential):pp.211-212/P00108_LSU(Confidential):pp.41-42.
[1116] P00110_ET(Confidential):pp.109-112/P00110_LSU.3(Confidential):p.27, P00110_ET(Confidential):p.115/P00110_LSU.3(Confidential):p.29.
[1117] P00110_ET(Confidential):pp.111-112.
[1118] P00110_ET(Confidential):pp.112-113/P00110_LSU.3(Confidential):pp.27-28.
[1119] P00106_ET(Confidential):pp.92-93/P00106_LSU.1(Confidential):pp.42-43. *See also* P00110_ET(Confidential):pp.113-114/P00110_LSU.3(Confidential):pp.28-29.

during the summer of 1998 as charged in the Case 6 Indictment, **THAÇI** also emphasised that 'we need to have the whole summer period removed'.[1120]

383. These instructions are consistent with the narrative included in the SMAKAJ Document, which asserts that in July 1998 the General Staff consisted of only six people: 'A. Syla', 'So[k]o[l] Bashota',[1121] Rexhep Selimi, Lahi Ibrahimaj, Xheladin Gashi and Xhavit Haliti.[1122] **THAÇI** is conspicuously absent from the list, with the SMAKAJ Document further including that:[1123]



-HTH dhe KV deri ne nëntor 1998 jane marre me çështje MEDIALE DHE POLITIKE-si dhe takime me nderkombetare ne Kosove dhe jashtë.

-Pra, roli i tyre ishte MEDIA DHE POLITIKA, E JO USHTARAK (as qe e kishte menduar rolin e tyre ushtarak brenda SHP-te UCK-se). Keshtu qe Hashimi, Kadriu, ne muajt Mars, Prill Maj, e Jakupi duke filluar nga qershori 1998 te tre merren me MEDIA DHE PUBLIKUN. Duke mos qene anëtar te SHP te UCK-se.

With the corresponding English translation (highlights in the original):[1124]

- Until November 1998, HTH and KV have dealt with POLITICAL AND MEDIA related issues, as well as meetings with internationals inside and outside of Kosovo.
- Therefore, their role was MEDIA AND POLITICS, NOT MILITARY (did not even consider their role within the GS of the KLA as military). As a result, Hashim and Kadri in the months of March, April and May, as well as Jakup, from June 1998 onwards deal with THE MEDIA AND THE PUBLIC, not being members of the GS of the KLA.

(iii) THAÇI and VESELI were abroad between November 1998 and March 1999

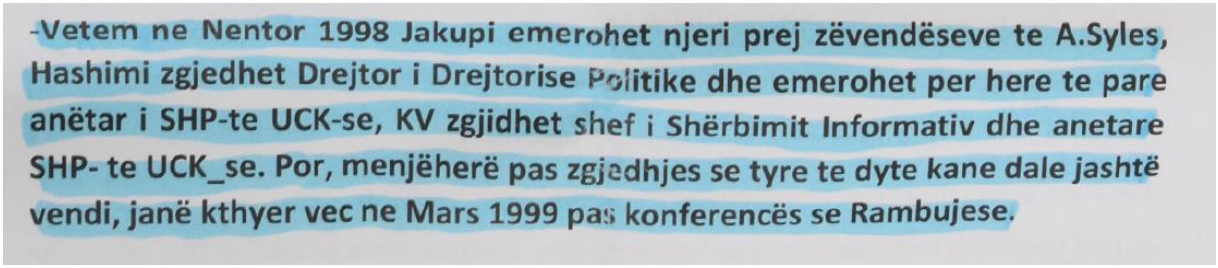
384. Consistent with his efforts to minimise his responsibility for charged Case 6 conduct between November 1998 and March 1999, **THAÇI** instructed both **KUÇI** and

[1120] P00106_ET(Confidential):p.95/P00106_LSU.1(Confidential):p.49.
[1121] The SPO's English translation of the document includes the inadvertent typographical error 'Solok', while the original Albanian correctly refers to 'Sokol' BASHOTA (W04401) – *see* P00125(Confidential):p.SPOE00344952.
[1122] P00125_ET(Confidential):p.SPOE00344952.
[1123] P00125(Confidential):p.SPOE00344953(highlights in the original).
[1124] P00125_ET(Confidential):p.SPOE00344953.

SMAKAJ that Witness 2 should testify that **THAÇI** and VESELI were abroad during that period.

385. For instance, during the 3 September Visit, **THAÇI** instructed **KUÇI** that Witness 2 must testify that '[t]he third week of November Kadri and I went abroad and stayed until March when we returned. […] [Whispers] In terms of [Indiscernible] November-March, I was not there.'[1125] In his conversation with **SMAKAJ** and with the other visitors on 9 September 2023, **THAÇI** similarly directed that Witness 2 '"[r]emove November, there was no staff, 'they went abroad'".'[1126]

386. **THAÇI's** instructions on this topic are also reflected in the SMAKAJ Document, which includes the following:[1127]


-Vetem ne Nentor 1998 Jakupi emerohet njeri prej zëvendëseve te A.Syles, Hashimi zgjedhet Drejtor i Drejtorise Politike dhe emerohet per here te pare anëtar i SHP-te UCK-se, KV zgjidhet shef i Shërbimit Informativ dhe anetare SHP- te UCK_se. Por, menjëherë pas zgjedhjes se tyre te dyte kane dale jashtë vendi, janë kthyer vec ne Mars 1999 pas konferencës se Rambujese.

With the corresponding English translation (highlights in the original):[1128]

- **Jakup is appointed one of the deputies of A. Syla only in November 1998; Hashim gets elected Director of the Political Directorate and gets appointed for the first time as a member of the GS of the KLA; KV gets elected head of the Information Service and a member of the GS of the KLA. But immediately after their election, both of them go abroad and return only in March 1999, after the conference of Rambouillet.**

[1125] P00106_ET(Confidential):pp.98-99/P00106_LSU.2(Confidential):p.88. *See also* P00106_ET(Confidential):pp.102-103/P00106_LSU.2(Confidential):p.90/P00106_LSU.1(Confidential):p.55, P00106_ET(Confidential):pp.108-109/P00106_LSU.2(Confidential):pp.91-92 ('HASHIM THAÇI: [Whispers] No, no, not then. "They reported to me. They dealt with the media. They become Staff members in November. Then they went overseas and that is all". It is very, very, very simple, because we were not [Indiscernible] when we returned. This is how we were, man now [Indiscernible]. I am saying all this to make it clear how everything falls into place.').
[1126] P00108_ET(Confidential):p.212/P00108_LSU(Confidential):p.42.
[1127] P00125(Confidential):p.SPOE00344953(highlights in the original).
[1128] P00125_ET(Confidential):p.SPOE00344953.

(iv) Adem DEMAÇI was the highest KLA authority

387. When issuing instructions to his visitors for how upcoming witnesses should testify, **THAÇI** repeatedly emphasised that Adem DEMAÇI was the highest KLA authority,[1129] including by instructing that DEMAÇI was the person to whom Operational Zone Commanders were reporting.[1130]

388. For example, during the 2 July Visit, **THAÇI** instructed **FAZLIU** that he wanted Witness 1 to testify that he 'also had Adem DEMAÇI'[1131] and that Witness 1 should state clearly that '[t]he boss was DEMAÇI'.[1132] **THAÇI** provided similar instructions aimed at Witness 5 during the 3 September Visit ('DEMAÇI was our superior within the KLA'),[1133] and at Witness 2 during the 9 September Visit ('I had to go to Adem DEMAÇI, he was the authority until 2 March').[1134]

[1129] P00105_ET(Confidential):p.42/P00105_LSU.1(Confidential):p.7, P00105_ET(Confidential):p.49/P00105_LSU.2(Confidential):p.40/P00105_LSU.1(Confidential):p.22; P00106_ET(Confidential):p.63/P00106_LSU.1(Confidential):p.22, P00106_ET(Confidential):pp.65-66/P00106_LSU.1(Confidential):pp.23-24, P00106_ET(Confidential):p.77/P00106_LSU.2(Confidential):p.79; P00108_ET(Confidential):pp.196-197/P00108_LSU(Confidential):pp.33-34.

[1130] P00105_ET(Confidential):p.42/P00105_LSU.1(Confidential):p.7, P00105_ET(Confidential):p.49/P00105_LSU.1(Confidential):p.22.

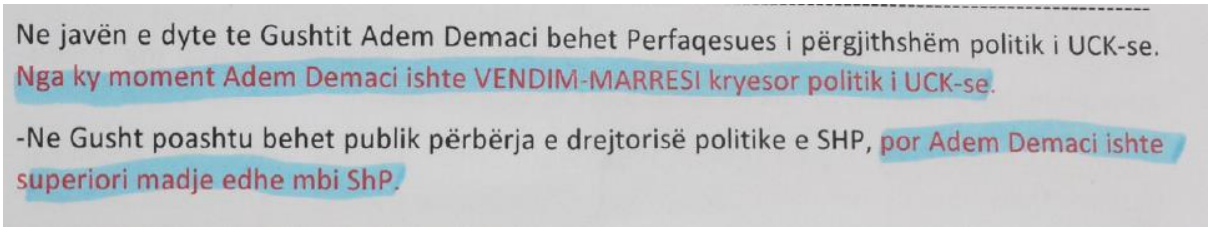
[1131] P00105_ET(Confidential):p.42/P00105_LSU.1(Confidential):p.7.

[1132] P00105_ET(Confidential):p.49/P00105_LSU.1(Confidential):p.22.

[1133] P00106_ET(Confidential):pp.65-66/P00106_LSU.1(Confidential):pp.23-24 ('HASHIM THAÇI: [Whispers] -- "I did not take any notice of them. Regulations, regulations, regulations! DEMAÇI. BUKOSHI also wrote them. The brigades wrote them too. Yes, I think they were brought to us, and were given to Shaban SHALA", because he was DEMAÇI's friend and -- "Why did DEMAÇI bring them?", "Because DEMAÇI had his own staff". HAJREDIN KUÇI: [Whispers] Yes, [Indiscernible]. HASHIM THAÇI: [Whispers] "Because DEMAÇI was our superior within the KLA". [Indiscernible] messes up [Indiscernible] DEMAÇI. Because he was [Indiscernible] "He and RUGOVA were in Kosovo [Indiscernible]". HAJREDIN KUÇI: [Whispers] Yes. Yes. HASHIM THAÇI: [Whispers] "He and RUGOVA. Hashim never did". He should say what it is, because they will try.'), P00106_ET(Confidential):p.77/P00106_LSU.2(Confidential):p.79 ('HASHIM THAÇI: "[Indiscernible] about the political role [Indiscernible] starting from August [Indiscernible] Adem DEMAÇI, until he resigned".').

[1134] P00108_ET(Confidential):pp.196-197/P00108_LSU(Confidential):pp.33-34 ('HASHIM THAÇI: I had to go to Adem DEMAÇI, he was the authority until 2 March. BLERIM SHALA: That's right, that's right. Yes. ARTAN BEHRAMI: True. HASHIM THAÇI: I went and reported to him. BLERIM SHALA: Yes. And they talk about — HASHIM THAÇI: Had Adem DEMAÇI returned, I would have stepped aside immediately. BLERIM SHALA: Yes. HASHIM THAÇI: I would have gone home had Adem DEMAÇI gone to Rambouillet. BLERIM SHALA: That's right. Yes. Yes. Yes.').

389. This instruction is also reflected clearly in the SMAKAJ Document:[1135]


Ne javën e dyte te Gushtit Adem Demaci behet Perfaqesues i përgjithshëm politik i UCK-se. Nga ky moment Adem Demaci ishte VENDIM-MARRESI kryesor politik i UCK-se.

-Ne Gusht poashtu behet publik përbërja e drejtorisë politike e SHP, por Adem Demaci ishte superiori madje edhe mbi ShP.

With the corresponding English translation (highlights in the original):[1136]

> The second week of August Adem Demaci was appointed the General Political Representative of the KLA. From this moment onwards Adem Demaci was the main political DECISION TAKING AUTHORITY of the KLA.
>
> - The seats of the political directorate of the GS also became public in August but Adem Demaci was the superior; he had authority even over the GS.

390. Similar instructions positing 'DEMAQI, KLA chief' are included as note handwritten on the seized pages of Part 6 of Witness 4's [REDACTED – Statement Z].[1137] **KILAJ** admitted to writing the note but claimed he could not recall why he had done so.[1138] The KILAJ Loose Notes, which contain witness names and instructions, also include reference to 'A. DEMAÇI' as 'someone with authority'.[1139]

(v) Operational Zone Commanders had authority and did not receive orders or support from the General Staff

391. **THAÇI** repeatedly instructed witnesses, via his visitors, to testify that the authority, including the decision-making power, rested with the Operational Zone Commanders and that the latter did not receive any orders or support from the General Staff.

[1135] P00125(Confidential):p.SPOE00344954(highlights in the original).
[1136] P00125_ET(Confidential):p.SPOE00344954.
[1137] P00003_ET(Confidential):p.123408/P00003(Confidential):p.SPOE00343600.
[1138] P00001_ET(Confidential):Part1(pp.12-14).
[1139] P00004_ET(Confidential):p.SPOE00343589.

392. During the 2 July Visit, **THAÇI** instructed that Witness 1 testify that he, as the Llap Operational Zone Commander,[1140] 'never consulted them, nor did they give me any orders',[1141] — a reference to the General Staff – and that Witness 1 was '[t]he only person in charge'.[1142]

393. Similarly, during the 3 September Visit, **THAÇI** instructed that Witness 5 should testify that '"[t]he decisions were taken by me"',[1143] an instruction related to Witness 5's alleged role as the Drenica Operational Zone Commander. He also instructed Witness 5 to testify that: (i) '"[t]he operational zones had the power, not the General Staff. [...]"';[1144] (ii) that '[t]hey spoke in name of Staff, they spoke in name of', […] -- but we did not receive any orders from them", because there are no orders issued by the General Staff. There are none, absolutely nothing';[1145] and (iii) the signing of any peace agreement at Rambouillet 'was worthless without the zone commanders'.[1146] During

[1140] P00170(Confidential):pp.125824-125826.
[1141] P00105_ET(Confidential):p.50/P00105_LSU.1(Confidential):p.22.
[1142] P00105_ET(Confidential):pp.48-49/P00105_LSU.2(Confidential):pp.39-40 ('HASHIM THAÇI: [Whispers] "You were in charge of that area" -- FADIL FAZLIU: Yes. HASHIM THAÇI: -- "[Indiscernible]", tell him, "From the main road". FADIL FAZLIU: The person in charge. Come on. HASHIM THAÇI: [Whispers] Not the person in charge, the commander. FADIL FAZLIU: Yes, yes, that is known, it is known. Yes. HASHIM THAÇI: [Whispers] "The only person in charge [Indiscernible] the main road to Pristina, nothing else apart from that", tell him "[Indiscernible] [Whispers] look what it is" [Overlapping speakers]. FADIL FAZLIU: [Indiscernible], yes.').
[1143] P00106_ET(Confidential):p.60/P00106_LSU.1(Confidential):p.9. *See also* P00106_ET(Confidential):p.64/P00106_LSU.1(Confidential):p.22 ('HASHIM THAÇI: Once again, "The power rested with us. […]".').
[1144] P00106_ET(Confidential):p.76/P00106_LSU.2(Confidential):p.78.
[1145] P00106_ET(Confidential):pp.62-63/P00106_LSU.1(Confidential):p.22. *See also* P00106_ET(Confidential):p.76/P00106_LSU.1(Confidential):p.33 ('HASHIM THAÇI: [...] Tell him this, "When you are not sure, [Indiscernible] 'I do not remember'", that is all. And, "Yes, I was elected commander, and I was elected by the zones -- I was elected by the operational zone commanders. I did not know whether there was a Staff or a commander there, because they never responded to us. And I did not know whether he is — whether he was or not. He says he was, but I do not know. How would I know! I never saw him, never met him. He never met me, never gave me any orders, neither orally nor in writing". "But did you receive from Jakup KRASNIQI, Sokol BASHOTA, and Bislim?". "I only received once a piece of advice from Bislim about the brigades. Nothing else". Because he did give him advice.').
[1146] P00106_ET(Confidential):pp.81-82/P00106_LSU.2(Confidential):p.81. *See also* P00106_ET(Confidential):pp.75-77/P00106_LSU.2(Confidential):pp.78-79/P00106_LSU.1(Confidential):p.33, P00106_ET(Confidential):p.88/P00106_LSU.2(Confidential):p.85, P00106_ET(Confidential):p.107/P00106_LSU.2(Confidential):p.91 for the same instruction directed at

the 3 September Visit, **THAÇI** also instructed that Witness 5 should testify that he was elected KLA General Commander in February 1999 'by the zone commanders'.[1147]

394. **THAÇI** directed similar instructions at Witness 2 during the 9 September Visit, emphasising that 'zone commanders were empowered and took everything into their hands'.[1148] During the 1 October Visit, **THAÇI** instructed that a witness – likely a KLA insider – 'should only say the same thing, "The zone commanders were in charge".'[1149]

Witness 2: 'HASHIM THAÇI: Syla. Rambouillet came. Rambouillet was done. And he should say, "Without returning to receive the consent of the commanders, THAÇI's signature would have been nil".').

[1147] P00106_ET(Confidential):p.103/P00106_LSU.1(Confidential):p.55.

[1148] P00108_ET(Confidential):p.202 ('HASHIM THAÇI: The ceasefire happened. We were able to breathe a little bit. The zone commanders were empowered and took everything into their hands. BLERIM SHALA: Yes.'). *See also* P00108_ET(Confidential):pp.194-195/P00108_LSU(Confidential):pp.30-31 ('HASHIM THAÇI: After the MILOSEVIC-HOLBROOKE agreement, the role of the zone commanders increased. BLERIM SHALA: Yes. HASHIM THAÇI: And in December the holding of the meetings started, the zone commanders started holding their own meetings. BLERIM SHALA: Yes. HASHIM THAÇI: In February they removed Azem SYLA. ARTAN BEHRAMI: They formed their own command. BLERIM SHALA: Yes. HASHIM THAÇI: And they made decisions. They had decision-making power. We were involved in the political aspect. BLERIM SHALA: That's right. HASHIM THAÇI: We maintained the political and diplomatic aspect. BLERIM SHALA: Correct. HASHIM THAÇI: [Lowers his voice] Bisa knows that they had the decision-making power. Although Bisa chaired a meeting with them, he realised that it was not possible.'), P00108_ET(Confidential):pp.211-213(Confidential)/P00108_LSU(Confidential):pp.41-42.

[1149] P00114_ET(Confidential):p.55 ('ISNI THAÇI: No, he is sabotaging. [Indiscernible]. ABELARD TAHIRI: [Overlapping speakers]. HASHIM THAÇI: But he said, "The General Staff had nothing in its hands. It was not an organized body [Indiscernible] for a month". ISNI THAÇI: [Indiscernible]. HASHIM THAÇI: What? Nothing. He should only say the same thing, "The zone commanders were in charge". ABELARD TAHIRI: They tried, [Indiscernible]. HASHIM THAÇI: Just this! BLERIM THAÇI: That's right.').

395. Through his visitors, **THAÇI** instructed Witness 1 during the 2 July Visit[1150] and Witness 5 during the 3 September Visit[1151] and 4 August Visit[1152] to testify that the Operational Zone Commanders like themselves did not receive enough financial, logistical, and military support from the General Staff,[1153] and that they were to be 'unhappy with the Staff because the Staff was not operational'.[1154]

[1150] P00105_ET(Confidential):pp.40-42/P00105_LSU.2(Confidential):pp.36-37/P00105_LSU.1(Confidential):pp.6-7, P00105_ET(Confidential):pp.57-58/P00105_LSU.2(Confidential):p.42.

[1151] P00106_ET(Confidential):pp.59-60/P00106_LSU.1(Confidential):p.9 ('HASHIM THAÇI: [Whispers] He has just to abide by that. "All the commanders were unhappy with the Staff, because the Staff was not operational". He should say, "I received the funding from the 'Three Percent [Fund]', from the Emergency Fund" […] The Staff did not give us a single penny". It is true. They did not take [Indiscernible]. On the other hand, "All volunteers". [...] "I received supplies through Ramush, not through the Staff". This is all in the documents. He asked Ramush and Ramush [Indiscernible] horizontally. "After I was elected commander, had they signed the autonomy, they would not have dared return to Kosovo". He should be told this.'), P00106_ET(Confidential):pp.62-63/P00106_LSU.1(Confidential):p.22 ('HASHIM THAÇI: [Whispers] […] The power, the power to be elected rested only with the zone commanders. The Staff did not function. We were not aware that there was a Staff. They spoke in name of Staff, they spoke in name of", -- HAJREDIN KUÇI: [Whispers] Yes. HASHIM THAÇI: [Whispers] -- but we did not receive any orders from them", because there are no orders issued by the General Staff. There are none, absolutely nothing. "We were unhappy. They did not send us any weapons, supplies, funding, logistics".'), P00106_ET(Confidential):pp.83-84/P00106_LSU.2(Confidential):pp.81-82, P00106_ET(Confidential):pp.87-88/P00106_LSU.2(Confidential):pp.84-85.

[1152] P00111_ET(Confidential):pp.318-319 ('HASHIM THAÇI: [Whispers] [Indiscernible] [With a low voice] The other thing. All summer they functioned [Indiscernible] -- what the villager said [Indiscernible]. "They, I was upset with them because I thought they can bring me weapons, they didn't. I thought that, uh, they can bring organi... more soldiers, they didn't, they didn't bring uniforms. Not them. I was in better shape than these." SAMI LUSHTAKU: Yes, yes. HASHIM THAÇI: [With a low voice] "[Indiscernible]. I was in better shape than these. And as far as I am concerned, there was no staff". [Whispers] There isn't any, bro! [...] "And another thing, we were being bombed. [Indiscernible], man, they were. They brought to him -- because I was thinking that they can help me. I was thinking. But they had nothing". Here [Indiscernible], not to even praise me.').

[1153] P00105_ET(Confidential):pp.41-42/P00105_LSU.1(Confidential):p.7 ('HASHIM THAÇI: [Whispers very quietly] "In fact, I am unhappy with them because they did not help me, they did not help me neither with money or logistics, nor with weapons and I was unhappy". FADIL FAZLIU: "I did everything myself". That's right. HASHIM THAÇI: Ohhuuu!'), P00105_ET(Confidential):pp.57-58/P00105_LSU.2(Confidential):p.42 ('HASHIM THAÇI: Yes, that's clear. FADIL FAZLIU: He said, "I had nothing to do with them at the time, and this is my job". HASHIM THAÇI: [Whispers] [Indiscernible] "He should be unhappy. 'Because they did not help me sufficiently. They did not meet my needs'". FADIL FAZLIU: Yes, that's right. HASHIM THAÇI: "They did not fulfil my needs". FADIL FAZLIU: "I told them, and they did not fulfil my needs. [Indiscernible]". HASHIM THAÇI: No responsibility at all, and nothing at all on that topic [Indiscernible].').

[1154] P00106_ET(Confidential):p.59/P00106_LSU.1(Confidential):p.9.

396. These instructions are again consistent with the SMAKAJ Document, which outlines that '*[t]he zone commanders did not recognize and respect the GS of the KLA throughout 1998*. Zone commanders had *a decision taking power regarding all matters*'[1155] and that '[d]uring all this time there were no *meetings called and no orders were given by the GS of KLA, by nobody*.'[1156] The SMAKAJ Document also includes that 'Zone commanders accused the GS of incompetency in organization skills, and regarding lack of weapon supply, lack of finance, guidance and orders'.[1157]

(vi) The communiqués and KLA post-war publications were propaganda

397. In an attempt to downplay the organisation of the KLA, **THAÇI** repeatedly told his visitors that witnesses must convey that communiqués and KLA post-war publications were propaganda.

398. For example, **THAÇI** explained to **KUÇI** during the 3 September Visit that Witness 5 would be asked about KLA post-war publications, and outlined what the witness' answer should be. **THAÇI** stated that Witness 5 'will be shown the interviews he gave to *Zëri i Kosovës* and *Bota e Re* during the war', and then instructed **KUÇI** how Witness 5 should respond:

> "Propaganda. I did not know at all that I had written them, that I gave them to someone, but it is written about that [Indiscernible] JASHAR, wrote, I did not even

[1155] P00125_ET(Confidential):p.SPOE00344957(highlights in the original). *See also* P00125_ET(Confidential):p.SPOE00344954(highlights in the original) ('*The appointment of the commanders of some of the operational zones*: This took place during the months of June and July 1998. They were elected through the VOTES of the local units, without consulting the GS. The GS found itself before a fait accompli; it simply formalized these decisions. The GS did not have the power to refuse them. The commanders worked independently. Some of these commanders did not even bring their appointments to be formalized by the GS. - *Zone commanders had full AUTHORITY AND POWER in their operational zones. (They appointed and discharged whomever and whenever they wished to do so, e.g. Ramush, S. Selimi, Remi.)*' emphasis in original), P00125_ET(Confidential):p.SPOE00344959 ('As a recap, what the GS tried to install from November '98, which was a better reorganization and coordination of the KLA, from January and ultimately FEBRUARY 1999, *it fell into stage ZERO. Zone commanders took the situation in hand*.').
[1156] P00125_ET(Confidential):p.SPOE00344953(highlights in the original).
[1157] P00125_ET(Confidential):p.SPOE00344957.

> look at them. I did not look at them. Propaganda. There is no need for you to even look at them", that is all.[1158]

399. When delivering his instructions to **FAZLIU** on how Witness 1 should testify, **THAÇI** also instructed that 'the communiques were propaganda'.[1159]

400. The SMAKAJ Document mirrors these instructions. Communiqués were '*propaganda*. (According to hearsay, Demaçi's office, Operational Zones, Bukoshi's Government, LKQK /National Movement for the Liberation of Kosovo/ and the brigades wrote in the name of the GS and made them public.) They had no significance, they were not *orders* to the KLA, *but a propaganda for the public opinion*.'[1160] The SMAKAJ Document describes post-war publications in the same terms: '*Post-war publications*: The interviews and different books dedicated to the KLA were *a propaganda – the war was represented as glorious. The motive for such interviews was to earn political credits*.'[1161]

(vii) THAÇI did not boost the KLA's morale

401. Consistent with his attempts to minimise his central role within the KLA, **THAÇI** instructed that it was Adem JASHARI, and not **THAÇI**, who boosted the KLA's morale.

402. For example, during the 3 September Visit, **THAÇI** expressed to **KUÇI** his concerns regarding Witness 5's prior statements, and directed how Witness 5 should testify instead:

> This, do not -- in fact, now somewhere, furthermore [Indiscernible] because he says, "[Indiscernible] I saw Hashim", and he says, "He boosted our morale". What

[1158] P00106_ET(Confidential):pp.77-78/P00106_LSU.2(Confidential):p.79/P00106(Confidential):030923-082409.wav(00:04:18-00:04:31).
[1159] P00105_ET(Confidential):p.50/P00105_LSU.1(Confidential):p.23.
[1160] P00125_ET(Confidential):p.SPOE00344958(highlights in the original).
[1161] P00125_ET(Confidential):p.SPOE00344958(highlights in the original).

> fucking morale?! [Laughs] […] "Perhaps I said it erroneously. I was glad. The only one who boosted our morale was Adem JASHARI".[1162]

403. **THAÇI** revisited the same point when discussing Witness 5 during the 15 September Visit: '-- what morale to him. He boosted their morale because he himself has fought. […] Eh. And it's considered that only Adem JASHARI boosted his/their morale. When alive, you know like that?'.[1163]

(viii) In April 1999, the Provisional Government of Kosovo was not functional and its members, including THAÇI as the Prime Minister, were only proposed but not appointed

404. **THAÇI** aimed several of his witness interference instructions at portraying the Provisional Government of Kosovo as a mere 'aspiration' which never became a functioning institution due to the start of the NATO airstrikes and the LDK's refusal to join the government. The Provisional Government of Kosovo members were proposed, but never effectively exercised their functions.

405. For example, **THAÇI** instructed during the 3 September Visit that Witness 2 must explain that:

> [Whispers] "[…] [u]nder the Agreement, RUGOVA would become President", I would become prime minister, "and the parliament would approve us both. The government was not -- it was proposed, it was not elected. It was not functional". […] That's right, the LDK did not enter. "It was not elected. It was not functional […]".[1164]

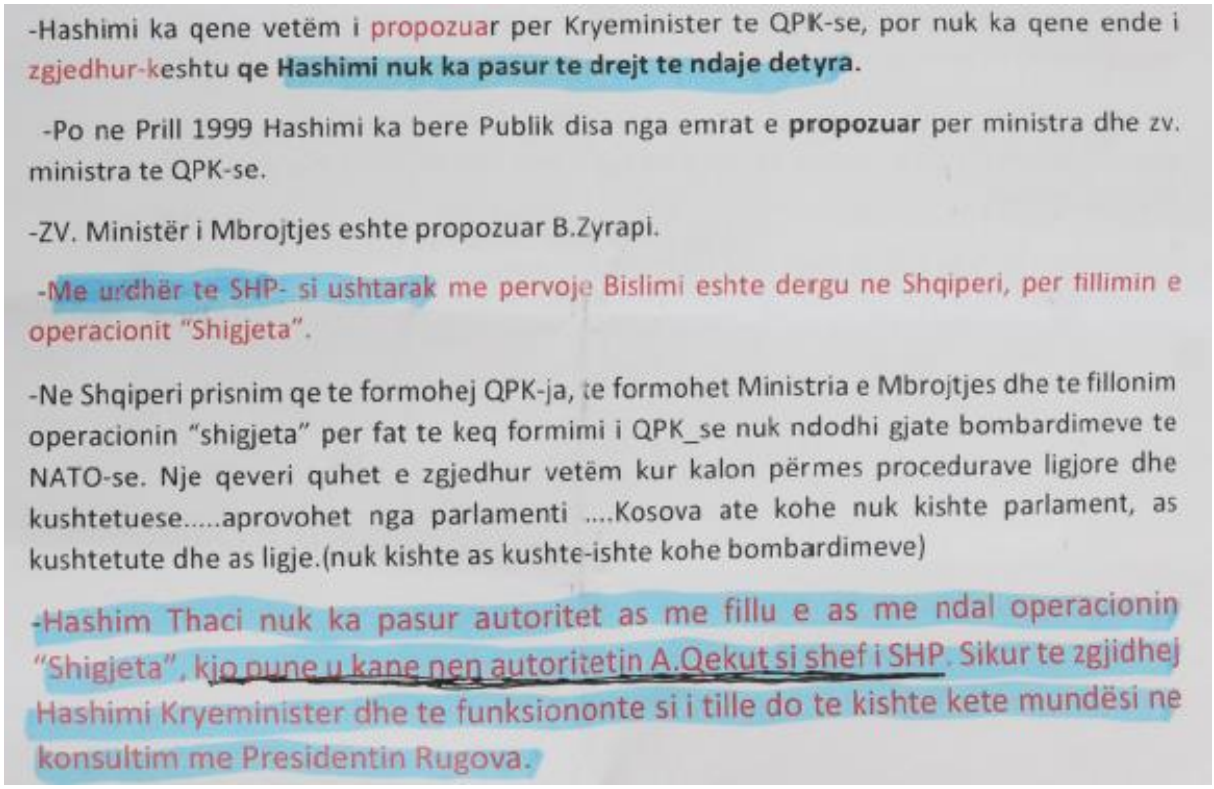
THAÇI also directed **KUÇI** to '[e]xplain the Provisional Government to [Witness 2]'[1165] and to instruct Witness 2 on '"[…] how a government is formed. […]". You tell

[1162] P00106_ET(Confidential):pp.64-65/P00106_LSU.1(Confidential):p.23/P00106(Confidential):030923-081409.wav(00:01:47-00:02:11). *See also* P00106_ET(Confidential):pp.74-75/P00106_LSU.2(Confidential):p.78, P00106_ET(Confidential):p.82/P00106_LSU.2(Confidential):p.81.
[1163] P00112_ET(Confidential):pp.205-206.
[1164] P00106_ET(Confidential):p.99/P00106_LSU.2(Confidential):p.88, P00106(Confidential):030923-084909.wav(00:01:12-00:01:25).
[1165] P00106_ET(Confidential):p.101/P00106_LSU.2(Confidential):p.89.

him how the procedures are.'[1166] **THAÇI** then repeated in the 9 September Visit that the Provisional Government of Kosovo was an '[a]spiration'[1167] and an 'ambition'.[1168]

406. **THAÇI** likewise instructed Witness 5 during the 3 September Visit, via **KUÇI**, to testify that **THAÇI** 'was proposed […] as prime minister of the national government' but '[h]e was not appointed.'[1169] While the new Provisional Government of Kosovo intended to operate 'like a state […] the airstrikes did not allow us.'[1170]

407. **THAÇI's** instructions during these visits were again consistent with the narrative presented in the SMAKAJ Document, which includes that:[1171]



-Hashimi ka qene vetëm i propozuar per Kryeminister te QPK-se, por nuk ka qene ende i zgjedhur-keshtu **qe Hashimi nuk ka pasur te drejt te ndaje detyra.**

-Po ne Prill 1999 Hashimi ka bere Publik disa nga emrat e **propozuar** per ministra dhe zv. ministra te QPK-se.

-ZV. Ministër i Mbrojtjes eshte propozuar B.Zyrapi.

-Me urdhër te SHP- si ushtarak me pervoje Bislimi eshte dergu ne Shqiperi, per fillimin e operacionit "Shigjeta".

-Ne Shqiperi prisnim qe te formohej QPK-ja, te formohet Ministria e Mbrojtjes dhe te fillonim operacionin "shigjeta" per fat te keq formimi i QPK_se nuk ndodhi gjate bombardimeve te NATO-se. Nje qeveri quhet e zgjedhur vetëm kur kalon përmes procedurave ligjore dhe kushtetuese.....aprovohet nga parlamenti ....Kosova ate kohe nuk kishte parlament, as kushtetute dhe as ligje.(nuk kishte as kushte-ishte kohe bombardimeve)

-Hashim Thaci nuk ka pasur autoritet as me fillu e as me ndal operacionin "Shigjeta", kjo pune u kane nen autoritetin A.Qekut si shef i SHP. Sikur te zgjidhej Hashimi Kryeminister dhe te funksionone si i tille do te kishte kete mundësi ne konsultim me Presidentin Rugova.

[1166] P00106_ET(Confidential):pp.107-108/P00106_LSU.2(Confidential):p.91.
[1167] P00108_ET(Confidential):p.203.
[1168] P00108_ET(Confidential):p.211/P00108_LSU(Confidential):p.41
[1169] P00106_ET(Confidential):p.78/P00106_LSU.2(Confidential):p.79.
[1170] P00106_ET(Confidential):p.79/P00106_LSU.2(Confidential):p.79.
[1171] P00125(Confidential):p.SPOE00344960(highlights in the original).

With the corresponding English translation (highlights in the original):[1172]

- Hashim was only proposed Prime Minister of the PGK, but he was not elected at this stage. **Therefore, Hashim had no rights to distribute tasks.**
- The same month, in April 1999, Hashim made public some of the names that were **proposed** to be appointed ministers and vice ministers in the PGK.
- B. Zyrapi was proposed the Vice Minister of Defense.
- Pursuant to the order of the GS, Bislim, an experienced military, was sent to Albania to begin operation "Arrow".
- In Albania, we were expecting the establishment of the PGK and the Ministry of Defense. We would then commence operation "Arrow". Unfortunately, the establishment of the PGK did not take place during NATO bombing. A government is considered elected only when it passes through the legal and constitutional procedures... when it is approved by the parliament... At the time Kosovo had no parliament, no constitution, and no laws. (it didn't even have the conditions - it was the time when the bombing took place)
- Hashim Thaci did not have the authority neither to commence nor to stop operation "Arrow". The authority for this task was A. Qeku, as the chief of the GS. If Hashim Thaci were chosen Prime Minister and if he functioned as such, he would have had the opportunity to do so in consultation with President Rugova.

(ix) The responsibility for crimes belonged to individuals outside of KLA control

408. **THAÇI's** instructions attempted to deflect responsibility for crimes committed during the Kosovo conflict away from the KLA hierarchy.

409. For example, during the 6 October Visit, **THAÇI** instructed that Witness 4 should state, [REDACTED], that '[t]his was not done [REDACTED] by the KLA but individuals'.[1173] Similarly, during the 3 September Visit, Witness 6 was instructed to say '[REDACTED]'.[1174]

[1172] P00125_ET(Confidential):p.SPOE00344960.
[1173] P00109_ET(Confidential):pp.118-119/P00109_LSU.2(Confidential):p.157. *See also* P00109_ET(Confidential):p.62/P00109_LSU.2(Confidential):p.106, P00109_ET(Confidential):p.122/P00109_LSU.1(Confidential):p.31 ('HASHIM THAÇI: [Whispers] [Indiscernible] he must say: "There was no distinction between the KLA and the LDK, the KLA [Indiscernible] one individual tainted our image and this is it. A few individuals, two or three tainted our image".').
[1174] P00106_ET(Confidential):p.139/P00106_LSU.1(Confidential):p.73.

410. During his instructions for Witness 5 in the 3 September Visit, **THAÇI** laid out that Witness 5 should explain that he did not have control over certain individuals,[1175] who were free to do what they wanted.[1176] **THAÇI** issued similar instructions during the 15 September Visit,[1177] 22 September Visit,[1178] and 1 October Visit ('I did not know what some thieves or some rascals were doing, misusing [power] to settle personal scores for revenge').[1179]

411. The KILAJ Loose Notes also contain instructions to this effect ('Individual, not the KLA').[1180]

(x) The KLA and the LDK had the same aim

412. In at least two visits, **THAÇI's** instructions related to the relationship between the KLA and the LDK.

413. During the 22 September Visit, **THAÇI** instructed a witness to be told that 'the KLA and the LDK worked mostly together [Indiscernible]',[1181] after expressing his satisfaction with another witness account to the same effect.[1182]

414. During the 6 October Visit, **THAÇI** reiterated whispered instructions for Witness 4 – who, according to his anticipated testimony as disclosed to **THAÇI**, was

[1175] P00106_ET(Confidential):p.60/P00106_LSU.1(Confidential):p.9 ('HASHIM THAÇI: -- [Whispers] "centre [Indiscernible]", in the interview he has said that there were none. Just this. "Were there any individuals out of control?", "There were some, but I could not control them far and wide throughout Drenica [Indiscernible], How could I have controlled them?". "Sait JASHARI was the police commander, but he was self-appointed because he was important, and he was the second one after Adem JASHARI. Who would dare stop them? He also [Indiscernible] that to me".').
[1176] P00106_ET(Confidential):pp.73-85/P00106_LSU.2(Confidential):pp.77-83/P00106_LSU.1(Confidential):pp.33,35.
[1177] P00112_ET(Confidential):p.207.
[1178] P00113_ET(Confidential):pp.38-40,43-44.
[1179] P00114_ET(Confidential):pp.53,298.
[1180] P00004_ET(Confidential):p.SPOE00343589.
[1181] P00113_ET(Confidential):p.49. *See also* P00113_ET(Confidential):p.50.
[1182] P00113_ET(Confidential):p.77 ('HASHIM THAÇI: There was a LDK person who was very good too. He was recently. […] [Whispers] [Indiscernible] very good. Because he was saying, "Hashim was with the LDK", he said "No, we worked together for 20 years". It means it was very, very good. Therefore, this one has to say "[Indiscernible] KLA-LDK became one".'). *See also* THAÇI's narrative about [REDACTED]'s prior testimony to the same effect at P00112_ET(Confidential):pp.219,229.

[REDACTED][1183] – to the effect that the 'LDK and the KLA had the same aim. It was the same, it was the same'.[1184]

(b) Instructions on the manner of testimony and change of evidence, including the use of SPO witness preparation sessions

415. **THAÇI's** leadership and pattern of obstructive conduct is also shown by his consistent instructions on the *manner* in which the targeted witnesses should testify and change their evidence to minimise his culpability in line with **THAÇI's** Preferred Narrative. In particular, **THAÇI** provided specific instructions on how the witnesses should: (i) testify; (ii) justify the ordered changes in their evidence; and (iii) be convinced to do so. For example, **THAÇI** repeatedly ordered that the targeted witnesses be told to 'be brief',[1185] to 'remove' certain facts from their testimony,[1186] and

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[1183] P00168(Confidential):p.118247. *See also* SMAKAJ Document, which includes that the majority of KLA soldiers were LDK members at P00125_ET(Confidential):p.SPOE00344958.
[1184] P00109_ET(Confidential):p.53/P00109_LSU.2(Confidential):p.102. *See also* P00109_ET(Confidential):p.122/P00109_LSU.1(Confidential):p.31 ('HASHIM THAÇI: [Whispers] [Indiscernible] he must say: "There was no distinction between the KLA and the LDK […]".').
[1185] *E.g.* P00105_ET(Confidential):p.41/P00105_LSU.1(Confidential):pp.6-7 ('HASHIM THAÇI: [Whispers] Tell him, "Be brief be brief". Be brief. Be brief". Tell him "Do not philosophise". FADIL FAZLIU: Yes, not like that, but to say what - HASHIM THAÇI: "Be brief, 'no', 'yes', 'yes', 'no'". Tell him, "No further…" --'), P00105_ET(Confidential):pp.47-48/P00105_LSU.2(Confidential):pp.38-40, P00105_ET(Confidential):p.54/P00105_LSU.1(Confidential):p.25; P00113_ET(Confidential):pp.37,81-82 ('HASHIM THAÇI: "For the sake of the truth", and that's it. And tell him, [Whispers] "Keep it as brief as possible, as brief as possible, do not stay for 2-3 days to make mistakes, as brief as possible".'), P00113_ET(Confidential):p.102; P00109_ET(Confidential):p.60/P00109_LSU.1(Confidential):p.23 ('HASHIM THAÇI: [Whispers] And tell him "Be brief", tell him "Be brief" [Indiscernible]. ISNI KILAJ: [Whispers] Whatever I gave him [Indiscernible]. HASHIM THAÇI: [Whispers] [Indiscernible] tell him, "Because it is not in his interest" [Indiscernible]. ISNI KILAJ: Yes'.); P00108_ET(Confidential):p.190.
[1186] *E.g.* P00108_ET(Confidential):p.209 ('HASHIM THAÇI: He no longer has any idea about -- he should remove it. ARTAN BEHRAMI: No, no, no, no, no, no! BLERIM SHALA: No, no, no! [Other voices are heard saying "no"]. HASHIM THAÇI: He should, he should remove it. This is very important. We are humans, Bler!'); P00109_ET(Confidential):pp.51-52/P00109_LSU.2(Confidential):p.101 ('HASHIM THAÇI: [Speaks in a low voice] Yes, yes, yes. ISNI KILAJ: [Whispers] Because this is how I [Indiscernible]. This is what I was going to say. "But now [Indiscernible], when I go, I will remove that too, that word, too". HASHIM THAÇI: [Whispers] What does that word mean? He should remove it.'), P00109_ET(Confidential):p.66/P00109_LSU.2(Confidential):p.108 ('HASHIM THAÇI: [Whispers] You remove these; you remove these.'); P00113_ET(Confidential):pp.30-31 ('HASHIM THAÇI: [Whispers] Do not forget, so that he gets it done! At first, you can [Indiscernible]. How should we give them to

to 'correct' or 'rectify'[1187] their prior evidence that was harmful to **THAÇI** – consistent with his Preferred Narrative.

416. Aware of the process leading up to the witnesses' in-court testimony, including the timing of SPO witness preparation sessions and the opportunity the sessions afforded witnesses to review their prior statements,[1188] **THAÇI** identified to his visitors multiple ways that the targeted witnesses should explain changes in their evidence, including to: (i) state that they provided an incorrect version of the facts in the past;[1189] (ii) claim they 'mixed it up'[1190] or that it was a 'lapsus' on their part;[1191] (iii) claim that '[t]hey probably mistranslated what I said';[1192] (iv) 'stand by what I have

him; he must keep these things again and remove these ones [Indiscernible]. It was held there on the 10th of March, it is not that difficult. It was simple. It was not in the KLA's interest to deal with them, because they knew [Indiscernible] the twelfth, because they were just all ready at that moment. [Indiscernible].').

[1187] *E.g.* P00105_ET(Confidential):p.44/P00105_LSU.1(Confidential):p.11 ('HASHIM THAÇI: No, no, no. There is none of yours until after the new year. In fact, I don t believe there is any of yours until around April. But he can sort it out and bring it to an end.'); P00109_ET(Confidential):p.51/P00109_LSU.2(Confidential):p.101 ('HASHIM THAÇI: [Whispers very quietly] This is the next page, page eight. ISNI KILAJ: Yes. HASHIM THAÇI: [Whispers] This is where it needs to be corrected. Those that [Indiscernible]. ISNI KILAJ: [Whispers] [Indiscernible]?'), P00109_ET(Confidential):p.57/P00109_LSU.1(Confidential):p.17 ('HASHIM THAÇI: [Whispers] Tell me [Indiscernible]. [Noise of flicking through sheets of paper] [Indiscernible] Line 9 only, line 9. ISNI KILAJ: [Whispers] Yes, yes, I saw them [Indiscernible]. HASHIM THAÇI: [Whispers] Tell him, "You should correct this in line 9". [Indiscernible].'); P00114_ET(Confidential):pp.53-54 ('HASHIM THAÇI: Yes, yes, but -- when he was interviewed by the lawyers here, he did very well. Bisa will not slip. It will be even easier for Koli, too, because he has not given any statement to these ones here. He did testify at the Tribunal once. He should rectify two things, which he was foolish enough to say […].').

[1188] *E.g.* P00113_ET(Confidential):p.26 ('HASHIM THAÇI: [Whispers] No, no, tell him "There is no chance". You just tell this one only. [Indiscernible] tell him, [Indiscernible] because he has lied. [Indiscernible]. Two days before he comes here, they will call him and will give them to him, "You have stated this here, you have stated this". They will tell him, "Do you have anything to add? Do you have any corrections to make?". And he will be questioned that day of the week [Indiscernible] that I had told you about [Indiscernible].'), P00113_ET(Confidential):pp.36-38,44.

[1189] P00106_ET(Confidential):p.65/P00106_LSU.1(Confidential):p.23 ('HASHIM THAÇI: "Perhaps I said it erroneously. I was glad. The only one who boosted our moral was Adem JASHARI". Yes? HAJREDIN KUÇI: [Whispers] That's right.').

[1190] P00106_ET(Confidential):p.80/P00106_LSU.1(Confidential):p.35.

[1191] P00106_ET(Confidential):p.80/P00106_LSU.1(Confidential):p.35.

[1192] P00106_ET(Confidential):p.67/P00106_LSU.1(Confidential):p.25 ('HASHIM THAÇI: [Whispers] But he has to [Indiscernible] smart man. Whenever he has [Indiscernible] "They probably mistranslated what I said, or something like that". […] "This was just a rumour, because it was not like that, I have said only what I heard from others, but they have apparently not translated my

said when I made the corrections';[1193] (v) claim they don't remember certain events;[1194] (vi) claim they were 'not there';[1195] and (vii) claim they have no knowledge about certain facts.[1196] **THAÇI** also referred witnesses to the narrative in specific sources they should use or 'stick to' in their testimony.[1197]

words correctly. It is just hearsay [Indiscernible]"'); P00113_ET(Confidential):p.47 ('HASHIM THAÇI: [Whispers] When he comes, as soon as he comes in, you tell him, "You have to correct it", [Indiscernible] translations, and all sorts -- tell him "Perhaps the translation was bad [Indiscernible]". MILAIM AHMETAJ: [Whispers] Yes, yes, of course.').

[1193] P00113_ET(Confidential):p.38.

[1194] P00105_ET(Confidential):p.56/P00105_LSU.2(Confidential):p.41 ('HASHIM THAÇI: [Whispers] The other thing, "When you are cornered" tell him, "I don't know, I have no comment, I do not remember". [Normal voice] He will be told "When you are not sure...", this is it. But... FADIL FAZLIU: Don't talk, yes, that's right.');
P00106_ET(Confidential):p.76/P00106_LSU.2(Confidential):p.78/P00106_LSU.1(Confidential):p.33 ('HASHIM THAÇI: "[...] I am not sure. I do not remember". Tell him this, "When you are not sure, [Indiscernible] 'I do not remember'", that is all.');
P00108_ET(Confidential):p.210/P00108_LSU(Confidential):p.41 ('HASHIM THAÇI: And it is not a shame here to say he doesn't remember or does not know, "I don't remember". The most emblematic sentence is "I don't know", "I don't remember". BLERIM SHALA: Yes. HASHIM THAÇI: Nobody can ask you to answer.'); P00111_ET(Confidential):p.387.

[1195] P00113_ET(Confidential):p.39.

[1196] P00111_ET(Confidential):pp.386-387 (HASHIM THAÇI: Does he /?lie/? He doesn't /?lie/. "I don't know". Because he says to you, "What you don't know [Indiscernible] what you don't know".');
P00114_ET(Confidential):p.53 ('HASHIM THAÇI: He has it [Indiscernible] I do not know this. "I did not know what some thieves or some rascals were doing, misusing [power] to settle personal scores for revenge. Hence I do not know anything".'); P00112_ET(Confidential):p.139;
P00113_ET(Confidential):pp.39-40.

[1197] P00106_ET(Confidential):pp.58-59/P00106_LSU.1(Confidential):pp.8-9 ('HASHIM THAÇI: [Whispers] Yeah! Very good, but he needs to say it -- he should -- he should stick to Rexha's interview. […] "We did not know. Had I known that it was him, I would not have accepted it. I was elected by the commanders, because there was no Staff at all with those". And Rexha has the interview. HAJREDIN KUÇI: [Whispers] Yes. HASHIM THAÇI: [Whispers] He has just to abide by that. […]'),
P00106_ET(Confidential):p.61/P00106_LSU.1(Confidential):p.9/P00106_LSU.2(Confidential):p.75 ('HASHIM THAÇI: [Whispers] […] Agim has said it himself, "I was elected by the Staff". He must read Blerim SHALA's book. If possible, he should read Agim ÇEKU's interviews. […]');
P00106_ET(Confidential):p.88/P00106_LSU.2(Confidential):p.85.

417. **THAÇI** instructed that such changes to prior evidence be made during the SPO witness preparation session,[1198] and warned his visitors that the SPO always enquires of its witnesses whether they were approached prior to their testimony.[1199]

418. **THAÇI** provided his visitors with arguments to pressure and convince the witnesses to change their testimony to conform to his instructions, including by urging the witnesses not to 'return […] in disgrace'[1200] and not to 'shame us'.[1201] Indeed, during the 2 July Visit, **THAÇI** told **FAZLIU,** regarding Witness 1's imminent testimony, that:

> HASHIM THAÇI: […] one should know that if you do not know how to handle it, coming here will end you. There is no point returning. The man is finished, I mean as a human being... because to return and physically exist ...

[1198] P00105_ET(Confidential):pp.42-43/P00105_LSU.1(Confidential):pp.7-8 ('HASHIM THAÇI: [Speak in a quiet voice] That's right. Not you. [Whispers] Tell him, "You will have two days with the Americans". They call him two days earlier, "Do you have anything to correct, do you have anything?". Tell him "Get it done then". When they show it to him two days earlier -- [...] [Whispers] Two days earlier they will put him in there and they will tell him: "Read all the previous statements. Do you have anything to change [Indiscernible]?" Tell him, "Look, in case you have made any mistakes, change it". Tell him "Because when you enter the courtroom, it will be late". FADIL FAZLIU: He can change it if he wants to.'); P00112_ET(Confidential):p.189 ('HASHIM THAÇI: He just does it himself there because they call him two days earlier and ask him, "Do you want to correct anything?" Because earlier... earlier he messed up. [Murmurs] "This is not so. This [Indiscernible]."'); P00113_ET(Confidential):p.21 ('HASHIM THAÇI: [Whispers] Yes. Him, now. We will finish it now. [Indiscernible] two days before coming here. Two days before [Indiscernible] they will give everything to him [Indiscernible] to correct them. MILAIM AHMETAJ: Yes. HASHIM THAÇI: [Whispers] [Indiscernible] and he gets it done. [Indiscernible] He then gets it done, For example, --'), P00113_ET(Confidential):pp.26,36-38,44,49; P00109_ET(Confidential):p.56/P00109_LSU.1(Confidential):p.16, P00109_ET(Confidential):p.61/P00109_LSU.1(Confidential):p.24, P00109_ET(Confidential):p.114/P00109_LSU.2(Confidential):p.154; P00111_ET(Confidential):pp.306,355-356,361; P00106_ET(Confidential):pp.140-142/P00106_LSU.1(Confidential):pp.74-75.

[1199] P00105_ET(Confidential):p.51/P00105_LSU.1(Confidential):pp.23-24.

[1200] P00105_ET(Confidential):p.51/P00105_LSU.1(Confidential):p.23 ('HASHIM THAÇI: "Leave here as a hero". Tell him; "Since you are coming here, make sure you return as a hero, rather than in disgrace".'). *See also* P00109_ET(Confidential):p.62/P00109_LSU.1(Confidential):p.24, P00109_ET(Confidential):pp.137-138, P00109_ET(Confidential):p.140/P00109_LSU.2(Confidential):p.195; P00113_ET(Confidential):pp.49-50,59,83.

[1201] P00112_ET(Confidential):p.283. *See also* P00112_ET(Confidential):pp.154,266.

FADIL FAZLIU: Yes, but that is "to live in disgrace".[1202]

(c) THAÇI's *modus operandi*

419. **THAÇI** was consistent in the *modus operandi* he used to convey his instructions. He used repeated recourse to the DC Printer system to print copies of relevant confidential witness materials for use during the visits of his co-Accused and of uncharged persons.[1203] **THAÇI** repeatedly told his visitors to write down his witness interference instructions during the visits to ensure that his visitors remembered and accurately delivered the instructions.[1204] **THAÇI** provided printed materials to his visitors for them to take out of the DC to assist them in executing his instructions for targeted witnesses, and warned them not to leave the material with the witnesses.[1205] **THAÇI** emphasised concealment in his instructions, while speaking in whispers and low voice or holding parallel obfuscating conversations at key moments.[1206] And he warned his visitors not to approach witnesses directly and to involve third parties as necessary.[1207]

[1202] P00105_ET(Confidential):p.45/P00105_LSU.1(Confidential):p.11, P00105(Confidential):020723-122500.wav(00:00:29-00:00:39).
[1203] P00133(Confidential):p.17; P00113_ET(Confidential); P00109_ET(Confidential); P00110_ET(Confidential); P00234(Confidential):p.118304; Witness_8:T.536-537,586-588,603-604,611-616,628-632(03-Mar-2026)(Private). *See also* Section_II.B.4.
[1204] *E.g.* P00105_ET(Confidential):p.49/P00105_LSU.1(Confidential):p.22; P00106_ET(Confidential):p.140/P00106_LSU.1(Confidential):p.73; P00113_ET(Confidential):pp.21,24. *See also* P00109_ET(Confidential):pp.52,57/P00109_LSU.2(Confidential):p.102,104; Section_III.C.1(a)(iv); Section_III.C.1(b)(iv)b); Section_III.C.1(d)(ii)c); Section_III.C.2(c)(ii).
[1205] *E.g.* P00109_ET(Confidential):pp.56-57,60,62/P00109_LSU.1(Confidential):pp.16-17,23-24; P00113_ET(Confidential):pp.24,33-34; P00110_ET(Confidential):p.50/P00110_LSU.3(Confidential):p.19/P00110_LSU.1(Confidential):p.2/P00110_LSU.2(Confidential):p.2. *See also* Section_III.C.1(d)(ii)c); Section_III.C.1(c)(iv)b); Section_III.C.2(c)(ii).
[1206] *E.g.* P00105_ET(Confidential):pp.47-50/P00105_LSU.2(Confidential):pp.38-40/P00105_LSU.1(Confidential):pp.22-23; P00108_ET(Confidential):pp.213-215; P00109_ET(Confidential):p.54/P00109_LSU.2(Confidential):p.103. *See* Section_III.C.1(a)(iv); Section_III.C.1(b)(ii)b); Section_III.C.1(b)(iii)b); Section_III.C.1(b)(iv)b); Section_III.C.1(c)(ii)b); Section_III.C.1(c)(iv); Section_III.C.1(d)(ii)c); Section_III.C.2(a)-(d).
[1207] *E.g.* P00105_ET(Confidential):pp.40-42/P00105_LSU.2(Confidential):pp.36-37/P00105_LSU.1(Confidential):pp.6-7; P00109_ET(Confidential):p.129/P00109_LSU.2(Confidential):p.184; P00106_ET(Confidential):pp.140-

2. *THAÇI Targeted Specific Witnesses Deemed Decisive or Otherwise Threatening to His Case*

420. **THAÇI** aimed his instructions in particular at those he believed could cause most harm to his defence in Case 6: this included high-level KLA insiders and crime base witnesses who could indirectly or directly attribute serious charged crimes to the General Staff members or to **THAÇI** personally. Moreover, **THAÇI** revealed confidential information in a derogatory way about a number of witnesses across visits.

(a) Targeting specific witnesses for interference

421. In multiple visits, **THAÇI** directed specific instructions at four witnesses he considered 'decisive' to his case: 'Bisa', Chief of the KLA General Staff (Witness 2),[1208] 'Syla', Drenica Operational Zone and later KLA General Commander (Witness 5),[1209] 'Koli' or 'Sokol', KLA Deputy Commander (W04401)[1210] and 'Shukri' or 'Shuki' or 'Shukja', Nerodime Operational Zone Commander (W01453).[1211] These witnesses,

142/P00106_LSU.1(Confidential):pp.73-77. *See also* P00112_ET(Confidential):pp.280-281; Section_III.C.1(a)(iv); Section_III.C.1(b)(iv)b); Section_III.C.1(d)(ii)c).

[1208] P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20; P00111_ET(Confidential):p.389; P00112_ET(Confidential):p.181; P00114_ET(Confidential):p.51. For the identification of 'Bisa' as Witness 2 *see* Section_III.C.1(b)(iii)b); Section_III.C.1(c)(ii)b); Section_III.C.1(c)(iv)a).

[1209] P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20; P00111_ET(Confidential):p.389; P00112_ET(Confidential):p.181; P00114_ET(Confidential):p.53. For the identification of 'Syla' as Witness 5 *see* Section_III.C.1(b)(ii)b).

[1210] P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20; P00111_ET(Confidential):p.389; P00112_ET(Confidential):p.181; P00114_ET(Confidential):p.51. For the identification of 'Koli' or 'Sokol' as W04401 *see* Section_III.C.1(b)(ii)b); Section_III.C.1(b)(v); Section_III.C.2(b)(ii); Section_III.C.2(d)(ii). *See also* close reproductions of W04401's [REDACTED] summary in KILAJ Notebooks at P00005_ET(Confidential):pp.SPOE00346776-SPOE00346778 and P00006_ET(Confidential):pp.SPOE00346763-SPOE00346765.

[1211] P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20; P00111_ET(Confidential):p.389; P00112_ET(Confidential):pp.231-232,251,269; P00114_ET(Confidential):pp.29,51,53-54. That the names 'Shukri' or 'Shuki' or 'Shukja' are references to W01453 can be deduced from: (i) the name's match with the witness's first name: *see* P00169(Confidential):pp.119398-119399; (ii) THAÇI's identification of this witness as a main KLA insider (*see* P00114_ET(Confidential):pp.50-51); and (iii) THAÇI's references to the general timeframe of this individual's appearance, which is in line with that of W01453 (*compare* P00114_ET(Confidential):pp.28-29 *with* JN.00024.2(Confidential):p.1 [showing that W01453 was included in the list of first 40 witnesses] and P00169(Confidential):p.119397(para.7) [indicating that W01453 had not testified at the time of the 1 October Visit]).

along with Witness 1, were the highest ranked KLA officials listed to be called in Case 6. They were called by the SPO to provide evidence on key aspects of the case, including the KLA's command and control structure and **THAÇI's** leadership position within the KLA.[1212] **THAÇI** had a vested interest in influencing their testimony in order for it to align with his Preferred Narrative.

422. During the 9 September Visit, **THAÇI** identified 'Bisa', 'Koli' or 'Sokol', 'Syla' and 'Shukri' as those 'from the KLA, they are our people'.[1213] Similarly, during the 4 August Visit, **THAÇI** identified 'the ones from the KLA' as 'Bisa', 'Syla', 'Koli' and 'Shukri'.[1214]

423. **THAÇI** further identified these KLA insiders as the 'four main ones' and the 'four superiors' in the 15 September Visit[1215] and as 'decisive' during the 1 October Visit,[1216] further underscoring **THAÇI's** view that they were crucial KAL witnesses to influence.

424. During the 3 September Visit, **KUÇI** remarked that '[e]ven with four comrades the enterprise will collapse, boss'.[1217] Later in the same visit, **THAÇI** asked **KUÇI**

[1212] *E.g.* P00170(Confidential):pp.125838-125840 (in relation to Witness 2); P00169(Confidential):pp.119401-119402 (in relation to Witness 5); P00168(Confidential):pp.118252-118253 (in relation to W04401); P00169(Confidential):pp.119398-119399 (in relation to W01453).
[1213] P00108_ET(Confidential):p.189/P00108_LSU(Confidential):p.20. *See also* Section_III.C.1(b)(ii)b).
[1214] P00111_ET(Confidential):pp.389-390 ('HASHIM THAÇI: No but because now they are all short. There is two hours, five hours, you don't have -- just the ones from the KLA who will come, Bisa with [Indiscernible], Bisa with this -- SAMI LUSHTAKU: Yes. Bisa will be the longest one. HASHIM THAÇI: Yes, but Bisa is quite the little devil [Indiscernible]. He is completely from the bottom, completely from the bottom [Indiscernible], but okay. SAMI LUSHTAKU: [Whispers] He, he is with [Indiscernible]. HASHIM THAÇI: Syla is after you. SAMI LUSHTAKU: [Whispers] And this guy -- HASHIM THAÇI: Koli. SAMI LUSHTAKU: [Whispers] -- Koli. [Indiscernible]. HASHIM THAÇI: Shukri comes out on [Indiscernible].').
[1215] P00112_ET(Confidential):pp.181-185,231. *See also* Section_III.C.2(b)(ii).
[1216] P00114_ET(Confidential):pp.50-55 ('HASHIM THAÇI: […] There are these four, five who are, I would say, decisive. Bisa, Koli, Kali, and Shukja. They are decisive. […] It will be easiest for Koli, because he has not given an interview here. […] Yes, indeed. Just, "independent". Shukri will – Shukri has more material that is public than this one, because he has given statements earlier to the [In English] ICTY. Syla also testified there, but it is nothing -- Bisa has about 10, around 12,000 pages where he has spoken.').
[1217] P00106_ET(Confidential):p.54/P00106_LSU.2(Confidential):p.20.

whether he knew what it means 'to prepare for the four big ones of the KLA'.[1218] During the 6 October Visit, **THAÇI** referred to 'the KLA people', which included 'Syla'.[1219] **THAÇI** expressed the conviction that these witnesses 'will not slip' and that '[i]t is on their basis that they have built the [In English] JCE'.[1220]

425. **THAÇI** instructed his visitors that these four witnesses must not 'cause harm'.[1221] Furthermore, having repeatedly expressed satisfaction with Witness 1's courtroom performance, **THAÇI** indicated in multiple visits that it would be easier for the other witnesses to provide evidence after Remi's exemplary testimony.[1222] Indeed,**THAÇI** expressed his desire that the other witnesses 'come out like Remi' to whom he referred to as 'a wonder',[1223] and 'simplify it, […] just like Remi did'.[1224]

[1218] P00106_ET(Confidential):pp.163-164.
[1219] P00109_ET(Confidential):p.132/P00109_LSU.2(Confidential):p.164.
[1220] P00114_ET(Confidential):pp.50-51 ('HASHIM THAÇI: However, when he, for example, when Bisa comes, he will take five days. ABELARD TAHIRI: Yes. HASHIM THAÇI: He will surely take four days. ISNI THAÇI: For sure. HASHIM THAÇI: And one -- this means that takes -- ABELARD TAHIRI: Time, time for him to speak. HASHIM THAÇI: Time. ABELARD TAHIRI: Yes. HASHIM THAÇI: I think in October -- not in October, but in November he will be one of the first one. He might be one of the first ones. Nevertheless, it is very good that they come here. It is very good that these of the KLA come here, because they will not slip. It is on their basis that they have built the [In English] JCE. […] No, no. One should say here, "We tried. You know what I mean, "We tried to do things. We were not able to. We tried, and we tried". This is his style. "We tried to do it how it should have been done". [Indiscernible] Prosecution. Okay, but he will not slip.').
[1221] P00114_ET(Confidential):p.51.
[1222] P00113_ET(Confidential):p.74 ('HASHIM THAÇI: Never mind. What did he say to you? MILAIM AHMETAJ: He said, "Whoever wants to become a man", he said, "needs to follow Remi's example". HASHIM THAÇI: [Whispers] That's right. I swear to God he was a wonder! But tell this other one too.'); P00110_ET(Confidential):p.46/P00110_LSU.3(Confidential):pp.14-15('BASHKIM SMAKAJ: He sent you greetings last week. HASHIM THAÇI: [Speaks quietly] This is easy for him. After the little one, it is very easy for him. To tell the truth, only that pattern and -- but --'); P00114_ET(Confidential):p.54 ('HASHIM THAÇI: No, Bisa. Bisa is wise. No, no. ISNI THAÇI: Yes. HASHIM THAÇI: He, but he is miles ahead, and he is agile. Bisa has also got the good-will. Neither [Indiscernible] "This is how it was" [Indiscernible]. In particular he does not -- do you know what the problem is here? Here -- now they have a very good example. They will just -- the lawyers will ask him "Was your situation similar to the one Remi described?". That's it. [Indiscernible]. He just gave an example [Indiscernible].'). *See also* P00108_ET(Confidential):pp.209-212/P00108_LSU(Confidential):pp.41-42, P00108_ET(Confidential):pp.127-129.
[1223]P00113_ET(Confidential):p.74; P00112_ET(Confidential):p.231. *See also* P00109_ET(Confidential):pp.38-39; P00111_ET(Confidential):pp.21-22.
[1224] P00106_ET(Confidential):p.88/P00106_LSU.2(Confidential):p.85.

426. Similar to the other key witnesses, Witness 1 was himself considered decisive by **THAÇI** and instructed to provide linkage evidence in line with **THAÇI's** Preferred Narrative.[1225] **THAÇI** underscored the importance of his testimony and its broader implications for Case 6 when he stated that '[t]he first official coming is Remi'[1226] and, later, 'if he does this well, [Whispers] he will stop the rest of them'.[1227]

427. In the same vein as the high-level KLA insiders, **THAÇI** emphasised during the 15 September Visit the importance of [REDACTED],[1228] and then one week later during the 22 September Visit provided extensive instructions focused on a change of narrative in relation to the General Staff and the occurrence of events he was expected to testify about[1229] in the context of his 'highly incriminating evidence'.[1230]

428. **THAÇI** also focused his instructions on those who could directly tie him to charged Case 6 conduct. For instance, **THAÇI** issued instructions for at least two witnesses (Witness 4 and Witness 6) to provide evidence in such a way as to minimise **THAÇI's** personal involvement in charged Case 6 incidents.[1231]

(b) Revealing protected information of a number of witnesses

429. Beyond Witness 4, **THAÇI** repeatedly revealed confidential information about numerous other protected witnesses whose testimony he sought to undermine. **THAÇI** combined several of these revelations with disparaging attacks on the witnesses.

[1225] *See* Section_III.C.1(a)(iv).
[1226] P00105_ET(Confidential):p.47/P00105_LSU.2(Confidential):p.38.
[1227] P00105_ET(Confidential):p.55/P00105_LSU.2(Confidential):p.40.
[1228] P00112_ET(Confidential):p.231. *See also* III.C.2(b)(ii).
[1229] *See* P00113_ET(Confidential):pp.44-46; P00170(Confidential):pp.125828-125829. *See also* III.C.2(c)(ii).
[1230] JN.00015_ET(Confidential):p.27.
[1231] For examples of instructions directed at Witness 4 and Witness 6 to change their evidence on the [REDACTED] *see* P00109_ET(Confidential):pp.133-134/P00109_LSU.2(Confidential):pp.187-188; P00106_ET(Confidential):pp.139-142/P00106_LSU.1(Confidential):pp.73-74; P00168(Confidential):pp.118246-118247; P00170(Confidential):pp.125822-125823. *See also* Section_III.C.1(b)(iv) and Section_III.C.1(d)(ii)c).

430. For example, across multiple visits **THAÇI** identified [REDACTED] as an SPO witness and disclosed the content of his in-court private session testimony. **THAÇI** derided [REDACTED], calling him '[REDACTED]', '[REDACTED]' and '[REDACTED]' and revealed his evidence during multiple visits.[1232] Similarly, **THAÇI** revealed across multiple visits the private session testimony of [REDACTED] and [REDACTED], ridiculing their evidence [REDACTED].[1233] **THAÇI** also repeatedly identified to his visitors witness [REDACTED] and referred to her as an '[REDACTED]'.[1234] [REDACTED], [REDACTED], [REDACTED], and [REDACTED] are all protected witnesses in the Case 6 proceedings.[1235]

[1232] P00106_ET(Confidential):p.136/P00106_LSU.2(Confidential):p.95. *See also* P00109_ET(Confidential):p.30/P00109_LSU.2(Confidential):p.55, P00109_ET(Confidential):p.111/P00109_LSU.2(Confidential):p.152; P00105_ET(Confidential):p.28/P00105_LSU.2(Confidential):p.12; P00111_ET(Confidential):p.40. *See also* P00114_ET(Confidential):p.59.
[1233] P00105_ET(Confidential):pp.31-32/P00105_LSU.2(Confidential):p.14; P00108_ET(Confidential):pp.139-145; P00112_ET(Confidential):pp.7-9,15 ('[REDACTED]'); P00113_ET(Confidential):p.6; P00114_ET(Confidential):pp.57-61; P00109_ET(Confidential):pp.102-104/P00109_LSU.2(Confidential):pp.147-148; P00109_ET(Confidential):p.106/P00109_LSU.2(Confidential):p.149; P00110_ET(Confidential):p.178/P00110_LSU.3(Confidential):p.35.
[1234] P00111_ET(Confidential):p.40. *See also* P00108_ET(Confidential):p.183/P00108_LSU(Confidential):p.16 ('[REDACTED].'); P00112_ET(Confidential):pp.134-135,137; P00110_ET(Confidential):p.19.
[1235] P00168(Confidential):p.118243(para.4); P00169(Confidential):p.119396(para.2); P00170(Confidential):p.125819(para.2).

IV. THE ACCUSED COMMITTED THE CRIMES CHARGED AND ARE INDIVIDUALLY CRIMINALLY RESPONSIBLE

A. APPLICABLE LAW

1. *KCC Article 401(2), Article 401(3), Article 401(5) - Attempted Obstruction of Official Persons in Performing Official Duties (Counts 1-3, 12, 14, 16)* [1236]

431. KCC Article 401(2) governs obstruction specifically committed or attempted by a group. The material elements of this offence are: (i) participation in a group which by common action; (ii) obstructs or attempts to obstruct an official person in performing official duties.[1237] The leader or organiser of the group is subject to an enhanced sentence under KCC Article 401(3), which encompasses *de facto* leaders or organisers.[1238] Where the obstruction is committed against a KSC/SPO official during the exercise of their official functions, the requirements of the aggravated form under KCC Article 401(5) are met.[1239]

(a) Group/common action

432. A 'group' in this context requires three or more persons.[1240] The connection between these persons is defined by their 'common action' and an accused's

[1236] KCC 401: […] 2. Whoever participates in a group of persons which by common action obstructs or attempts to obstruct an official person in performing official duties or, using the same means, compels him or her to perform official duties shall be punished by a fine or by imprisonment of up to three (3) years. 3. The leader or organizer of the group which commits the offense provided for in paragraph 2. of this Article shall be punished by imprisonment of one (1) to five (5) years. […] 5. When the offense provided for in paragraph 1. or 2. of this Article is committed against a judge, a prosecutor, an official of a court, prosecution officer or a person authorized by the court and prosecution office, a police officer, a military officer, a customs officer or a correctional officer during the exercise of their official functions the perpetrator shall be punished by imprisonment of one (1) to five (5) years.
[1237] *See* C7 TJ:para.158; Confirmation Decision:para.51. KCC Art.401(1) is not charged in this case, and governs '[w]hoever, by force or serious threat, obstructs or attempts to obstruct an official person in performing official duties […]'. Noting that KCC Art.401(2)'s second element is identical to what is required under KCC Art.401(1), the KSC jurisprudence interpreting this part of KCC Art.401(1) applies equally in the KCC Art.401(2) context.
[1238] C7 TJ:para.171.
[1239] C7 TJ:para.149; Confirmation Decision:para.53.
[1240] C7 TJ:para.161; Confirmation Decision:para.52, *read with* KCC Art.113(12).

intentional participation within the group.[1241] There is no further statutory requirement that the group members are all located in the same place or that they personally know each other.[1242] Any type of collective criminality pursuing the (attempted) obstruction qualifies; KCC Article 401(2) is not limited to crowd or mob violence, threats, or any other particular types of acts.[1243]

(b) Attempted obstruction/official person and duties

433. By the language of the provision, attempted obstruction qualifies as a completed offence.[1244] On this understanding, it is a completed offence to attempt to prevent, impede, hinder, or delay the progress of the SPO's presentation of evidence in KSC proceedings.[1245] The obstruction can be indirect in that it is directed at witnesses or other third persons, so long as the target of the obstruction remains the official person and the performance of that official's duties.[1246]

[1241] *See* C7 TJ:para.163 ('As regards participation in a group, the Panel notes that this entails any person who, by his or her conduct, partakes in, contributes to or enables in some other form, the common action of obstructing or attempting to obstruct an official person in performing official duties. The Panel underscores that Article 401(2) of the KCC does not require that the actions of each participant in the group contribute directly to the obstructive purpose.'); Confirmation Decision:para.52.

[1242] *See* Confirmation Decision:para.177, *citing Prosecutor v. Albin Kurti* TJ.

[1243] C7 TJ:para.162. *See also Prosecutor v. R.R. and M.V* AJ:paras.112-114 (noting that actions that might not qualify as obstruction through violence or serious threat under 2012 KCC Art.409(1) (KCC Art.401(1)) – including acts described as 'passive' or 'not an "active" attack' – could still qualify as obstruction under 2012 KCC Art.409(2) (KCC Art.401(2))).

[1244] C7 TJ:paras.158,774-775; Confirmation Decision:para.51; Decision F00347:para.64 ('…in the context of KCC Article 401(2), "attempts to obstruct" is a form of commission. To add KCC Art.28 to KCC Art.401(2) would mean to plead an attempt of the attempted obstruction. This interpretation is legally untenable.'). *See also Prosecutor v. Ž.V*. TJ:para.158.

[1245] *See* C7 TJ:para.145; Confirmation Decision:para.54. In this regard, it is immaterial that such conduct could also infringe other KCC provisions, such as those in KCC Art.386, Art.387 and Art.388. Nothing precludes interference with KSC proceedings from falling within the ambit of KCC Art.401(2) when doing so obstructs the performance of official persons performing official duties (*contra* Thaçi PTB:paras.21,46-48).

[1246] *See* C7 Legality Decision:para.48 (in context of discussing what is now KCC Art.401(1), which also has the (attempted) obstruction of an official person as its object: '[i]t is clear that the official person and his or her ability to perform official duties may equally be targeted through indirect ways in order to achieve the ultimate purpose, namely preventing the performance of official duties. Therefore, any force or serious threat may be directed against another (not the official) person or

434. What is required is more than the preparation of the criminal offence,[1247] but 'attempt' extends to the intentional taking of action towards the commission of an offence when the elements of the intended offence are not fulfilled.[1248] A perpetrator attempts the commission of an offence when he or she has begun to execute one or more of the material elements of the offence.[1249] Accordingly, KCC Article 401(2)'s elements begin to be executed – and thus qualify as attempted obstruction – when an accused participates in a group with the requisite intent which, by its common action, has the capacity to obstruct official persons.[1250] It is not required that the obstruction actually occur or be successful for attempted obstruction.[1251] It is likewise immaterial whether the attempted obstruction had the motivation of ensuring 'truthful' testimony[1252] – motive is generally irrelevant in criminal law,[1253] and an orchestrated effort to instruct witnesses in violation of court orders is obstructive regardless of the truth or falsity of the instructions given.[1254]

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against an object, as long as the target of the obstruction is the official person and his official duties.'); C7 AJ:para.282 (finding by majority); C7 TJ:para.146; Annex 8, *Ismet Salihu et al*., Commentary on Penal Code of Republic of Kosovo (GTZ, 2014):pp.1165-1166 (also in context of discussing what is now KCC Art.401(1)).

[1247] C7 TJ:para.201; Confirmation Decision:para.107 *read with* KCC Art.27.

[1248] *See* KCC Art.28(1); C7 TJ:para.201; Confirmation Decision:para.107. *See also Prosecutor v. Ž.V.* TJ:para.124 ('An attempt means the lack of full completion of the offence. According to the law, it is the perpetrator's expectation of the course of his actions that defines the attempted act.').

[1249] C7 TJ:para.201; Confirmation Decision:para.107.

[1250] *See* C7 AJ:para.282 (KCC Art.401(1) context: '[w]hat is important for the establishment of the *actus reus* of the offence, in the Majority's view, is that the accused's act must have had the capacity to obstruct official persons.'); C7 TJ:para.695; Confirmation Decision:para.193.

[1251] *Contra* Opening_Statements:T.314,320-323(27-Feb-2026)(Open). The absence of such consequences is precisely why the counts in this case are confirmed as attempted obstruction. *See* Confirmation Decision:paras.189-194.

[1252] *Contra* Thaçi PTB:paras.43-45.

[1253] *Tadić* AJ:paras.268-270.

[1254] *See similarly Bemba et al.* AJ:paras.169-172; *Bemba et al*. TJ:paras.704,733; *Marijačić and Rebić* AJ:para.44 ('[i]t is not for a party or a third person to determine when an order "is serving the International Tribunal's administration of justice". It has already been established in the jurisprudence that any defiance of an order of the court interferes with the administration of justice.'); *Jović* AJ:para.30; *Hartmann* AJ:para.52.

435. The object of KCC Article 401(2) is not to protect official persons as such, but rather to protect the unimpeded exercise of their official duties.[1255] The official persons can be identified as classes of officials, rather than individually named persons.[1256] Accordingly, action intended to obstruct a criminal prosecution qualifies under KCC Article 401(2) regardless of whether the accused knows the individual prosecutors involved. The attempted obstruction need not take place simultaneously with the official person's exercise of their duties,[1257] and the form and nature of the particular duty obstructed need not be identified as long as the duties or functions that were obstructed fell within the official person's competencies.[1258]

2. *KCC Article 392(1) - Violating the Secrecy of Proceedings Through Unauthorised Revelation of Secret Information (Counts 4-6)*[1259]

436. The material elements of KCC Article 392(1) are: (i) the unauthorised revelation of; (ii) information disclosed in any official proceeding; (iii) which must not be revealed according to the law or has been declared to be secret by a decision of the court or a competent authority.[1260] What cannot be revealed under this provision extends to information classified as confidential by either the KSC or SPO.[1261] The

[1255] C7 AJ:para.282 (majority finding); Annex 8:p.1165.
[1256] Confirmation Decision:paras.193-195; C11 Confirmation Decision:para.108 (in the KCC Art.401(1) context); C10 Confirmation Decision:para.102 (in the KCC Art.401(1) context: 'the Suspects' aforementioned acts and statements could, in principle, hinder and/or delay the work of SC/SPO Officials, namely SPO prosecutors and investigators, as well as SC staff members, in the context of SC Proceedings.'). *Compare Prosecutor v. Albin Kurti* TJ:p.11 (considering the obstruction of Kosovo and UNMIK police deployed to control a protest, without individualising specific affected police officers).
[1257] C7 Legality Decision:para.49 (in the KCC Art.401(1) context); C7 AJ:para.283.
[1258] C7 AJ:para.281; C7 TJ:para.147.
[1259] KCC Art.392(1): 1. Whoever, without authorization, reveals information disclosed in any official proceeding which must not be revealed according to law or has been declared to be secret by a decision of the court or a competent authority shall be punished by a fine or by imprisonment of up to one (1) year.
[1260] C7 TJ:para.69; Confirmation Decision:para.61.
[1261] C7 TJ:paras.76-78; Confirmation Decision:paras.65-66,222.

'official proceedings' where the information was disclosed include prosecutorial investigations, pre-trial proceedings, and trial proceedings.[1262]

437. The offence turns on the unauthorised act of revelation/dissemination as such,[1263] not on whether the audience is learning the information for the first time. The unauthorised revelation falls under the scope of the provision even where the information was already publicly available or publicly known – a prior unauthorised public-domain disclosure does not lift the protected status of the information.[1264] Prior public knowledge, prior testimony elsewhere, or even a witness's own public disclosure of protected status does not forfeit KSC/SPO protection or entitle others to disseminate that information further.[1265] If information is partially made public, this also does not give an accused authorisation to reveal the remainder.[1266]

438. As for the protections given to information in KSC proceedings, Article 61(3) and Article 61(4) provide that where documentation or information has been given confidential status by the KSC or the SPO, such documentation or information cannot be released without the permission of a KSC judge or the SPO, respectively. Article 62(1) further specifies that 'the documents, papers, records and archives' of the Specialist Chambers, the Registry and the SPO 'shall not be considered public documents of Kosovo' and that there is no 'general right of access' to those records. Rule 82(1)(b) establishes that confidential information may only be disclosed to the Parties and authorised participants by the Specialist Chambers. Rule 82(3) provides

[1262] C7 TJ:para.74.
[1263] *See Jović* AJ:para.30.
[1264] C7 TJ:paras.488-489 ('any prior unauthorised revelation of the Protected Information would not have had the effect of lifting its protected status and thereby rendering further revelations "authorised" within the meaning of Article 392(1) of the KCC.'). *See also Marijačić and Rebić* AJ:para.45 ('[a] court order remains in force until a Chamber decides otherwise. […] To hold otherwise would mean to undermine all protective measures imposed by a Chamber without an explicit *actus contrarius*, thus endangering the fulfilment of the [court's] functions and mandate.').
[1265] C7 TJ:paras.524-526. *Contra* Fazliu PTB:paras.28-31.
[1266] C7 TJ:para.488 ('even if the material had contained some public information, this would not provide justification for the disclosure of the rest of the information that was not yet in the public domain.'); *Jović* AJ:para.30.

that confidentially classified filings shall be treated according to that classification unless and until otherwise ordered by a Panel. Rule 82(6) provides that the unauthorised disclosure of records or information bearing the classification confidential 'may lead to proceedings under Article 15(2) of the Law and KCC Article 400(1) for violating the secrecy of the proceedings'.[1267]

3. *KCC Article 392(2) - Violating the Secrecy of Proceedings Through Unauthorised Revelation of the Identity and Personal Data of a Protected Witness (Count 7)*[1268]

439. The material elements of this offence are: (i) the unauthorised revelation of; (ii) information on the identity or personal data of a person under protection in the criminal proceedings or in a special program of protection.[1269]

440. What KCC Article 392(2) protects is not identity as such, but identity as a protected participant in criminal proceedings.[1270] Accordingly, and as is the case under KCC Article 392(1), the 'fact that the identity of a person is publicly known cannot be equated to the revelation of his or her identity as a person under protection in criminal proceedings'.[1271]

441. For **THAÇI** specifically, convictions can be entered against him under both KCC Article 392(2) and KCC Article 392(1).[1272] During the KILAJ Visit, **THAÇI** revealed both protected witness identities and other confidential information. KCC Article 392(2) covers the former revelations, and KCC Article 392(1) the latter. Each

[1267] *See* C7 AJ:para.151.
[1268] KCC 392(2): 2. Whoever without authorization reveals information on the identity or personal data of a person under protection in the criminal proceedings or in a special program of protection shall be punished by imprisonment of up to three (3) years.
[1269] *See* C7 TJ:paras.89,92-99; Confirmation Decision:paras.71-74.
[1270] C7 TJ:para.98.
[1271] C7 TJ:para.98.
[1272] *See* C7 AJ:para.442.

provision covers distinct criminal acts, which qualifies as 'real concurrence' which would not be merged under civil law concurrence principles.[1273]

4. KCC Article 393 - Contempt of Court (Counts 8-11, 13, 15, 17-19)[1274]

442. The material elements for committing this offence are: (i) failure to obey any Kosovo court's final order, ruling, decision, or judgment directed at or against the accused; or, (ii) refusal to publish or obstruction of the publication of any final decision or, judgment of such court.[1275] Only the first of these alternatives is relevant in this case.

443. A final order is one which may no longer be challenged on appeal.[1276] This applies both to decisions for which leave to appeal was never requested or granted – such as the Case 6 protective measures decisions at issue in this case – or decisions, like the Case 6 Protocol, which were confirmed on appeal.

5. KCC Article 17 - Commission (Counts 1-8, 10-12, 14, 16, 19)[1277]

444. An accused is responsible for crimes committed 'intentionally' under this provision, requiring this provision to be read in concert with the definition of intent as described in KCC Article 21 (developed further below). For the KCC Article 401(2) counts – which require a group as a constituent element – the accused are responsible

[1273] *See* C7 AJ:para.304. This is in contrast to the interplay between KCC Art.401(1) and Art.401(2), which were in a relationship of ideal concurrence and were merged in *Gucati and Haradinaj* (C7 AJ:paras.301-310). *See also Brima et al.* AJ:para.212 ('the problem of impermissibly cumulative or concurrent convictions does not arise when the alleged crimes are not based upon the same criminal conduct'); *Galić* AJ:para.167.
[1274] KCC Art.393: 1. Whoever fails to obey any final order, ruling, decision or judgment of any Court in the Republic of Kosovo or who refuses or obstructs the publication of any final decision or, judgment of such court shall be punished by a fine or imprisonment up to six (6) months. […]
[1275] Confirmation Decision:paras.86-88. *See also* Confirmation Appeal Decision:para.62.
[1276] Confirmation Decision:para.87, *in reference to* Article 45, Rule 77 and Rule 170.
[1277] KCC Art.17 (Criminal Liability): 1. A perpetrator of a criminal offense is criminally liable if he or she is mentally competent and has committed the criminal offense intentionally […].

for directly committing this offence and not as co-perpetrators pursuant to KCC Article 31.[1278]

6. KCC Article 32 - Incitement (Counts 1-3)[1279]

445. Incitement is charged in the alternative in relation to the KCC Article 401(2), Article 401(3), and Article 401(5) counts against **THAÇI**. The material requirement for incitement under KCC Article 32 is that the accused exert psychological influence on another person with a view to creating or strengthening that person's decision to commit a criminal offence.[1280] Such influence may take the form of, *inter alia*, encouraging, urging, or pressuring the person to commit the offence, as well as guiding or instructing him or her in the commission thereof.[1281] The possibility of merely *strengthening* a person's decision to commit the offence demonstrates that incitement can occur even if the other person was already minded to carry out the conduct.[1282]

446. The Appeals Panel in this case has held, by majority, that KCC Article 32(3) applies to offences whose sentencing range includes or exceeds five years, and therefore applies to the aggravated KCC Article 401(3) and Article 401(5) forms.[1283] This interpretation aligns with Kosovo court practice.[1284] Accordingly, **THAÇI** can be

[1278] C7 TJ:para.767; C7 Confirmation Decision:para.87.
[1279] KCC Art.32: 1. Whoever intentionally incites another person to commit a criminal offense shall be punished as if he or she committed the criminal offense if the criminal offense is committed. […] 3. Whoever intentionally incites another person to commit a criminal offense punishable by imprisonment of at least five (5) years and the offense is not even attempted, the inciter shall be punished for attempt.
[1280] C7 TJ:para.191.
[1281] C7 TJ:para.191; Confirmation Decision:para.98.
[1282] Annex 8:p.160.
[1283] Confirmation Appeal Decision:paras.83-89.
[1284] Annex 9, *Prosecutor v. Lulzim Blakaj*, Judgment, Court of Appeals Pristina, PAKR 40/2025, 17 June 2025, p.6 (referencing KCC Art.32(3) in conjunction with KCC Art.395 (punishable by imprisonment of three months to five years)); Confirmation Appeal Decision:para.86 and authorities cited. *See similarly e.g. Prosecutor v. N.G. and H.G.* SCJ:p.5 (finding that a provision applicable to crimes punishable by 'at least four years' encompassed a crime punishable by three to ten years because 'imprisonment of 4 years is in the range of imprisonment foreseen'); *Prosecutor v. B.G. and H.A.* TJ:paras.122-123.

held responsible for inciting the charged obstruction offences even in the absence of attempting the offence, pursuant to KCC Article 32(3).

7. KCC Article 33 - Assistance (Counts 12-17)[1285]

447. Assistance is charged in relation to the counts against **SMAKAJ**, **KILAJ**, and **FAZLIU**. All that is required is that the person assists the perpetrator in the commission of a criminal offence.[1286] KCC Article 33(2) gives a non-exhaustive list of examples of criminal assistance, including: (i) giving advice or instruction on how to commit a criminal offence; (ii) making available the means to commit a criminal offence; or (iii) creating conditions or removing the impediments to the commission of a criminal offence.[1287]

448. The person assisting a criminal offence need not intend the commission of the offence, but they must provide assistance to the perpetrator knowingly and intentionally.[1288] The person assisting a criminal offence need not know all the details of the offence.[1289] As concerns assistance to KCC Article 393 contempt specifically, the accessory need not themselves be the addressee of the disobeyed order or be personally capable of directly disobeying it.[1290]

[1285] KCC Art.33: 1. Whoever intentionally assists another person in the commission of a criminal offense shall be punished more leniently than the perpetrator of the offense. 2. Assistance in committing a criminal offense includes, but is not limited to: giving advice or instruction on how to commit a criminal offense; making available the means to commit a criminal offense; creating conditions or removing the impediments to the commission of a criminal offense; or, promising in advance to conceal evidence of the commission of a criminal offense, the perpetrator or identity of the perpetrator, the means used for the commission of a criminal offense, or the profits or gains which result from the commission of a criminal offense.
[1286] C7 TJ:para.195.
[1287] *See also* Confirmation Decision:para.286.
[1288] C7 TJ:para.196.
[1289] C7 TJ:para.196.
[1290] That the orders in this case were not directly binding on SMAKAJ, KILAJ, and FAZLIU is precisely why these counts were confirmed on the basis of criminal assistance, and not commission. *See* Confirmation Decision:paras.244-246,251,284-286.

8. KCC Article 35 - Agreement to Commit a Criminal Offence (Counts 1-3, 9, 12, 14, 16, 18)[1291]

449. Agreement is charged in the alternative for the KCC Article 401 charges against the Accused, as well as the contempt offences against **THAÇI** and **KUÇI** in Counts 9 and 18. KCC Article 35 appears as part of a general section in the KCC governing 'Collaboration in Criminal Offences'. The plain language of the statutory scheme extends the ambit of KCC Article 35 to KCC Article 401(2), including the 'attempted obstruction' limb.[1292]

450. What is required is that: (i) the perpetrator agrees with one or more other persons to commit a criminal offence; and (ii) one or more of these persons undertake any substantial act towards the commission of the criminal offence.[1293] The 'substantial act' need not rise to the level of attempting the crime, but can constitute a substantial preparatory step.[1294] Such steps can include planning or organising with another person the commission of a criminal offence.[1295]

9. KCC Article 21 - Intent (All Counts)[1296]

451. The KCC does not indicate any specific intent for the crimes or modes of liability charged, meaning that either direct or eventual intent suffices for all counts. A person

[1291] KCC Art.35: 1. Whoever agrees with one or more other persons to commit a criminal offense and one or more of such persons does any substantial act towards the commission of the criminal offense, shall be punished as provided for the criminal offense. 2. For the purposes of this Article, the term "substantial act towards the commission of a crime", need not be a criminal act, but shall be a substantial preparatory step towards the commission of the crime which the persons have agreed to commit.
[1292] *Contra* Kilaj PTB:paras.12-26,39-54. When the KCC seeks to circumscribe the scope of its modes of liability, it does so explicitly. *See* KCC Art.28(2) (limiting attempt liability only to offences for which a punishment of three or more years may be imposed).
[1293] C7 TJ:para.198.
[1294] KCC Art.35(2).
[1295] KCC Article 27 is not charged in this case, but examples of preparatory acts like these can be found in KCC Art.27(2).
[1296] KCC Art.21: 1. A criminal offense may be committed with direct or eventual intent. 2. A person acts with direct intent when he or she is aware of his or her act and desires its commission. 3. A

acts with direct intent when they are aware of their act and desires its commission.[1297] A person acts with eventual intent when they are aware that a prohibited consequence can occur as a result of their act or omission and they accede to its occurrence.[1298]

452. Crimes under KCC Article 392, Article 393 and Article 401 have all been previously found to have been committed with either form of intent.[1299] Eventual intent has also been previously found to suffice for purposes of incitement,[1300] assistance,[1301] agreement to commit a criminal offence,[1302] and attempt.[1303] As concerns KCC Article 401(2) in particular, some members of the group may be acting with direct intent and others with eventual intent[1304] – what must be shared is the group's 'common action', not the form of their intent.

B. THE ACCUSED ARE CRIMINALLY RESPONSIBLE

1. *THAÇI, FAZLIU, SMAKAJ, and KILAJ, by Participating in the Common Action of Their Groups, Attempted to Obstruct Official Persons in Performing Official Duties (Counts 1-3, 12, 14, 16)*

(a) The conduct of the Accused satisfies the material elements

(i) Groups of persons

person acts with eventual intent when he or she is aware that a prohibited consequence can occur as a result of his or her act or omission and he or she accedes to its occurrence.

[1297] KCC Art.21(2).

[1298] KCC Art.21(3).

[1299] C7 TJ:paras.152-155,175-178; C7 Confirmation Decision:paras.38-40,47-50; Confirmation Decision:paras.56-58,89-91. For KCC Art.401, *see also Prosecutor v. Ž.V.* TJ:paras.135,150-151 (specifically concerning attempted obstruction).

[1300] C7 TJ:para.192. *See also* Annex 8:p.161.

[1301] C7 TJ:para.196.

[1302] C7 TJ:para.199.

[1303] C7 TJ:para.202. *See also Prosecutor v. Ž.V.* TJ:para.135.

[1304] C7 TJ:paras.175-178.

453. The evidence detailed in the Evidentiary Considerations and Statement of Facts[1305] establishes that between at least 12 April and 2 November 2023, **THAÇI**, **FAZLIU**, **SMAKAJ**, and **KILAJ** participated in groups of persons whose common actions attempted to obstruct one or more official persons in performing official duties: respectively, the FAZLIU Group, SMAKAJ Group, and KILAJ Group. Each group consisted of three or more persons.

(ii) Participation in groups of persons which, by common action

454. Within their respective groups, each participant contributed to or enabled the attempted obstruction. The group members acted jointly to pursue the obstructive purpose. These joint activities were part of the common action of each group aimed at obstructing KSC proceedings by way of influencing the testimony of witnesses in line with **THAÇI's** instructions.

a) FAZLIU Group

455. In relation to the 2 July Visit, **THAÇI** gave clear instructions to **FAZLIU** on the content and manner of Witness 1's testimony, tasked **FAZLIU** to convey those instructions to Witness 1, and simultaneously revealed confidential information. **FAZLIU** agreed to deliver **THAÇI's** instructions, and informed **THAÇI** that he had already met with Witness 1 on 29 June 2023, that Witness 1 was willing to receive instructions and that they had agreed to meet again after **FAZLIU's** visit to the DC. **FAZLIU** also discussed and agreed with **THAÇI** on how to best contact Witness 1 to avoid detection by the SPO. **FAZLIU's** son Fahri FAZLIU acted as the conduit to set up both the 29 June and 3 July 2023 meetings with Witness 1, arranging the second meeting immediately upon **FAZLIU's** return to Prishtinë/Priština on 3 July, just as **THAÇI** had directed. Fahri FAZLIU was also in contact with Witness 1's son, Ilmi MUSTAFA, on: (i) 4 July 2023, to arrange a meeting at Route 66; (ii) 11 July 2023, the

[1305] *See* Sections II and III. The SPO further underscores that all sections of this brief should be read in conjunction with one another.

day that Witness 1's Case 6 testimony commenced; and (iii) 19 July 2023, the day after Witness 1 completed his Case 6 testimony.

456. That the participants acted jointly is evident from *inter alia*: (i) **THAÇI's** and **FAZLIU's** discussion of, and agreement on, the testimony instructions to Witness 1, and the means by which Witness 1 should be contacted (including having Fahri FAZLIU serve as intermediary); (ii) the use of Fahri FAZLIU as the intermediary to set up two different meetings with Witness 1 despite the fact that **FAZLIU** had a fully operational phone and could have contacted Witness 1 directly; and (iii) **FAZLIU's** and Fahri FAZLIU's actual meeting with Witness 1 on 3 July 2023, in compliance with **THAÇI's** instructions that the meeting occur immediately, and before Witness 1 left Kosovo to testify.

b) SMAKAJ Group

457. In relation to the SMAKAJ Visits, **THAÇI** gave **SMAKAJ** detailed instructions on the content and manner of Witness 2's testimony, tasked **SMAKAJ** to convey those instructions to Witness 2, and simultaneously revealed confidential information. **SMAKAJ** provided specific input to **THAÇI's** instructions, engaged in separate discussions with **THAÇI** in whispering tones, offered to 'clarify it',[1306] and relayed to **THAÇI** information from Witness 2. Between the two visits, **SMAKAJ** was in contact with Witness 2. During the 7 October Visit, **THAÇI** and **SMAKAJ** discussed the SMAKAJ Document, which was on **THAÇI's** Cell Computer, printed at the DC just before the visit, and found in **SMAKAJ's** vehicle approximately three weeks later. **SMAKAJ** was then in contact with Witness 2 again after the 7 October Visit.

458. Artan BEHRAMI applied for the SMAKAJ Visits, engaged with **THAÇI's** instructions for witness interference, and received confidential information. Together with **SMAKAJ**, BEHRAMI heeded **THAÇI's** 9 September Visit instructions by

[1306] P00110_ET(Confidential):p.47.

returning for the 7 October Visit. BEHRAMI also provided cover to **THAÇI** and **SMAKAJ** by coughing, talking loudly or engaging in a parallel conversation with Ismail SYLA when they were whispering about Witness 2's anticipated testimony. The other SMAKAJ Group members similarly engaged with **THAÇI's** instructions during the 9 September Visit, and simultaneously received confidential information.

459. In relation to the SMAKAJ Group, the common action is evident from *inter alia*: (i) the SMAKAJ Group members' agreement on the instructions for Witness 2; (ii) **THAÇI** and **SMAKAJ's** coordinated actions aimed at influencing Witness 2's testimony in accordance with **THAÇI's** Preferred Narrative as laid out for example in the SMAKAJ Document, which included discussing instructions, contacting Witness 2, and meeting with him; (iii) the SMAKAJ Group's discussion of various Case 6 witnesses, including the substantial revelation of confidential information by **THAÇI**; (iv) the tactics used by the members of the SMAKAJ Group to provide cover to **THAÇI's** whispered instructions to **SMAKAJ** for Witness 2; (v) **SMAKAJ** and BEHRAMI returning for the 7 October Visit to receive further instructions for witness interference, in compliance with **THAÇI's** directions during the 9 September Visit, and (vi) **THAÇI** and **SMAKAJ** using the SMAKAJ Document during the 7 October Visit to target Witness 2 for interference.

c) KILAJ Group

460. During the 6 October Visit, **THAÇI** provided explicit and detailed instructions on how Witness 4 must be told to testify and revealed to **KILAJ** and Vllaznim KRYEZIU confidential information about numerous Case 6 witnesses. **KILAJ** engaged with **THAÇI's** instructions, affirming that he would 'get it done'.[1307] **THAÇI** prepared by printing Witness 4's prior statements in the two days before the visit and then used that material to instruct **KILAJ** on the precise content of Witness 4's prior evidence that **THAÇI** demanded be changed. **KILAJ** took notes on **THAÇI's** instructions and

[1307] P00109_ET(Confidential):p.111/P00109_LSU.2(Confidential):p.152.

unlawfully secreted the confidential papers out of the DC. By that time, **KILAJ** already had in his possession a trove of additional confidential Case 6 witness material which he had no legitimate reason to possess.

461. During the same visit, KRYEZIU actively engaged in the discussion about Case 6 witnesses, and provided cover to **THAÇI** and **KILAJ** by speaking in a normal voice in parallel discussion with **THAÇI** while **THAÇI** and **KILAJ** whispered about how Witness 4 must testify.

462. The common action of the KILAJ Group is evident from, *inter alia*: (i) **THAÇI's** early September 2023 requests for **KILAJ** to visit him by early October, timed in anticipation of Witness 4's anticipated testimony in [REDACTED], and **KILAJ's** agreement to visit as requested; (ii) the printing of Witness 4-related materials in preparation for the 6 October Visit; (iii) **KILAJ's** and **THAÇI's** detailed, whispered back and forth discussion of **THAÇI's** instructions for Witness 4's testimony while KRYEZIU sought to cover up the whispering by having a parallel conversation with **THAÇI** in normal tones; (iv) **THAÇI's** and **KILAJ's** active use of the Witness 4 documents, including **KILAJ's** taking notes at **THAÇI's** direction and agreeing to implement **THAÇI's** instructions and convey them to Witness 4; (v) the KILAJ Group's discussion of various other Case 6 witnesses, including the substantial revelation of confidential information by **THAÇI** and references to prior efforts to contact some of them; and (vi) **KILAJ's** tearing up and trashing of the Seized Witness 4 Materials and demonstrably false answers to the SPO during his November 2023 interview, including about how he obtained the confidential documents and that he never discussed Case 6 witnesses with **THAÇI** during the 6 October Visit.

(iii) Attempts to obstruct official persons in performing official duties

463. The evidence shows that, through their concerted efforts, **THAÇI**, **FAZLIU**, **SMAKAJ,** and **KILAJ** attempted to prevent, impede, hinder and/or delay KSC proceedings. In particular, during the 2 July Visit, the SMAKAJ Visits, and the 6

October Visit, **THAÇI** provided detailed instructions to **FAZLIU**, **SMAKAJ**, and **KILAJ** on how Witness 1, Witness 2, and Witness 4 should testify consistently with **THAÇI's** Preferred Narrative. The evidence also shows that **THAÇI**, **FAZLIU**, **SMAKAJ**, and **KILAJ** took concrete steps to implement **THAÇI's** instructions, which included the preparation, printing, delivery, receipt and keeping of documents to influence the targeted witnesses' testimony, and contacting and meeting with those witnesses. Such conduct threatened the ability of the KSC/SPO to obtain accurate and truthful testimony of the witnesses concerned, with resulting impacts on the integrity, course and conduct of proceedings in Case 6, as well as on the well-being and circumstances of the targeted witnesses. The false assertion that **THAÇI's** objective was merely for witnesses to provide truthful testimony in Case 6[1308] is entirely at odds with his conduct during the recorded visits, and in any event is not a defence for attempting to obstruct his own trial.

464. The official persons subject to the attempted obstruction were the SPO investigators, prosecutors and other staff members in charge of investigating and prosecuting crimes within the KSC jurisdiction, as well as the KSC judges vested with the authority to hear and assess the evidence in Case 6, and deliver a judgment. The official duties engaged by these facts relate to the SPO/KSC's work and responsibilities within the context of official proceedings of the KSC, including SPO investigations and prosecutions. Consequently, the enhanced sentencing of KCC Article 401(5) is triggered by the attempted obstruction of **THAÇI**, **FAZLIU**, **SMAKAJ,** and **KILAJ**.

(iv) Leader or organiser

465. The evidence establishes that **THAÇI** was the leader and organiser of the FAZLIU Group, SMAKAJ Group, and KILAJ Group ('Groups'). Indeed, the record is replete with examples of **THAÇI** giving directions to each Group's members during

[1308] *E.g.* Thaçi PTB:paras.43-44.

the Core Visits as to how targeted Case 6 witnesses should testify. His orders were not questioned; they were embraced, endorsed, expanded upon, and refined in response.

466. **THAÇI's** status as the *de facto* leader of the Groups is a natural consequence of his pre-existing personal and professional relationship with each of his co-Accused, including **THAÇI's** hierarchical standing. Indeed, the evidence shows that during their conversations at the DC, the other co-Accused were deferential to **THAÇI**, and referred to him in accordingly (*e.g.*, as 'chief', 'boss', and 'President'). These clear indications of **THAÇI's** leadership role can also be seen in the 3 September Visit[1309] and across the Pattern Visits.[1310]

467. **THAÇI** had a vested interest in interfering with the targeted SPO witnesses who were to testify in Case 6. In particular, **THAÇI** used and provided confidential information disclosed to him in his trial for the specific purpose enabling and facilitating the attempted obstruction. **THAÇI** gave instructions during the 2 July Visit, SMAKAJ Visits and 6 October Visit as to how Witness 1, Witness 2 and Witness 4 should testify, respectively. **THAÇI** tasked the other Group members to deliver **THAÇI's** precise instructions to these witnesses, whom he considered 'decisive' or whose evidence directly implicated him in the commission of crimes. **THAÇI** called **KILAJ** from the DC on 3 September 2023 and asked him to visit at the end of September or beginning of October 2023 – which materialised in the 6 October Visit. Similarly, during the 9 September Visit, **THAÇI** urged his visitors to return to visit him in a month, and **SMAKAJ** and Artan BEHRAMI heeded that instruction by returning for the 7 October Visit.

468. As a result of his leadership and organisational role over the charged Groups, enhanced sentencing under KCC Article 401(3) applies to **THAÇI**.

[1309] *See* Section_III.C.1(b).
[1310] *See* Section_III.C.2.

(b) The Accused carried out their actions with the required intent

469. The members of the Groups acted with direct intent to participate in a group of persons in order to influence the testimony of targeted SPO witnesses in Case 6.

470. In particular, regarding the 2 July Visit, the Accused's awareness of, and desire to, participate in the FAZLIU Group to attempt to obstruct official persons is apparent from, *inter alia*: (i) the detailed instructions **THAÇI** provided for how Witness 1, whom **THAÇI** identified as a decisive witness, must testify; (ii) **THAÇI** directing **FAZLIU** to urgently relay his instructions to Witness 1 and offering grounds for **FAZLIU** to persuade Witness 1 to testify as instructed; (iii) **FAZLIU's** engagement and agreement with **THAÇI's** instructions, his writing down of the instructions and his contributions to the instructions; (iv) the fact that **THAÇI** and **FAZLIU** spoke in low or whispered tones of voice when discussing the instructions to avoid detection by the monitoring DC personnel; (v) **FAZLIU's** awareness of the applicable rules governing visits at the DC; (vi) **FAZLIU's** meeting, arranged through his son Fahri, with Witness 1 on 29 June 2023, during which the passing of messages was discussed and during which they agreed to meet again upon **FAZLIU's** return from The Hague; (vii) **THAÇI's** and **FAZLIU's** agreement as to the plan to approach Witness 1 indirectly (via **FAZLIU's** son Fahri), further demonstrating their awareness of the prohibited nature of this conduct and their intention to avoid detection, as well as their discussion of the means for Witness 1 to make corrections to his prior statements; (viii) Fahri FAZLIU's compliance with the plan agreed by **THAÇI** and **FAZLIU** during the 2 July Visit, as demonstrated through his contacts with Witness 1; and, (ix) **FAZLIU's** and Fahri FAZLIU's meeting with Witness 1 on 3 July 2023, just as **THAÇI a**nd **FAZLIU** agreed during the 2 July Visit.

471. With regard to the SMAKAJ Visits, the Accused's awareness of, and desire to, participate in the SMAKAJ Group to attempt to obstruct official persons is demonstrated by, *inter alia*: (i) the detailed instructions provided by **THAÇI** in relation

to Witness 2's testimony; (ii) **THAÇI's** insistence that Witness 2 should 'do better than' another witness,[1311] and his emphasis on the decisive nature of Witness 2's evidence; (iii) **THAÇI's** suggestion that Witness 2 claims not to remember certain events; (iv) **THAÇI** directing **SMAKAJ** to relay his instructions to Witness 2; (v) **SMAKAJ's** engagement with **THAÇI's** instructions; (vi) the fact that **THAÇI** and **SMAKAJ** spoke in low or whispered tones of voice when discussing the instructions, to make those portions of the conversation inaudible to non-participants, demonstrating their awareness of the prohibited nature of their conduct; (vii) **SMAKAJ's** contact with Witness 2 between the SMAKAJ Visits, which he relayed to **THAÇI**, as well as his contacts, including a meeting, with Witness 2 after the 7 October Visit; (viii) **SMAKAJ's** awareness of the applicable rules governing DC visits, in particular, the prohibition on exchanging items with the detainees, and the fact that in-person DC visits are monitored; and (ix) **THAÇI's** and **SMAKAJ's** use of the SMAKAJ Document to target Witness 2 for interference.

472. As to the 6 October Visit, the Accused's awareness of, and desire to, participate in the KILAJ Group to attempt to obstruct official persons is established by, *inter alia*: (i) the detailed instructions **THAÇI** provided in relation to Witness 4's testimony; (ii) **THAÇI** instructing **KILAJ** to convey the instructions to Witness 4, and **KILAJ's** willing engagement with those instructions, including taking notes at **THAÇI's** direction; (iii) **THAÇI's** unlawful revelation of substantial confidential information about Case 6 witnesses to **KILAJ** and KRYEZIU, including by orally detailing and then providing physical copies of Witness 4's confidential evidence to **KILAJ**; (iv) **KILAJ's** unlawful removal from the DC of the confidential Witness 4 material, which **KILAJ** later tore into pieces and put in his trash before the KILAJ Search; (v) KRYEZIU's active engagement in the 6 October Visit, including comments about previous and/or future contact with witnesses who were discussed; (vi) the KILAJ Group modulating their voices to provide cover to the discussion of confidential witness material and

[1311] P00108_ET(Confidential):pp.211-212/P00108_LSU(Confidential):p.42.

targeting of Witness 4 for interference, further demonstrating their awareness of the prohibited nature of their conduct; (vii) **THAÇI's** comments about how **KILAJ** and/or KRYEZIU may end up in the DC, with **KILAJ** responding that he 'can stay for two-three years',[1312] representing further acknowledgement of the prohibited nature of their conduct; (viii) **KILAJ's** and KRYEZIU's awareness of the applicable rules governing visits at the DC, including the prohibition on exchanging items with the detainees; (ix) **KILAJ's** possession of other confidential Case 6 material, including material related to Witness 4's evidence on the KILAJ MacBook and in KILAJ Notebooks, and other instructions for witnesses in the KILAJ Loose Notes; (x) **KILAJ's** admission during his November 2023 SPO interview that he knew he was not permitted to have the Seized Witness 4 Material; and (xi) **KILAJ's** role in sending detailed witness instructions to Kushtrim KRASNIQI in February 2023 shortly after both men visited **THAÇI** at the DC.

473. Alternatively, these factors show the Accused's awareness that they were part of Groups attempting to obstruct KSC/SPO official persons and acceded to the occurrence of that result.

474. **THAÇI's** *mens rea* is further demonstrated by his consistent pattern of obstructive conduct captured across all nine visit recordings admitted in this case.

2. THAÇI, Through Unauthorised Revelation of Secret Information, Violated the Secrecy of Proceedings (Counts 4-6)

(a) THAÇI's conduct satisfies the material elements

475. The evidence shows that, during the non-privileged Core Visits, **THAÇI** revealed, without authorisation, information that was disclosed to him in the context

[1312] P00109_ET(Confidential):p.112/P00109_LSU.2(Confidential):p.152.

of KSC official proceedings, which must not be revealed according to law or had been declared to be a secret by a decision of the court or a competent authority.

(i) Unauthorised revelation

476. The evidence shows that **THAÇI**, without authorisation, revealed to **FAZLIU, SMAKAJ**, and **KILAJ,** confidential information disclosed to him in the context of the Case 6 proceedings during the 2 July Visit, SMAKAJ Visits, and 6 October Visit, respectively. In particular, **THAÇI** revealed such information by discussing, commenting, and referencing confidential information in his conversations with **FAZLIU**, **SMAKAJ**, and **KILAJ**. That the revelation of this confidential information was without authorisation is clear from the KSC legal framework.

477. **THAÇI** was specifically notified that he could not disclose confidential information and the status and identity of witnesses to a third party, unless it was directly and specifically necessary for the presentation of his case.[1313]

478. **THAÇI** was not authorised by the KSC, SPO, or other competent authority to disclose the confidential information to third parties like **FAZLIU**, **SMAKAJ**, and **KILAJ**. They were neither members of the THAÇI Defence at the time of the Core Visits, nor were they parties to the Case 6 proceedings or otherwise legally privy to that information; they were also not third parties to whom **THAÇI** had to reveal the confidential information in order to prepare his case.

479. Even if certain information about the targeted witnesses was already in the public domain,[1314] it did not constitute authorisation for **THAÇI** to further disseminate

[1313] *See* Section_IV.B.4.
[1314] *Contra* 1D00052(Confidential); 1D00053(Confidential); 1D00054(Confidential); 1D00055(Confidential); 1D00056(Confidential); 1D00057(Confidential); 1D00058(Confidential); 1D00059(Confidential); 1D00060(Confidential); 1D00061(Confidential); 1D00062(Confidential); 1D00063(Confidential); 1D00064(Confidential); 1D00065(Confidential); 1D00066(Confidential); 1D00067(Confidential); 1D00068(Confidential); 1D00069(Confidential); 1D00070(Confidential); 1D00071(Confidential); 1D00072(Confidential); 1D00073(Confidential); 1D00074(Confidential); 1D00075(Confidential); 1D00076(Confidential); 1D00077_ET(Confidential); 1D00078_ET(Confidential);

it in the course of his DC visits. Indeed, the presence of such information in the public domain is not a defence to **THAÇI's** systematic and pervasive violation of the secrecy of proceedings. In any event, many details specific to Case 6 witnesses revealed by **THAÇI** were not in the public domain.

(ii) Disclosed in official proceedings

480. The relevant confidential information was disclosed to **THAÇI** in filings and disclosures made by the SPO to the Case 6 Defence. In particular, the confidential information was disclosed in the context of prosecutorial investigations, pre-trial proceedings, and trial proceedings, which fall within the scope of official proceedings.

(iii) Information which must not be revealed according to the law or has been declared to be a secret by a decision of the Court or a competent authority

481. In relation to the 2 July Visit (FAZLIU Group), the confidential information **THAÇI** disclosed included: (i) in relation to Witness 1: his identity as an SPO witness, the estimated time of his direct examination, the fact that Witness 1 would testify publicly, the use of a specific associated exhibit during his testimony, and Latif GASHI's non-inclusion in the SPO witness list; (ii) in relation to [REDACTED]: identifying information as well as portions of his evidence provided in private session; (iii) in relation to [REDACTED]: identifying information as well as portions of his evidence provided in private session; (iv) in relation to [REDACTED]: identifying information as well as portions of his evidence provided in private session; and (v) in relation to W04758: his identity as an SPO witness.

1D00079(Confidential); 1D00080_ET(Public); 1D00081_ET(Public); 1D00082_ET(Public); 1D00083(Public); 1D00084_ET(Public); 1D00085_ET(Confidential); 1D00086_ET(Public); 1D00087_ET(Public); 1D00088_ET(Public); 1D00089_ET(Confidential); 1D00090_ET(Public); 1D00091_ET(Public); 1D00092_ET(Public); 1D00093(Confidential); 1D00094_ET(Confidential); 1D00095(Public); 1D00096(Public); 1D00097_ET(Public); 1D00098_ET(Public); 1D00099(Public); 1D00100(Public); 1D00101(Public); 1D00102_ET(Public); 1D00103(Public).

482. At the time of the 2 July Visit, the identity as SPO witnesses of Witness 1 and W04758, who were not subject to protective measures, was confidential due to the confidential classification of the SPO witness list.[1315] At the time, the SPO's only public reference to these two witnesses was by their Case 6 witness codes.[1316]

483. The information regarding the estimated time of Witness 1's direct examination, the fact he would testify publicly, the exhibits to be used during his testimony, and the identity of individuals included in the SPO witness list were also confidential.[1317] This is clear from the 'confidential' classification of these filings, assigned by the Registry, stamped on the top right-hand corner of the documents in red colour. None of these filings was re-classified as public, nor were public redacted versions issued, between the date of their original filing and 2 July Visit.

484. The identities of [REDACTED], [REDACTED] and [REDACTED] were protected pursuant to the eighth Case 6 decision on protective measures (in relation to [REDACTED] and [REDACTED])[1318] and the first Case 6 decision on protective measures (in relation to [REDACTED]),[1319] and the parts of their in-court testimonies referenced by **THAÇI** during the 2 July Visit were given in private session. The identities of [REDACTED] and [REDACTED] were revealed to the Case 6 Defence on 18 July 2022,[1320] while [REDACTED]'s identity was disclosed on 30 January 2023.[1321]

485. In relation to the SMAKAJ Visits (SMAKAJ Group), the confidential information **THAÇI** disclosed included: (i) Witness 2's identity as an SPO witness; (ii) in relation to [REDACTED]: identifying information including his approximate age, job,

[1315] JN.00023(Confidential); JN.00028(Confidential); P00168(Confidential):p.118244(para.7).
[1316] *E.g.* JN.00030(Confidential):para.6 (in the public redacted version of this filing Witness 1 is referred to as W04746); JN.00046_ET(Confidential):pp.5551-5553.
[1317] JN.00023(Confidential); JN.00028(Confidential); JN.00026.2(Confidential).
[1318] JN.00018(Confidential):para.93(m); P00170(Confidential):p.125819(para.2).
[1319] JN.00015_ET(Confidential):para.132(q); JN.00014(Confidential); P00168(Confidential):p.118243(para.4).
[1320] *Compare* JN.00020(Confidential):pp.3,7,100-101,197 *with* JN.00023(Confidential):pp.3,7,99-100,192.
[1321] P00166(Confidential).

[REDACTED]'s name, the fact that during private session testimony [REDACTED], and the location of the events which were the subject of the witness's testimony, as well as portions of his private session testimony; (iii) in relation to [REDACTED]: identifying information including his family relationships, [REDACTED]'s name, and the location of the events which were the subject of the witness's testimony, as well as portions of his private session testimony; (iv) in relation to [REDACTED]: her identity as an SPO protected witness and portions of her evidence provided in private session; (v) in relation to [REDACTED]: his identity as an SPO protected witness and portions of his evidence provided in private session. **THAÇI** also revealed other confidential Case 6 information, including W04401's identity as an upcoming witness, and the removal of several witnesses from the SPO's witness list.

486. At the time of the SMAKAJ Visits, the status of Witness 2 and W04401 – neither of whom was subject to protective measures – as SPO witnesses was confidential due to the confidential classification of the SPO witness list.[1322] At the time, the SPO's only public reference to these two witnesses was by their Case 6 witness codes.[1323]

487. As above, the identities of [REDACTED], [REDACTED] and [REDACTED] were protected pursuant to Case 6 decisions on protective measures. The same is true for [REDACTED], whose identity was protected pursuant to the fifth Case 6 decision on protective measures.[1324] The parts of their in-court testimony referenced by **THAÇI** were provided in private session.

488. In relation to the 6 October Visit (KILAJ Group), the confidential information **THAÇI** disclosed included: (i) regarding Witness 4: his identity as an SPO witness, and the contents of Witness 4 Statements; (ii) regarding [REDACTED]: his status as a Case 6 witness and multiple aspects of his private session testimony, including

[1322] *See* JN.00023(Confidential); JN.00028(Confidential); P00168(Confidential):p.118244(para.7); P00169(Confidential):p.119396(para.5).
[1323] *E.g.* C6 Motion F02204.
[1324] JN.00016(Confidential):para.76(g); P00169(Confidential):p.119396(para.2).

identifying information; (iii) regarding [REDACTED]: his status as an SPO witness and parts of his private session testimony, including identifying information; (iv) regarding [REDACTED]: his status as an SPO witness and some of his private session testimony, including identifying information; (v) regarding [REDACTED] and [REDACTED]: their full names, status as SPO witnesses, and an identifying affiliation. **THAÇI** also revealed other confidential Case 6 information, including about the removal of several witnesses from the SPO witness list.

489. At the time of the 6 October Visit, the status of Witness 4, [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]'s as SPO witnesses in Case 6 remained confidential, as did the substance of their evidence. Witness 4 Statements were also classified as confidential, as was made clear by the classification of these items in LWF when disclosed to the Case 6 Defence. The same is true for the SPO's Confidential Case 6 [REDACTED] and the Confidential Case 6 [REDACTED] found on KILAJ's MacBook, which further included the confidentiality mark (that was also copy-pasted multiple times into the Translate Now application) in the header of the document.

(b) THAÇI carried out his actions with the required intent

490. The evidence establishes that **THAÇI** acted with awareness of, and desire to, reveal confidential Case 6 information without authorisation.[1325] As a party to the KSC proceedings, **THAÇI** was aware of the relevant KSC provisions and decisions establishing the confidentiality of such information, and the corresponding obligations they imposed upon him.[1326] The way in which **THAÇI** shared the confidential information with **FAZLIU**, **SMAKAJ** and **KILAJ** – in low or whispered tones of voice, illustrates **THAÇI's** awareness of the confidentiality of such

[1325] Alternatively, THAÇI was aware that as a result of his acts, confidential information disclosed in official proceedings might be revealed without authorisation, and he acceded to the occurrence of that result.
[1326] *E.g.* Rule 82(3) and Rule 82(6); JN.00021_ET(Confidential).

information and the absence of authorisation for its revelation. Furthermore, during the SMAKAJ Visits, 22 September, 1 October and 6 October Visits, **THAÇI** expressly acknowledged that the testimony of protected witnesses he relayed to his visitors was provided in private session.

3. THAÇI, Through Unauthorised Revelation of the Identity and Personal Data of a Protected Witness, Violated the Secrecy of Proceedings (Count 7)

(a) THAÇI's conduct satisfies the material elements

491. The evidence shows that during the 6 October Visit, **THAÇI** revealed, without authorisation, information on the identity or personal data of a person under protection in official KSC proceedings.

(i) Unauthorised revelation

492. The evidence shows that during the 6 October Visit, **THAÇI**, without authorisation, revealed to **KILAJ** and KRYEZIU information on the identity or personal data of a person under protection which was disclosed to him in the context of the Case 6 proceedings. **THAÇI** revealed such information by (i) discussing, commenting on, and referencing information on the identity or personal data of a person under protection – namely, Witness 4 – when targeting him for interference; and (ii) providing **KILAJ** with pages of the two confidential Witness 4 Statements for the purpose of instructing the witness how to testify.

(ii) Information on identity and personal data of person under protection

493. That the unauthorised revelation of this information pertained to the identity or personal data of a protected witness is clear from the KSC legal framework and the relevant circumstances. In particular, Witness 4 is a 'person under protection' pursuant to KCC Article 392(2) as he is under protection in criminal proceedings

before the KSC due to the first Case 6 protective measures decision.[1327] This decision, issued on 10 December 2020 by the Case 6 PTJ, granted Witness 4 the protective measures of, *inter alia*, assignment of pseudonym and testimony with face and voice distortion.[1328]

(b) THAÇI carried out his actions with the required intent

494. The first Case 6 protective measures decision, which granted protective measures to Witness 4, remains final as it was not varied pursuant to Rule 80 or Rule 81 and was notified to the THAÇI Defence.[1329] Accordingly, **THAÇI** was aware of his obligation not to disclose information as to the identity or personal data of Witness 4. This is further confirmed by **THAÇI's** sharing Witness 4's protected information with **KILAJ** in low or whispered tones of voice during the 6 October Visit, demonstrating **THAÇI's** awareness of the protected nature of such information, his intent to convey it without detection, and the absence of authorisation for its revelation. **THAÇI's** awareness that he was violating protective measures is also evident from the fact that he advised his visitors during the 6 October Visit to be careful with such information, or they would end up in the DC alongside him.[1330]

495. The evidence set out above establishes that **THAÇI** acted with awareness of, and desire for, revealing information as to the identity or personal data of a protected witness, Witness 4.[1331] As a party to the KSC proceedings, **THAÇI** was aware of the relevant KSC provisions and the decision granting protective measures to Witness 4.

[1327] JN.00015_ET(Confidential); JN.00014(Confidential):p.2.
[1328] JN.00015_ET(Confidential):para.132(q).
[1329] *See* JN.00015_ET(Confidential):para.132(h),(q); JN.00014(Confidential):p.2.
[1330] P00109_ET(Confidential):p.112/P00109_LSU.2(Confidential):p.152.
[1331] Alternatively, THAÇI was aware that as a result of his acts, information as to the identity or personal data of Witness 4 might be revealed without authorisation, and he acceded to the occurrence of that result.

4. The Accused, by Failing to Obey Final Court Orders, Committed Contempt of Court (Counts 8-11, 13, 15, 17-19)

(a) The conduct of the Accused satisfies the material elements

496. The evidence detailed in the Statement of Facts[1332] shows that, during the 2 July Visit, SMAKAJ Visits, and 6 October Visit, **THAÇI** failed to obey final decisions issued in the context of Case 6, and that **FAZLIU**, **SMAKAJ,** and **KILAJ** assisted **THAÇI** in his actions. The evidence also shows that during the 3 September Visit, **THAÇI** and **KUÇI** agreed to violate final court decisions by coordinating and making arrangements to contact witnesses. Finally, the evidence establishes that **KUÇI** failed to obey final court orders when he contacted Witness 1 on 12 April 2023.

(i) Final order, ruling, decision or judgment of any Court in the Republic of Kosovo

497. On 24 June 2022, the Case 6 PTJ issued the Case 6 Protocol.[1333]

498. The Case 6 Protocol was upheld by the Court of Appeals on 27 December 2022,[1334] thus becoming a final decision.[1335] Its terms were expressly and publicly incorporated into the 'Order on the Conduct of Proceedings' before the commencement of the Case 6 trial, on 25 January 2023.[1336] The terms of the Case 6 Protocol were subsequently modified by Trial Panel II on 27 November 2023, which extended their application throughout the Case 6 proceedings, including after a witness testimony.[1337]

[1332] *See* Sections II and III.
[1333] JN.00021_ET(Confidential).
[1334] JN.00005_ET(Confidential). The remaining orders contained in the Case 6 Protocol were not challenged on appeal, thus becoming final as well.
[1335] Within the KSC framework, an order or decision becomes final when it can no longer be challenged on appeal. *See* Art.45; Rule 77 and Rule 170. Art.485(1) of the KCPC provides that '[a] judgment shall become final when it may no longer be contested by an appeal or when no appeal is permitted.' *See also* Confirmation Decision:para.87.
[1336] JN.00025_ET(Confidential):para.71.
[1337] *See* JN.00022(Confidential):para.26(b).

499. These decisions were issued publicly and notified to the THAÇI Defence and VESELI Defence. The prohibition on contact with SPO witnesses extended to all Case 6 accused and their Defence team members.[1338]

500. On 10 December 2020, the Case 6 PTJ issued the first protective measures decision,[1339] which granted to Witness 4, *inter alia*, the protective measures of assignment of pseudonym, and testimony with face and voice distortion.[1340] The terms of this final decision, notified to the THAÇI Defence, were not varied pursuant to Rule 80 or Rule 81.[1341]

501. During the Indictment Period, **THAÇI**, as a Case 6 accused, and **KUÇI**, as a member of the VESELI Defence, were both Parties in the Case 6 proceedings, and the terms of the Case 6 Protocol were therefore binding on them.[1342] The terms of the first protective measures decision were also binding on **THAÇI** as a Party to the Case 6 proceedings.

(ii) Failure to obey

502. During the 2 July Visit, **THAÇI** failed to comply with the terms of the Case 6 Protocol when he: (i) revealed to **FAZLIU** confidential information concerning the identity of Case 6 protected witnesses [REDACTED], [REDACTED], [REDACTED] and non-protected Witness 1 and W04758; and (ii) disclosed the substance of evidence provided by [REDACTED], [REDACTED] and [REDACTED] in private session. The

[1338] *See* JN.00021_ET(Confidential):para.212(II),fn.300 (explaining that 'Parties and participants' includes 'counsel, their clients, and their teams as defined in Article 2 of the Code of Conduct but does not apply to contact between the Victims' Counsel Team and dual status witnesses.'); KSC Code of Conduct:Art.2 (where 'Team' is defined as '[t]he support staff of Appointed or Assigned Counsel referred to in Section 18 of the Directive, including Co-Counsel, legal assistants, investigators, consultants and any other person engaged by Appointed or Assigned Counsel and working under his or her oversight.').
[1339] JN.00015_ET(Confidential).
[1340] JN.00015_ET(Confidential):para.132(q); JN.00014(Confidential):p.2.
[1341] Confirmation Decision:para.238.
[1342] Confirmation Decision:para.239; JN.00008_ET(Confidential):p.2141; P00159(Confidential); P00160(Confidential); P00161(Confidential); P00162(Confidential); P00163(Confidential).

disclosure of this information was not necessary for the preparation and presentation of **THAÇI's** case, but was revealed to disparage [REDACTED], [REDACTED] and [REDACTED], as part of the instructions on how Witness 1 should testify, or related to **THAÇI's** Preferred Narrative. **THAÇI** also failed to comply with the Case 6 Protocol's prohibition against contacting SPO witnesses when tasking **FAZLIU** to contact Witness 1. At the time of the 2 July Visit, the SPO's intention to call Witness 1 to testify had been notified to the Case 6 Defence. **FAZLIU** assisted **THAÇI** in disobeying the terms of the Case 6 Protocol by engaging in the instructions on Witness 1's testimony and **THAÇI's** divulgence of confidential information. **FAZLIU** additionally discussed with **THAÇI** how the instructions to Witness 1 should be given, suggesting that his son Fahri FAZLIU contact Witness 1, and meeting Witness 1 on 29 June and 3 July 2023.

503. In the context of the SMAKAJ Visits, **THAÇI** failed to comply with the terms of the Case 6 Protocol when he: (i) revealed to the other members of the SMAKAJ Group confidential identifying information of Case 6 protected witnesses [REDACTED], [REDACTED], [REDACTED] and [REDACTED], as well as non-protected Witness 2 and W04401; (ii) disclosed the substance of the evidence provided by [REDACTED], [REDACTED], [REDACTED] and [REDACTED] in private session; and (iii) revealed other confidential information. The disclosure of this information was not necessary for the preparation and presentation of **THAÇI's** case, but was revealed either to denigrate and ridicule certain witnesses or as part of **THAÇI's** instructions on how Witness 2 should testify. **THAÇI** also failed to comply with the Case 6 Protocol's prohibition against contacting SPO witnesses when tasking **SMAKAJ** to convey his instructions to Witness 2. At the time of the SMAKAJ Visits, the SPO's intention to call Witness 2 had been notified to the Case 6 Defence. **SMAKAJ** assisted **THAÇI** in disobeying the terms of the Case 6 Protocol by engaging in the instructions on Witness 2's testimony, and **THAÇI's** divulgence of confidential information. **SMAKAJ** additionally contacted and/or met Witness 2 between and after the SMAKAJ Visits.

504. In the context of the 3 September Visit, **KUÇI** had already met Witness 2 and been in contact with Witness 5 before the 3 September Visit. During the visit, **THAÇI** and **KUÇI** agreed to defy the Case 6 Protocol by agreeing to contact Witness 2, Witness 5 and Witness 6 outside the protocol's framework. **THAÇI** and **KUÇI** undertook substantial acts towards the commission of the offence, including: (i) agreeing on the instructions to convey to these targeted witnesses; (ii) agreeing on how to make **THAÇI's** instructions clear to them; (iii) discussing how to establish contact and communicate with them; (iv) reading Witness 2's prior statements; (v) making certain phone calls intended to facilitate the agreement; (vi) involving third parties in the plan to contact Witness 6; (vii) discussing **KUÇI's** travel plans *vis-à-vis* anticipated contact with a witness; (viii) handling related paper documents; and (ix) providing related 'case'[1343] documents.

505. At the time of the 3 September Visit, the SPO's intention to call Witness 2, Witness 5 and Witness 6 to testify had been notified to the Case 6 Defence. **THAÇI's** instructions were clearly aimed at influencing the witnesses' upcoming testimony in Case 6.

506. During the 6 October Visit, **THAÇI** failed to comply with the terms of the Case 6 Protocol and the first protective measures decision (in relation to Witness 4) when he revealed to the other members of the KILAJ Group confidential identifying information of Case 6 witnesses, including Witness 4, [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], and identified aspects of their (anticipated) testimony or evidence. The disclosure of this information was not necessary for the preparation and presentation of **THAÇI's** case, but was revealed in the context of the instructions to be conveyed to Witness 4 and to disparage other witnesses. **THAÇI** also failed to comply with the Case 6 Protocol in its prohibition to contact SPO witnesses, by tasking **KILAJ** to contact Witness 4. At the time of the 6

[1343] P00106_ET(Confidential):pp.145-146/P00106_LSU.1(Confidential):p.77.

October Visit, the SPO's intention to call Witness 4 to testify had been notified to the Case 6 Defence. **KILAJ** assisted **THAÇI** in disobeying the terms of the Case 6 Protocol by engaging with the instructions to be conveyed to Witness 4 as to his testimony and accepting confidential information from **THAÇI**.

507. **KUÇI** also failed to obey the Case 6 Protocol also by sending a WhatsApp message to Witness 1 on 12 April 2023. **KUÇI's** message congratulated Witness 1 for his interview that same day on KTV Konfront during which Witness 1 criticized the accusations levied against KLA members.[1344] At the time of **KUÇI's** message to Witness 1, the SPO's intention to call Witness 1 to testify had been notified to the Case 6 Defence. **KUÇI's** contact was a violation of the Case 6 Protocol, which – in light of **THAÇI's** overall pattern of conduct and Preferred Narrative – amounted to encouraging Witness 1 to repeat these talking points during his testimony.[1345]

(b) The Accused carried out their actions with the required intent

508. **THAÇI** was aware of the terms of the Case 6 Protocol, which was a public decision notified to him and incorporated in the trial proceedings. He disobeyed the provisions of the Case 6 Protocol knowingly and deliberately, as indicated by the whispered or lowered tones of voice he used when conveying instructions on the testimony of Witness 1, Witness 2, Witness 4, Witness 5 and Witness 6, which included the unlawful revelation of confidential information. **THAÇI** acknowledged that the evidence of certain witnesses he discussed was provided in private session, showing awareness that his conduct was in breach of the Case 6 Protocol. **THAÇI's** intent is also evident from his suggestions to use intermediaries to establish contact with the witnesses to avoid detection, and his caution to **KILAJ** and KRYEZIU that they could

[1344] *See* Section_III.C.1(b)(vi).
[1345] *Contra* JN.00021_ET(Confidential):para.212(II)(a).

end up 'in here',[1346] a clear reference to the DC, in the context of **THAÇI's** instructions and **KILAJ's** agreement to implement them.

509. Alternatively, **THAÇI** was aware that, as a result of his acts, a failure to obey final KSC decisions could occur, and he acceded to the occurrence of that result.

510. **FAZLIU**, **SMAKAJ**, and **KILAJ** were aware that their respective receipt of confidential information divulged by **THAÇI** was not allowed by the KSC framework, as shown by: (i) **FAZLIU** subscribing to the Visitor Undertaking, **FAZLIU's** suggestion to reach out to Witness 1 *via* his son Fahri FAZLIU to avoid detection, and the whispered tones of voice used by him to coordinate the interference with Witness 1's testimony during the 2 July Visit; (ii) **SMAKAJ** subscribing to the Visitor Undertaking and his awareness that detainees cannot exchange items with visitors, the whispered tones of voice used by **SMAKAJ** during his conversation with **THAÇI** concerning Witness 2; (iii) **KILAJ** subscribing to the Visitor Undertaking, the whispered tone of voice used by **KILAJ** when discussing the instructions concerning Witness 4, **KILAJ's** suggestion to contact [REDACTED] indirectly, **KILAJ's** assertion that he could 'stay for two-three years' when cautioned by **THAÇI** that '[t]hey will bring you in here with me!',[1347] and **KILAJ's** false statements during his 2 November 2023 SPO interview that (a) he left the 6 October Visit with nothing other than greetings, (b) the KILAJ Group did not discuss any Case 6 witnesses during the visit, and (c) he was never asked to contact any witnesses in an effort to change their testimony.[1348] The fact that each man acted nonetheless shows their desire to assist **THAÇI** in disobeying final KSC decisions. Alternatively, **FAZLIU**, **SMAKAJ**, and **KILAJ** were aware that, as a result of their acts, a failure to obey final KSC decisions could occur, and they acceded to the occurrence of that result.

[1346] P00109_ET(Confidential):p.112/P00109_LSU.2(Confidential):pp.152.
[1347] P00109_ET(Confidential):p.112/P00109_LSU.2(Confidential):p.152.
[1348] *See* Section_III.C.1(d)(iv).

511. **KUÇI** knew the terms of the Case 6 Protocol, a public decision notified to him as a member of the VESELI Defence, and incorporated in the Case 6 trial proceedings. He deliberately made contact with Witness 1 on 12 April 2023, despite being aware of the applicable rules governing witness contact, used lowered or whispered tones of voice during the 3 September Visit when discussing and agreeing with **THAÇI** on the instructions for Witness 2, Witness 5 and Witness 6, and made specific arrangements to establish contact with witnesses. Furthermore, as a party to the Case 6 proceedings, **KUÇI** was aware of the applicable KSC rules and undertakings concerning the protection of confidential material and permissible conduct. This awareness was supplemented by **KUÇI** subscribing to the Visitor Undertaking. Alternatively, **KUÇI** was aware that, as a result of his acts, a failure to obey final KSC decisions could occur, and acceded to the occurrence of that result.

C. CONVICTIONS SHOULD BE ENTERED ON ALL COUNTS

1. THAÇI (Counts 1-11)

(a) FAZLIU Group (Count 1, Count 4 and Count 8)

512. As required for Count 1 (KCC Article 401(2) and Article 401(5)), the evidence thus establishes that **THAÇI** intentionally participated in a group with **FAZLIU** and Fahri FAZLIU, which – through common action – aimed to obstruct KSC proceedings. The conversation during the 2 July Visit demonstrates that the FAZLIU Group began to execute the material elements of the offence, as further supported by the evidence of the contemplated Fahri FAZLIU-Witness 1 meeting occurring shortly after this conversation. This conduct had the capacity to obstruct the work of the KSC/SPO in the performance of their official duties within the meaning of KCC Article 401(2) and Article 401(5).

513. Count 4 (KCC Article 392(1)) concerns disclosures by **THAÇI** during the 2 July Visit in the context of violating the secrecy of the proceedings. He intentionally

revealed, without authorisation, information disclosed to him in the context of official Case 6 proceedings which, by virtue of the confidential classification of this information, could not be revealed according to law and/or had been declared secret by a competent KSC/SPO authority.

514. Count 8 (KCC Article 393) arises from **THAÇI's** 2 July Visit and his intentional disobedience of the protections for confidential information contained in the Case 6 Protocol, which by that time had become final following appeal.

515. For these reasons, **THAÇI** committed the offences charged under Count 1, Count 4, and Count 8. If the STJ were not to characterise **THAÇI's** conduct as committing the offence charged under Count 1, the same evidence independently proves the alternative charged modes. **THAÇI** exerted psychological influence in the manner required for incitement under KCC Article 32(1) or Article 32(3). By the same exchange, **THAÇI** and the other group members also agreed within the meaning of KCC Article 35 to obstruct SPO/KSC officials and, through the actions specified above, took substantial acts towards the commission of that offence.

(b) SMAKAJ Group (Count 2, Count 5 and Count 10)

516. As required for Count 2 (KCC Article 401(2) and Article 401(5)), the evidence establishes that **THAÇI** intentionally participated in a group with **SMAKAJ**, Artan BEHRAMI, Blerim SHALA, and Ismail SYLA, which – through common action – aimed to obstruct KSC proceedings. The conversations during the SMAKAJ Visits demonstrate that the SMAKAJ Group began to execute the material elements of the offence, as further supported by the SMAKAJ Document subsequently recovered from **SMAKAJ's** car. This conduct had the capacity to obstruct the work of KSC/SPO officials in the performance of their official duties within the meaning of KCC Article 401(2) and Article 401(5).

517. Count 5 (KCC Article 392(1)) concerns disclosures by **THAÇI** during the SMAKAJ Visits. He intentionally revealed, without authorisation, information disclosed to him in the context of official Case 6 proceedings which, by virtue of the confidential classification of this information, could not be revealed according to law and/or had been declared secret by a competent KSC/SPO authority.

518. Count 10 (KCC Article 393) arises from **THAÇI's** intentional disobedience during the SMAKAJ Visits of the protections for confidential information contained in the Case 6 Protocol, which by that time had become final following appeal.

519. For these reasons, **THAÇI** committed the offences charged under Count 2, Count 5, and Count 10. Even if Count 2 were not characterised as commission, **THAÇI's** repeated instructions to the SMAKAJ Group establish incitement under KCC Article 32(1) or Article 32(3). By the same exchange, **THAÇI** and the other group members also agreed within the meaning of KCC Article 35, to obstruct SPO/KSC officials and, through the actions specified above, took substantial acts towards the commission of that offence.

(c) KILAJ Group (Count 3, Count 6, Count 7 and Count 11)

520. As required for Count 3 (KCC Article 401(2) and Article 401(5)), the evidence establishes that **THAÇI** intentionally participated in a group with **KILAJ** and Vllaznim KRYEZIU, which – through common action – aimed to obstruct KSC proceedings by influencing the testimony of Witness 4. The conversation during the 6 October Visit demonstrates that the KILAJ Group began to execute the material elements of the offence, as further supported by the torn pages of the confidential Witness 4 Statements being found at **KILAJ's** residence along with other confidential information. This conduct had the capacity to obstruct the work of KSC/SPO officials in the performance of their official duties within the meaning of KCC Article 401(2) and Article 401(5).

521. Count 6 (KCC Article 392(1)) concerns disclosures by **THAÇI** during the 6 October Visit. He intentionally revealed, without authorisation, information disclosed to him in the context of official Case 6 proceedings which, by virtue of the confidential classification of this information, could not be revealed according to law and/or had been declared secret by a competent KSC/SPO authority.

522. Count 7 (KCC Article 392(2)) concerns **THAÇI's** 6 October Visit intentional revelation of the identity and personal data of protected Witness 4 without due authorisation. Witness 4 was a person whose identity was protected in the Case 6 proceedings by virtue of the first protective measures decision.

523. Count 11 (KCC Article 393) arises from **THAÇI's** 6 October Visit intentional disobedience of the protections for confidential information contained in the Case 6 Protocol and first protective measures decision, which by that time had become final following appeal.

524. For these reasons, **THAÇI** committed the offences charged under Count 3, Count 6, Count 7, and Count 11. Even if Count 3 were not characterised as commission, **THAÇI's** instructions qualify as incitement pursuant to KCC Article 32(1) or KCC Article 32(3). By the same exchange, **THAÇI** and the other group members also agreed within the meaning of KCC Article 35 to obstruct the SPO/KSC and, through the actions specified above, took substantial acts towards the commission of that offence.

(d) THAÇI was the leader/organiser of the Groups

525. **THAÇI** was the *de facto* leader and organiser of the Groups. Therefore, his conduct falls under the sentencing enhancement contained in KCC Article 401(3).

(e) Offence with KUÇI (Count 9)

526. Count 9 (KCC Article 393) concerns the agreement reached during 3 September Visit between **THAÇI** and **KUÇI** to contact Witness 2, Witness 5, and Witness 6

outside the Case 6 Protocol. They intentionally made substantial preparatory steps pursuant to this agreement, discussed what should be said to the witnesses, and the practical arrangements for doing so. Their discussions on how to operationalise their agreement constitute the substantial acts required by KCC Article 35.

527. For these reasons, **THAÇI** committed the offence charged under Count 9.

2. SMAKAJ (Counts 12-13)

528. As required for Count 12 (KCC Article 401(2) and Article 401(5)), the evidence establishes that **SMAKAJ** intentionally participated in a group with **THAÇI**, Artan BEHRAMI, Blerim SHALA, and Ismail SYLA, which – through common action – aimed to obstruct KSC proceedings. The conversations during the SMAKAJ Visits demonstrate that the SMAKAJ Group began to execute the material elements of the offence, as further supported by the SMAKAJ Document subsequently recovered from his vehicle. This conduct had the capacity to obstruct the work of KSC/SPO officials in the performance of their official duties within the meaning of Article 401(2) and Article 401(5).

529. As concerns Count 13 (KCC Article 393), **SMAKAJ** criminally assisted **THAÇI's** breach of the Case 6 Protocol, thereby intentionally enabling **THAÇI** to disobey a final judicial decision binding upon him.

530. These acts show his direct participation in the attempted obstruction charged in Count 12, and that he criminally assisted the offence charged in Count 13. If the STJ were not to characterise **SMAKAJ's** conduct as commission under Count 12, the same evidence establishes the alternative charged modes of assistance or agreement to commit the charged KCC Article 401(2) offence. **SMAKAJ's** conduct criminally assisted the attempted obstruction of official persons exercising official duties. **SMAKAJ** also agreed to obstruct KSC proceedings and undertook substantial acts in furtherance of this agreement.

3. KILAJ (Counts 14-15)

531. As required for Count 14 (KCC Article 401(2) and Article 401(5)), the evidence establishes that **KILAJ** intentionally participated in a group with **THAÇI** and Vllaznim KRYEZIU, which – through common action – aimed to obstruct KSC proceedings by influencing the testimony of Witness 4. The conversation during the 6 October Visit demonstrates that the KILAJ Group began to execute the material elements of the offence, as further supported by protected information recovered at **KILAJ's** residence. This conduct had the capacity to obstruct the work of KSC/SPO officials in the performance of their official duties within the meaning of KCC Article 401(2) and Article 401(5).

532. As concerns Count 15 (KCC Article 393), **KILAJ** criminally assisted **THAÇI** by enabling his breach of the Case 6 Protocol and the first protective measures decision, thereby intentionally creating the conditions for **THAÇI** to disobey final judicial decisions binding on him.

533. These acts show his direct participation in the attempted obstruction charged in Count 14, and that he criminally assisted the offence charged in Count 15. If the STJ were not to characterise **KILAJ's** conduct as commission under Count 14, the same evidence establishes the alternative charged modes of assisting or agreeing to commit the charged KCC Article 401(2) offence. **KILAJ's** conduct criminally assisted the attempted obstruction of official persons exercising official duties. **KILAJ** also agreed to obstruct KSC proceedings and undertook substantial acts in furtherance of this agreement.

4. FAZLIU (Counts 16-17)

534. As required for Count 16 (KCC Article 401(2) and Article 401(5)), the evidence establishes that **FAZLIU** intentionally participated in a group with **THAÇI** and Fahri FAZLIU, which – through common action – aimed to obstruct KSC proceedings. The

conversation during the 2 July Visit demonstrates that the FAZLIU Group began to execute the material elements of the offence, as further supported by the immediate messages following the DC visit to arrange the agreed upon meeting between Witness 1 and Fahri FAZLIU. This conduct had the capacity to obstruct the work of KSC/SPO officials in the performance of their official duties within the meaning of KCC Article 401(2) and Article 401(5).

535. As concerns Count 17 (KCC Article 393), **FAZLIU** criminally assisted **THAÇI's** breach of the Case 6 Protocol, thereby intentionally enabling **THAÇI** to disobey a final judicial decision binding on him.

536. These acts show his direct participation in the attempted obstruction charged in Count 16, and that he criminally assisted the offence charged in Count 17. If the STJ were not to characterise **FAZLIU's** conduct as commission, the same evidence establishes the alternative charged modes of liability. **FAZLIU's** conduct criminally assisted the attempted obstruction of official persons exercising official duties. **FAZLIU** also agreed to obstruct KSC proceedings and undertook substantial acts in furtherance of this agreement.

5. KUÇI (Counts 18-19)

(a) Count 18

537. Count 18 (KCC Article 393) concerns the agreement reached during the 3 September Visit between **KUÇI** and **THAÇI** to contact Witness 2, Witness 5, and Witness 6 outside the Case 6 Protocol. They intentionally made substantial preparatory steps pursuant to this agreement, discussed what should be said to the witnesses, and the practical arrangements for doing so. **KUÇI** and **THAÇI's** agreement was in flagrant disregard of the Case 6 Protocol. Their discussions on how

to operationalise their agreement constitute the substantial acts required by KCC Article 35.

538. For these reasons, **KUÇI** committed the offence charged under Count 18.

(b) Count 19

539. Count 19 (KCC Article 393) concerns **KUÇI** sending Witness 1 the WhatsApp message on 12 April 2023, after the SPO's intention to call Witness 1 had already been disclosed to the Case 6 Defence. **KUÇI** was a member of the VESELI Defence at the time of this contact and was bound by the Case 6 Protocol, which by this point was final after being confirmed on appeal. He disobeyed the terms of the Case 6 Protocol, which plainly prohibit direct contact with SPO witnesses by opposing parties.

V. SENTENCING

A. INTRODUCTION

540. The KSC sits in The Hague to guard against precisely the danger exposed in this case: interference with witnesses in proceedings concerning Kosovo.[1349] At this institution, effective witness protection is the condition upon which truth-finding, fair trials, and public confidence in the administration of justice depend.

541. The crimes within the KSC's jurisdiction are grave, contested, and often dependent upon the evidence of witnesses who testify in a climate of fear, pressure, and divided loyalties. Oral testimony is thus both indispensable and vulnerable.[1350] **THAÇI's** detention in Case 6 was premised, in substantial part, on the risk that he would interfere with witnesses.[1351] This case is the realisation of that risk. The Accused's efforts to control, dilute, and derail witness evidence in Case 6 were a direct attack on the integrity of the trial process.

542. **THAÇI** can be held accountable only for the conduct proved in this case and that conduct alone requires a significant sentence. That conduct revealed a clear pattern. Over a period of months, the evidence exposed **THAÇI's** persistent method of attempted obstruction: identify the most damaging parts of a witness's anticipated evidence; isolate the portions that needed to be changed, softened, or neutralised; enlist persons with access to, influence over, and/or personal proximity to that witness; and transmit instructions through relationships of trust precisely because those relationships could exert pressure that a stranger could not. **THAÇI's** method was insidious. It sought to turn loyalty, friendship, and family connection into instruments of witness interference.

[1349] AdjF00001(Public).
[1350] *See similarly Beqaj* TJ:para.60. *See also Prince Taylor* SJ:para.53.
[1351] C6 Decision F00027:para.29.

543. The gravity of the scheme is magnified by its source. **THAÇI** was not an outsider seeking to disrupt proceedings from the margins. He was the lead accused in a live trial for war crimes and crimes against humanity. He leveraged the opportunities afforded to him by DC visits and by the confidential information disclosed to him for his defence to attempt to corrupt and undermine the evidence against him. The proceedings he sought to subvert were the very proceedings designed to adjudicate his responsibility for the KSC's core crimes.

544. The Accused's conduct was not spontaneous, isolated, or technical. It was systematic. **THAÇI** directed the implementation of a plan to influence key SPO witnesses in Case 6. He repeatedly used confidential information to identify what witnesses were expected to say and how their evidence should be altered. **FAZLIU**, **SMAKAJ**, **KILAJ**, and **KUÇI** each wilfully and knowingly played their part. They were not passive listeners. To the contrary, they all agreed to provide channels through which **THAÇI's** instructions could be received, preserved, discussed, transmitted, and/or acted upon outside the DC.

545. Together, the Accused's conduct struck at the foundations of the KSC: the protection of witnesses, the confidentiality of proceedings, the enforceability of court orders, and the ability of the SPO and the Chambers to obtain truthful evidence without intimidation or interference. That the charged conduct captures only a short period underscores, rather than diminishes, its seriousness. What was recorded is the visible, prosecutable manifestation of a broader obstruction threat that the KSC was established and relocated to confront. That the evidence was collected at all, despite the relentless efforts to conceal it, from pervasive whispering to the tearing up of documents and use of intermediaries to arrange meetings, only emphasises the need to deter such conduct in the future.

546. In view of Article 44(5) and the STJ's Order,[1352] the SPO addresses below the sentences available to the STJ, the gravity of the Accused's crimes, the aggravating factors established by the evidence, the absence of any meaningful mitigation, the central importance of deterrence, and the need for those considerations to be reflected in significant custodial sentences for all five Accused.

B. APPLICABLE SENTENCES

547. The primary goal of sentencing is to ensure that the final sentence reflects the totality of the criminal conduct and the overall culpability of the offender.[1353] Deterrence and retribution are two of the main purposes of sentencing.[1354] Other purposes, including rehabilitation, should be considered, but should not carry undue weight.[1355] The sentence must be tailored 'in such a way as to reflect the gravity of the crimes, the nature and extent of the Accused's involvement in the offences and the individual circumstances of each Accused'.[1356]

548. Pursuant to Rule 163(4), the STJ is required to determine a sentence in respect of each charge in the Indictment under which the Accused has been convicted and shall impose a single sentence reflecting the totality of the criminal conduct of the Accused. The single sentence shall not be less than the highest individual sentence determined in respect of each charge.[1357] In imposing a sentence of imprisonment, the STJ shall deduct the time, if any, during which the Accused was detained.[1358] Pursuant to Article 44(4), the punishment imposed on persons adjudged guilty of crimes under Article 15(2) shall be in line with the punishments for those crimes set out in the KCC.

[1352] Order F00890:para.30.
[1353] C7 TJ:para.939.
[1354] C7 TJ:paras.938-940; C5 TJ:para.772; KCC Art.38.
[1355] C7 AJ:para.410; C5 TJ:para.772; C4 AJ:para.874; C4 TJ:paras.1060-1061; C5 AJ:para.451.
[1356] C7 TJ:para.956.
[1357] Rule 163(4); C7 TJ:para.956.
[1358] Rule 163(6); C7 TJ:para.958.

549. In relation to Count 1, Count 2, Count 3, Count 12, Count 14, and Count 16, the attempted obstruction of official persons in performing official duties by participating in the common action of a group, KCC Article 401(2) provides that the Accused shall be punished by a fine or by a term of imprisonment of up to three years. However, given that such obstruction was committed: (i) by the leader or organiser of the group which commits this offence; and/or (ii) against a judge, a prosecutor, an official of a court or prosecution officer during the exercise of their official functions, pursuant to KCC Article 401(3) and/or Article 401(5), the STJ must impose a punishment of imprisonment between one and five years.

550. In relation to Count 4, Count 5, and Count 6, violating the secrecy of proceedings through the unauthorised revelation of secret information, pursuant to KCC Article 392(1), the Accused shall be punished by a fine or imprisonment of up to one year.

551. In relation to Count 7, violating the secrecy of proceedings through the unauthorised revelation of the identity and personal data of a protected witness, pursuant to KCC Article 392(2), the Accused shall be punished by imprisonment of up to three years.

552. In relation to Count 8, Count 9, Count 10, Count 11, Count 13, Count 15, Count 17, Count 18, and Count 19, contempt of court, pursuant to KCC Article 393(1), the Accused shall be punished by a fine or by imprisonment of up to six months.

553. The Accused have been charged on the basis of multiple modes of liability. Direct commission, including through common action by the Accused,[1359] shall be punished as prescribed for the criminal offence. The same applies in relation to persons who agree to commit a criminal offence,[1360] and to persons who attempt to commit a criminal offence.[1361]

[1359] *See* C7 TJ:para.767; Section_IV.A.5.
[1360] KCC Art.35(1).
[1361] KCC Art.28(3).

554. Persons guilty of incitement shall be punished as if they committed the offence if such offence is committed, or attempted but not committed.[1362] Should the STJ find that **THAÇI** incited **FAZLIU**, **SMAKAJ**, and/or **KILAJ** to obstruct official persons in performing official duties within the meaning of KCC Article 401(2) and Article 401(5), and such offence(s) is/are not even attempted, **THAÇI** shall be punished for attempt.[1363]

555. Should the STJ find that **FAZLIU**, **SMAKAJ** and/or **KILAJ** provided assistance within their respective groups and/or to **THAÇI** in the commission of a criminal offence, they shall be punished more leniently than the perpetrator of the offence.[1364]

C. THE GRAVITY OF THE CRIMES AND THE ROLE OF THE ACCUSED REQUIRE A SEVERE SENTENCE

1. The Crimes Are Grave

556. Offences against the administration of justice are grave[1365] and affect more than just the parties to a case. They strike at the KSC's ability to discover the truth, protect witnesses, and deliver justice for victims and for society as a whole.[1366] The harm caused by attempted witness interference is especially acute: conduct intended to prevent a witness from giving evidence, or to influence the evidence that a witness will give, is a serious interference with the due administration of justice, even where the means employed do not involve force, threats, or overt intimidation.[1367] The attempt to clandestinely control or alter witness testimony undermines the truth-

[1362] KCC Art.32(1); KCC Art.32(2).
[1363] KCC Art.32(3).
[1364] KCC Art.33(1).
[1365] *See Nzabonimpa et al.* TJ:para.397; *Nshogoza* TJ:para.218.
[1366] C7 TJ:para.951; C10 Decision F00693:paras.82,89. *See also Bemba et al.* SAJ:para.262 where the Appeals Chamber observed, in the context of offences under Article 70(1)(c) of the ICC Statute, that such offences 'are generally grave because they have the potential to undermine the Court's functions and impede justice for victims. This is irrespective of whether, in the specific circumstances, the corrupt influence on the witness actually had such an impact on the Main Case.'
[1367] *Nzabonimpa et al.* TJ:para.398.

seeking function of the KSC and the integrity of the proceedings, irrespective of whether the attempt is consummated or its consummation can be detected and proven.[1368]

557. The offences in this case must be measured against that standard. The judicial orders breached were not technical directions or administrative formalities. They were the protective architecture of Case 6. They prohibited the disclosure of confidential witness information, the revelation of protected witnesses' involvement with the KSC/SPO, and contact with opposing-party witnesses outside the Case 6 Protocol. Their purpose was to protect witnesses, preserve the fairness of the proceedings, and ensure that the SPO could present – and the relevant Panel could adjudicate – evidence without interference.

558. The brazen repetition of **THAÇI**'s conduct bears particular emphasis.[1369] **THAÇI** took sensitive information disclosed to him because he was a Case 6 accused and used it over and over again for a prohibited purpose: to identify witnesses to others, discuss their anticipated evidence, task visitors to reach them, and provide witness-specific instructions on how they should testify. He serially disobeyed court orders, across multiple DC visits, with multiple visitors, and in relation to multiple witnesses. He did so by weaponising the very regulatory and judicial structures designed to ensure his – and his Case 6 co-accused's – ability to mount a free and fair defence.

559. **FAZLIU**, **SMAKAJ**, and **KILAJ** furthered these efforts by actively amplifying and honing **THAÇI's** interference instructions, and by making themselves the channels through which **THAÇI's** confidential information and instructions could leave the DC. This conduct included, *inter alia*, **FAZLIU** discussing how Witness 1 should be reached and providing his son Fahri FAZLIU as the intermediary to avoid detection; **SMAKAJ** engaging with instructions concerning Witness 2, meeting with

[1368] *See, similarly, Bemba et al.* TJ:para.48; *Beqaj* TJ:para.21; *Haraqija and Morina* TJ:para.18.
[1369] *See* C7 TJ:para.951.

Witness 2 between the 9 September and 7 October Visits, reporting to **THAÇI** on what Witness 2 told him, and taking the SMAKAJ Document from the DC; and **KILAJ** smuggling highlighted, annotated pages of the confidential Witness 4 Statements out of the DC, which were later seized in torn pieces from **KILAJ's** trash. That these co-Accused were not themselves addressees of the Case 6 Protocol does not diminish their responsibility; they wilfully enabled **THAÇI** to breach it, knowing that they were doing so. They each engaged in the unlawful conduct for the same shared purpose as **THAÇI**: to reduce his risk of conviction by blunting the evidence against him.

560. **KUÇI's** conduct is especially grave in light of his role in Case 6. He was a member of the VESELI Defence,[1370] bound by the very framework he helped subvert. He agreed with **THAÇI** to contact multiple witnesses outside the Case 6 Protocol, discussed instructions, logistics, paper documents, and case materials, and separately contacted Witness 1 directly. He exploited his access to confidential materials, his legal knowledge, and professional trust as tools for the violation of court orders.

561. Taken together, these offences were deliberate and covert violations of court orders designed to protect confidential witness information and regulate witness contact in precisely the proceedings **THAÇI** sought to manipulate. Their gravity lies not only in the fact of disobedience, but in the purpose and consequences of that disobedience: the orders were breached in order to facilitate witness interference, undermine the authority of the KSC, endanger confidence in protective measures, and attack the integrity of the Case 6 trial.[1371]

[1370] AF00027(Public).
[1371] C7 TJ:para.951.

2. *The Accused All Participated Willingly in the Obstructive Plans Orchestrated and Led by THAÇI*

562. In assessing the Accused's contribution to the crimes, the STJ should have regard to: (i) the specific role each Accused played in their commission;[1372] (ii) the means employed to execute them;[1373] (iii) the degree of intent;[1374] and (iv) the systematic nature of the Accused's actions.[1375]

563. While **THAÇI** masterminded, led, and was the intended beneficiary of the obstructive activities, **FAZLIU**, **SMAKAJ**, **KILAJ**, and **KUÇI** were all active and willing participants. Each Accused played a key role in an organised, systematic attempt to influence the testimony of multiple witnesses, and knowingly violated court orders in the process.

(a) THAÇI

564. As the leader and organiser, **THAÇI** bears the ultimate responsibility for the criminal conduct committed in this case. This was not obstruction from the margins: it was a scheme directed by the accused person on trial in Case 6, for his own benefit, targeting witnesses whose evidence mattered to that trial. The sentence imposed on **THAÇI** must therefore reflect his role as the mastermind and intended beneficiary of the obstructive offending.[1376]

565. The gravity of **THAÇI's** offences is borne out by the precision and repetition of the instructions he delivered to his co-Accused and to others across multiple DC visits.[1377] The Core Visits and Pattern Visits demonstrate a consistent method, and the

[1372] *E.g.* C10 Decision F00693:para.83; *Nzabonimpa et al.* TJ:paras.399-400.
[1373] *E.g.* 2011 *Šešelj* TJ:para.78; *Bemba et al.* SAJ:para.158.
[1374] KCC Art.70(2.2); C7 TJ:para.946.
[1375] *E.g. Bemba et al.* Re-sentencing Decision:paras.76(ii),93(ii),111(ii).
[1376] *See, similarly,* C10 Decision F00693:para.83. *See also Bemba et al.* Sentence Decision:para.219; *Nzabonimpa et al.* TJ:para.399.
[1377] *See* Section_III.D.1.

instructions were not abstract. Witness 1 was to 'leave here as a hero';[1378] if he failed to 'handle it',[1379] **THAÇI** warned that he would be 'finished […] as a human being' and that it would be 'a disgrace'.[1380] Witness 2 was to 'look like a gentleman' and could say he did not remember because '[n]obody can ask you to answer'.[1381] Witness 4 was given one task: 'This will end it now. He should end it, fuck it'.[1382] These instructions addressed the content of expected testimony, the manner of delivery, and the specific changes and statements **THAÇI** wanted witnesses to make both during SPO preparation and in court. Their repetition across witnesses, visitors, and visits demonstrates the 'particular zeal' with which **THAÇI** engaged in this criminal conduct.[1383]

566. **THAÇI** also weaponised confidential Case 6 information disclosed to him for his defence. In the course of his interference instructions, he deliberately revealed confidential information about the same witnesses across multiple visits, and frequently referred to witnesses using derogatory language, for example, '[REDACTED]',[1384] '[REDACTED]',[1385] 'idiot(s)',[1386] 'stupid'[1387] and '[REDACTED]'.[1388]

[1378] P00105_ET(Confidential):p.51/P00105_LSU.1(Confidential):p.23.
[1379] P00105_ET(Confidential):p.45/P00105_LSU.1(Confidential):p.11.
[1380] P00105_ET(Confidential):p.45/P00105_LSU.1(Confidential):p.11.
[1381] P00108_ET(Confidential):p.208;P00108_ET(Confidential):p.210/P00108_LSU(Confidential):p.41.
[1382] P00109_ET(Confidential):p.134/P00109_LSU.2(Confidential):p.187.
[1383] *See, similarly,* C7 TJ:para.996. *See also Kayishema and Ruzindana* AJ:para.351; *Bemba et al.* SAJ:para.169 where the Appeals Chamber affirmed that 'the number of witnesses involved in the common plan and the duration of the illicit activities are distinct and equally valid considerations when determining the gravity of the offences.'
[1384] P00106_ET(Confidential):p.136/P00106_LSU.2(Confidential):p.95.
[1385] P00105_ET(Confidential):p.28/P00105_LSU.2(Confidential):p.12.
[1386] P00105_ET(Confidential):pp.29-30/P00105_LSU.2(Confidential):p.13; P00106_ET(Confidential):p.91/P00106_LSU.1(Confidential):p.41; P00106_ET(Confidential):p.98/P00106_LSU.2(Confidential):p.87; P00106_ET(Confidential):p.137/P00106_LSU.2(Confidential):p.99; P00111_ET(Confidential):p.40; P00112_ET(Confidential):p.6; P00114_ET(Confidential):p.59.
[1387] P00105_ET(Confidential):pp.31-32/P00105_LSU.2(Confidential):p.14; P00108_ET(Confidential):p.141; P00109_ET(Confidential):pp.29-30/P00109_LSU.2(Confidential):p.55; P00112_ET(Confidential):pp.6-7.
[1388] P00108_ET(Confidential):pp.139,141,143; P00109_ET(Confidential):pp.103-104/P00109_LSU.2(Confidential):p.147; P00112_ET(Confidential):p.7; P00114_ET(Confidential):pp.57,59,61.

Such conduct demonstrates **THAÇI's** contempt for court orders and animus toward particular individuals and witnesses in general. The protected information, which **THAÇI** chose to reveal, was not incidental: it identified witnesses, exposed their expected evidence, and gave his intermediaries the tools to approach them.

567. The revelation of protected information, particularly witness identities, risked serious negative personal consequences for those concerned, including by impeding the KSC/SPO's ability to fulfil its mandate and denying victims their rights to truth and access to justice.[1389] As the KSC has recognised, '[t]hese rights are critically important to such victims, so any response of the SC/SPO to attempts to interfere with such rights must reflect their importance.'[1390]

568. Together, these factors place **THAÇI's** offending at the highest end of the gravity scale.

(b) SMAKAJ

569. **SMAKAJ** did not merely receive **THAÇI's** instructions: he accepted, reinforced, and helped operationalise them. Between and after the SMAKAJ Visits, **SMAKAJ** contacted Witness 2 multiple times, as confirmed by phone records and by Witness 2 himself. During the 7 October Visit, **SMAKAJ** contributed to **THAÇI's** instructions in whispered tones, offered to 'clarify it',[1391] and removed papers from the DC upon **THAÇI's** instructions, in knowing violation of the DC rules. Those papers – the SMAKAJ Document – were later seized from the **SMAKAJ's** vehicle during the SMAKAJ Search. The document contained **THAÇI's** Preferred Narrative as discussed during the 7 October Visit, was specifically tailored for Witness 2, and converted the

[1389] *See, similarly,* C7 TJ:para.968.
[1390] C7 TJ:para.968. *See also Marijačić and Rebić* TJ:para.50, where the Trial Chamber found that '[a]ny deliberate conduct which creates a real risk that confidence in the Tribunal's ability to grant effective protective measures would be undermined amounts to a serious interference with the administration of justice. Public confidence in the effectiveness of such orders is absolutely vital to the success of the work of the Tribunal.'
[1391] P00110_ET(Confidential):p.47.

interference plan from a whispered conversation into a portable script for influencing an insider witness. That **SMAKAJ** had on his laptop a document from late 2021 that overlaps with the content of Witness 2's SPO interview only further demonstrates his criminal intent and is another reason, along with his access to and close ties to Witness 2, that **THAÇI** chose him for the interference task.

570. The evidence therefore demonstrates a high degree of intent and commitment by **SMAKAJ** to criminal conduct at **THAÇI's** behest.[1392] Even if he acted for **THAÇI**, he did so willingly and actively, offering his own suggestions for how best to influence Witness 2's evidence. His repeated contact with Witness 2, knowing removal of papers from the DC, and possession of SMAKAJ Document tailored to the witness and aligned with **THAÇI's** Preferred Narrative all heighten the gravity of his offences.

(c) KILAJ

571. During the 6 October Visit, **KILAJ** actively and repeatedly engaged with **THAÇI** on how best to influence a protected witness's evidence to **THAÇI's** benefit. He agreed to convey **THAÇI's** instructions to Witness 4, promising 'I will work on it at home',[1393] and, in substance, that he would get it done. He took notes on pages of confidential printed copies of Witness 4 prior statements, then removed that material from the DC in knowing violation of DC rules. The Seized Witness 4 Material – which were the focus of **THAÇI's** instructions and centred on the portion of Witness 4's most damaging evidence to **THAÇI** – were later recovered from **KILAJ's** trash, torn in pieces. The KILAJ Search also revealed a broader trove of confidential Case 6 witness material, including the KILAJ Loose Notes, the KILAJ MacBook. and the KILAJ Notebooks.[1394] **KILAJ** was not merely a messenger, but a repository and carrier of protected witness material.

[1392] KCC Art.70(2.2); C7 TJ:para.946.
[1393] P00109_ET(Confidential):p.62/P00109_LSU.1(Confidential):p.24.
[1394] *See* Section_III.C.1(d)(iii).

572. **KILAJ's** criminal intent is further demonstrated by his willingness to share the risk of imprisonment with **THAÇI**. When **THAÇI** warned that '[t]hey will bring you in here with me', **KILAJ** responded: 'It does not matter, I can stay for two-three years'.[1395] The physical evidence sharpened that intent: the torn and highlighted pages of the Witness 4 Statements used to target Witness 4 during the 6 October Visit were seized from a trash bag by **KILAJ's** front door that was clearly placed there for trash collection, just days after the SPO executed the SMAKAJ Search.

573. As detailed above, **KILAJ's** criminal intent pre-dated the 6 October Visit. In addition to gaining possession of the SPO's Confidential Case 6 [REDACTED] and Confidential Case 6 [REDACTED], **KILAJ's** relevant conduct can be traced to 26 February 2023 – when he transmitted written instructions on how W04403 should be told (by an intermediary) to answer questions just three weeks after he visited **THAÇI** at the DC on 2 February 2023.

574. **KILAJ's** SPO interview on the date the SPO seized confidential material from his home only compounds the gravity of his conduct. At every turn, **KILAJ** dishonestly sought to impede the SPO's investigation and cover up not only his criminal conduct, but that of **THAÇI**. He falsely claimed that he did not discuss any Case 6 SPO witnesses during the 6 October Visit and that he had never been asked to contact witnesses to change their testimony. These claims are directly contradicted by the Visit Recordings and seized materials. He also falsely claimed that the witness codes in his handwritten notes came from the unlawfully revealed material from the *Gucati and Haradinaj* case; an impossible claim given that some witness codes he recorded were assigned only *after* the Case 7 revelations. **KILAJ** acknowledged what he could not deny – that the torn papers recovered from his trash were prior evidence of Witness 4[1396] – while claiming, incredibly, that he had decided to throw them away the week

[1395] P00109_ET(Confidential):p.112/P00109_LSU.2(Confidential):p.152.
[1396] P00001_ET(Confidential):Part1(p.12),Part2(p.3).

before because it was 'not a matter or an issue I should be looking into'.[1397] **KILAJ's** repeated duplicity in the face of overwhelming evidence demonstrates consciousness of guilt and the continuation of his efforts – after the 6 October Visit – to cover up his and the KILAJ Group's criminal conduct, and thus further aggravates his offending.[1398]

(d) FAZLIU

575. During the 2 July Visit, **FAZLIU** actively participated in the discussion with **THAÇI** about how to influence Witness 1's testimony. He took notes on **THAÇI's** interference instructions to ensure accurate delivery to Witness 1. He told **THAÇI** that he had already met with Witness 1 just before travelling to The Hague, that Witness 1 was willing to receive messages — 'they can send them and I will get it done'[1399] — and that he would immediately meet Witness 1 again upon his return to Kosovo to relay **THAÇI's** instructions. When **THAÇI** cautioned against direct contact, **FAZLIU** proposed using his son, Fahri FAZLIU, as the intermediary; **THAÇI** approved: 'That's right. Not you.'[1400] The next day, **FAZLIU** returned to Kosovo and had Fahri FAZLIU immediately arrange a second meeting with Witness 1 for that same day, exactly as **FAZLIU** and **THAÇI** had agreed.

576. The purpose of this subterfuge was to avoid detection, as **THAÇI** had told **FAZLIU** that the SPO routinely enquires about potential attempts to interfere with witness testimony. **FAZLIU's** willing participation in **THAÇI's** obstructive plans and, in particular, the enthusiasm with which he used his son Fahri FAZLIU to create a deniable channel to Witness 1, substantially increases the gravity of his criminal conduct.

[1397] P00001_ET(Confidential):Part1(pp.11-12). *See also* Section_III.C.1(d)(iv).
[1398] KCC Art.70(2.2); C7 TJ:para.946.
[1399] P00105_ET(Confidential):p.40/P00105_LSU.2(Confidential):p.36.
[1400] P00105_ET(Confidential):p.42/P00105_LSU.1(Confidential):p.7.

(e) KUÇI

577. **KUÇI's** offending is especially grave because he was no ordinary visitor: he was a lawyer and a Case 6 Defence team member with a duty to his client, his legal team, and the court. He had access to confidential witness information and full knowledge of the applicable framework and its purpose.

578. During the 3 September Visit, **THAÇI** gave **KUÇI** detailed instructions to convey to Witness 2, Witness 5, and Witness 6 about how they should testify. **KUÇI** repeatedly agreed to **THAÇI's** instructions, and confirmed he was writing them down when **THAÇI** asked '[a]re you writing it properly?'.[1401] **KUÇI** also supplied his own input to sharpen **THAÇI's** instructions, including 'he should emphasise it', '[h]as to change it', '[t]his is very important', and '[i]t is logical'.[1402] **KUÇI** also confirmed that he had already met Witness 2 and was in contact with Witness 5 to discuss his forthcoming testimony on at least one prior occasion. In the context of instructions to facilitate contact with Witness 6, a witness expected to testify soon after the 3 September Visit, **THAÇI** told **KUÇI** to '[c]all him in the morning' and '[u]rgently meet up with him'; **KUÇI** answered: 'It's done'.[1403]

579. Prior to this, working on his own initiative, **KUÇI** separately contacted Witness 1 on 12 April 2023 in direct violation of the Case 6 Protocol. Just one week after the commencement of opening statements in Case 6, **KUÇI** sent Witness 1 a text message in which he congratulated him on his 'clear ideas about the country and the war' as expressed during a television interview.[1404] By virtue of his position as a VESELI

[1401] P00106_ET(Confidential):p.140/P00106_LSU.1(Confidential):p.73.
[1402] P00106_ET(Confidential):p.85/P00106_LSU.2(Confidential):p.83; P00106_ET(Confidential):p. 97/P00106_LSU.1(Confidential):p.50; P00106_ET(Confidential):p105/P00106_LSU.1(Confidential):p.56.
[1403] P00106_ET(Confidential):p.139/P00106_LSU.1(Confidential):p.73.
[1404] P00115(Confidential):p.SPOE00353236(ln.22)/P00115_LSU(Confidential) ('Friend, I congratulate you for your professionalism, for your clear ideas about the country and the war, and for your courage. Bravo'). *See also* P00179_ET(Confidential):p.2.

Defence team member, **KUÇI** knew full well at the time he sent the text message that Witness 1 would be called to testify in July 2023.

580. **KUÇI's** status as a lawyer and Defence team member for another Case 6 accused, his willingness to target at least three witnesses, and his direct breach of the Case 6 Protocol make his conduct especially brazen and grave.[1405]

D. THERE ARE MULTIPLE AGGRAVATING FACTORS

581. Article 44(5) and Rule 163(1)(b) require the STJ to take into account aggravating circumstances, where applicable. The list of aggravating circumstances set out in Rule 163(1)(b) is non-exhaustive.[1406] The STJ has wide discretion in determining what constitutes an aggravating factor and the weight to be accorded thereto.[1407] Aggravating factors must be proven beyond reasonable doubt.[1408] Certain factors may be considered either as increasing the gravity of the crime(s) or as aggravating the sentence – the STJ must carefully avoid relying upon the same factor more than once, but certain facts may reasonably be considered under more than one category.[1409]

1. The Criminal Conduct Began Even Before Trial in Case 6 Started and Continued for Multiple Months

582. Opening statements in Case 6 commenced on 3 April 2023.[1410] It is no coincidence that the criminal conduct charged in this case occurred over an approximately six-

[1405] That confidential SPO filings from Case 6, including a copy of the full SPO [REDACTED], were recovered from KUÇI's house and multiple electronic devices after his termination – and after he had confirmed to the VESELI Defence team that he had returned or destroyed such material – further illustrates his blatant disregard for this institution, its rules, and witness safety. *See* Preliminary Results F00657:para.8.
[1406] C7 TJ:para.944.
[1407] C10 Decision F00693:para.79; C4 TJ:para.1074.
[1408] C10 Decision F00693:para.78; C4 TJ:para.1082.
[1409] *Bemba et al.* SAJ:para.112; *Bemba et al.* Re-sentencing Decision:para.18(iii).
[1410] JN.00008_ET(Confidential).

month period between 12 April and 2 November 2023.[1411] It is also no coincidence that the first Core Visit took place on 2 July 2023, a week before Witness 1, the first high-ranking KLA insider called by the SPO, was due to testify.[1412] That is because **THAÇI** and his co-Accused intended to undermine the integrity of the Case 6 trial proceedings from the outset. Their conduct was wide-ranging, occurring over a period of multiple months in what can only be described as the perpetuation of a sustained fraud against the Court, designed to ensure **THAÇI** ultimately escaped conviction in Case 6. Therefore, the timing and duration of the criminal conduct in this case necessarily aggravate the offences.[1413]

2. The Criminal Conduct Concerned Multiple Victims

583. The criminal conduct in this case involved multiple victims,[1414] many of whom were vulnerable by virtue of their protected status, and in view of the climate of witness intimidation which persists in Kosovo.[1415] Specifically, through instructions to his co-Accused, **THAÇI** attempted to influence the testimony of Witness 1, Witness 2, Witness 4, Witness 5, and Witness 6. Witness 4 was subject to protective measures, while the status of all five individuals as witnesses was confidential at the time. In the course of doing so, **THAÇI** also revealed the identities and confidential information of at least seven more witnesses.[1416] The existence of court-ordered protective measures is indicative of the particular vulnerability of the witnesses subject to them, as the very purpose of such measures is to protect, *inter alia*, the safety, physical and

[1411] Evidence further indicates that several of the Accused had already commenced preparations and efforts connected to witness interference months before the beginning of Case 6 trial proceedings. *See* Section_III.C.1(c)(vii); Section_III.C.1(d)(i); Section_III.C.1(d)(iii).
[1412] AF00033(Public); JN.00045_ET(Confidential):pp.5468-5471.
[1413] *Popović et al.* AJ:para.2038; *Martić* AJ:para.340.
[1414] Rule 163(1)(b)(iv); C7 TJ:para.951. *See also Senessie* SJ:paras.15,18.
[1415] C7 TJ:para.924.
[1416] Namely, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and W04758. *See* Section_III.D.2(b).

psychological well-being, the dignity and privacy of witnesses.[1417] The sustained violation of such orders is therefore a seriously aggravating factor.

3. The Criminal Conduct Was Orchestrated from the DC in Knowing Violation of Applicable Rules

584. **THAÇI** orchestrated a systematic plan to interfere with SPO witnesses from the confines of the DC. **THAÇI** has been denied provisional release since his initial arrest in November 2020 because of, *inter alia*, the specific risk that he would obstruct the progress of the proceedings against him.[1418] That his detention did not stop him from a campaign of obstructive conduct proves the depth of **THAÇI's** criminal intent, and should be considered an aggravating circumstance. Indeed, **THAÇI** repeatedly abused the visitor and other privileges afforded to him at the DC to facilitate his offending. He knowingly violated applicable rules and court orders by revealing confidential information and providing sensitive printed materials to multiple visitors to further his obstructive plans.[1419]

585. **FAZLIU**, **SMAKAJ**, **KILAJ**, and **KUÇI** likewise knew the applicable DC rules and knew they were violating them. They knew this from, *inter alia*, the Visitor Application forms they completed, the Visitor Undertakings they signed, and the information they received before their respective visits to **THAÇI**. Indeed, **FAZLIU**, **SMAKAJ**, **KILAJ**, and **KUÇI** were all aware that: (i) their visits with **THAÇI** would take place within the sight and hearing of Detention Officers;[1420] and (ii) they were prohibited from giving/receiving any items to/from **THAÇI** without the explicit prior approval of the Chief Detention Officer.[1421] **SMAKAJ** and Artan BEHRAMI further

[1417] Rule 80(1).
[1418] *E.g.* C6 Decision F00177:paras.38-44; C6 Decision F00994:paras.35-36; C6 Decision F01459:paras.19-22; C6 Decision F03672:paras.20-24.
[1419] This is analogous to an accused's use of a privileged phone line while in detention in order to engage in criminal obstructive conduct. *See Bemba et al.* SAJ:paras.151,158.
[1420] PD on Visits and Communications:Art.15(1).
[1421] PD on Visits and Communications:Art.14(2).

demonstrated their contempt for the KSC and the law by mockingly reciting the detention regulations on these two specific topics at the start of the 7 October Visit. That **FAZLIU**, **SMAKAJ**, **KILAJ**, and **KUÇI** all intentionally violated these rules by (i) ensuring the criminal elements of their discussions with **THAÇI** were not overheard by DC staff; and/or (ii) taking papers from **THAÇI**, including confidential prior witness statements, out of the DC, aggravates their offending conduct.

4. KUÇI's Role as a VESELI Defence Team Member Aggravates His Offending

586. As a legal adviser for the VESELI Defence, **KUÇI** formed part of Counsel's 'Team' in Case 6 within the meaning of the KSC Code of Conduct.[1422] He was part of this team from at least February 2022 to 29 November 2023.

587. As a condition of the Registrar's approval of his engagement, the Directive on Counsel required Counsel to submit a confidentiality undertaking signed by **KUÇI**.[1423] The KSC Code of Conduct further required any Counsel who revealed protected information to a member of the team to ensure that the recipient was informed of, and bound by, the applicable confidentiality regimes.[1424] **KUÇI** was thereby personally bound to protect confidential information and in a position to appreciate the importance of respecting court orders, in particular 'the purpose of protective measures, and the probable consequences of his actions in breaching such orders'.[1425]

588. **KUÇI**'s position was reinforced by the obligations of his supervising Counsel, who was required to make reasonable efforts to ensure that directly supervised persons adhered to the KSC Code of Conduct.[1426] These obligations on Counsel include, *inter alia*, to:

[1422] KSC Code of Conduct:Art.2(2).
[1423] Directive on Counsel, KSC-BD-04-Rev2:s.18(3)(d). This provision is repeated in the version of this directive applicable during the Indictment period (KSC-BD-04-01).
[1424] KSC Code of Conduct:Art.12(4).
[1425] *Nshogoza* TJ:para.223.
[1426] KSC Code of Conduct:Art.34(1).

(a) 'exercise their duties honourably and independently';[1427]

(b) 'respect professional secrecy and confidentiality';[1428]

(c) 'act with diligence, dignity and integrity in relation to the performance of their duties, and with respect towards anyone with a standing in the proceedings';[1429]

(d) 'act within and in compliance with the legal framework and any decision or order of a Panel';[1430]

(e) 'take all reasonable steps to ensure that their actions are not prejudicial to, and do not bring proceedings before the Specialist Chambers into disrepute';[1431] and

(f) 'not reveal any information classified as confidential or strictly confidential pursuant to Rule 82 of the Rules, including the identity of protected victims and witnesses or any confidential information that may reveal their identity and whereabouts, unless he or she has been specifically authorised to do so by a Panel'.[1432]

589. In addition, **KUÇI** also owed a general duty of candour towards the Court.[1433] Separately, as a Kosovo lawyer,[1434] **KUÇI** was also bound by the Kosovo Lawyers' Code of Professional Ethics,[1435] which enshrines further duties, the content of which mirrors those encapsulated in the KSC Code of Conduct.[1436] In direct violation of these duties and the trust and privileges afforded to him by virtue of his position, **KUÇI** eagerly engaged in criminal conduct designed to undermine the very proceedings in

[1427] KSC Code of Conduct:Art.6(1)(a).
[1428] KSC Code of Conduct:Art.6(1)(b).
[1429] KSC Code of Conduct:Art.6(1)(c).
[1430] KSC Code of Conduct:Art.6(1)(d).
[1431] KSC Code of Conduct:Art.6(1)(f).
[1432] KSC Code of Conduct:Art.12(2).
[1433] KSC Code of Conduct:Art.10. *See also* C6 Annex F01226:para.10; C7 Annex F00314:para.6.
[1434] Initial_Appearance_KUÇI:T.78-79(09-Dec-2024)(Open).
[1435] Kosovo Code of Professional Ethics:Arts.1-2,4.
[1436] Kosovo Code of Professional Ethics:Arts.8,10-11,17-19,40,48,92.

which he was acting on behalf of **THAÇI's** Case 6 co-accused.[1437] **KUÇI's** conduct must be recognised for what it is: an insidious attack on the integrity of this institution. Accordingly**, KUÇI's** abuse of the privileges afforded to him by virtue of his position should be regarded as a particularly serious factor.[1438]

5. The Criminal Conduct Threatens Public Confidence in the Effectiveness of KSC Orders

590. The scope and scale of the attempted obstruction in this case, and the repetitive manner in which all five Accused violated court orders relating to protective measures, impact public confidence in the effectiveness of those orders and in the integrity of proceedings before the KSC.[1439] There remains a concrete risk that victims of crimes under the jurisdiction of the KSC are denied their right to truth and access to justice as a result of this criminal conduct, which increases the gravity of the Accused's offending.[1440]

E. THERE ARE NO MITIGATING FACTORS

591. There are no mitigating circumstances here. The Accused neither voluntarily surrendered, nor cooperated with the SPO/KSC.[1441] Rather, they all attempted to conceal their criminal conduct.

592. There have been no guilty pleas, nor any attempts to rectify wrongdoing and/or mitigate the effects thereof. None of the Accused has expressed remorse,[1442] or made

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[1437] *See, similarly, Bemba et al.* Sentence Decision:paras.131,177.
[1438] *See, similarly, Rašić* SJ:para.18; *Nshogoza* TJ:para.224.
[1439] C7 TJ:para.951.
[1440] C7 TJ:paras.968,993; C10 Decision F00693:paras.82,89,98. *See also* 2009 *Šešelj* TJ:para.37; 2011 *Šešelj* TJ:paras.78,80.
[1441] THAÇI was already in detention for his Case 6 charges at the time his arrest warrant in the present case was issued – *see* Arrest Warrants Decision. KILAJ agreed to be interviewed by the SPO upon his arrest, but then proceeded to make numerous false claims during the interview in order to conceal his offending – *see* Section_III.C.1(d)(iv).
[1442] KCC Art.70(3.11). *See also Strugar* AJ:para.365, where the Appeals Chamber held that remorse must be 'genuine and sincere' to be considered a mitigating factor.

any other expressions of sympathy, compassion, or sorrow.[1443] Such lack of remorse further indicates that there is no guarantee that the Accused would not undertake similar conduct again if given the opportunity.

593. The Accused are between 50 and 65 years old and do not, to the SPO's knowledge, suffer from any health conditions of sufficient severity to qualify as a mitigating factor for sentencing purposes. That the Accused do not have any known relevant prior convictions should not in itself be considered a mitigating factor, as '[m]ere compliance with the law is not ordinarily a factor in assessing an accused's good character'.[1444] In any event, the prior good character of a convicted person 'carries little weight in the determination of the sentence'.[1445]

594. In this regard, **KILAJ** relies on written evidence of four witnesses – **Ekrem KASTRATI (IK-01)**, **Ali PAÇARIZI (IK-02)**, **Filloreta BYTYQI (IK-03)**, and **Bajrush HOTI (IK-04)** – in an attempt to demonstrate his good character.[1446] This evidence merits minimal – if any – weight. Notably, IK-03 describes herself as a mere 'acquaintance' of **KILAJ**,[1447] while IK-04 notes that he has not seen **KILAJ** since 2021.[1448] IK-04 is also the [REDACTED] of **KILAJ's** uncharged co-perpetrator Vllaznim KRYEZIU,[1449] who: (i) is discussed by name during the 6 October Visit;[1450] and (ii) failed to disclose that relationship in his witness statement.[1451] IK-01 has made public disparaging remarks against the KSC, and alleged that **KILAJ**, amongst others, is the

[1443] *Strugar* AJ:para.366.
[1444] *Blagojević and Jokić* AJ:para.342. *See also Babić* SAJ:para.49, where the Appeals Chamber referenced with approval the *Tadić* SJ, in which the Trial Chamber found that, if anything, an accused's status as a '"law abiding citizen […] if anything, aggravates more than it mitigates: for such a man to have committed these crimes requires an even greater evil will on his part than for a lesser man."'
[1445] *Ntabakuze* AJ:para.296. *See also Babić* SAJ:para.50; *Karadžić* AJ:para.759.
[1446] 3D00001(Confidential); 3D00002(Confidential); 3D00003(Confidential); 3D00004(Confidential).
[1447] 3D00003(Confidential):para.20.
[1448] 3D00004(Confidential):para.10.
[1449] AF10.00161(Confidential).
[1450] P00109_ET(Confidential):p.76.
[1451] *See* 3D00004(Confidential).

subject of 'persecution' by the KSC.[1452] Each of these facts diminishes the (already) minimal weight this evidence should be afforded.

595. Throughout the proceedings, some of the Accused have sought to highlight that certain confidential information was already in the public domain, in an attempt to minimise the seriousness of their own (further) revelation of that information. This must be rejected. In particular, **THAÇI** tendered multiple exhibits for this purpose. However, these exhibits comprised, *inter alia,* prior witness testimony given before other courts in public session,[1453] media interviews with (potential) witnesses and other articles referring to individuals being summonsed for interview by the SPO,[1454] and books written by individuals recounting their experiences during the war,[1455] most of which were published prior to the confirmation of the Case 6 Indictment. This material is fundamentally different in character from the information subsequently protected by the court orders at issue in this case; namely, the identity of (potential) witnesses expected to testify *specifically* before the KSC in Case 6, and the content of their testimony. To suggest otherwise is inaccurate and misleading.

596. Moreover, the existence of information in the public domain prior to the issuance of court orders rendering specific information confidential, does not *ipso facto* authorise or legitimise the further dissemination of that information, once such orders are issued. This Court's jurisprudence and that of other tribunals is clear: an order remains in force until the Court decides otherwise. The fact that confidential

[1452] AF9.00144(Public); AF9.00145(Public); AF9.00146(Public).
[1453] *E.g.* 1D00052(Confidential); 1D00053(Confidential); 1D00054(Confidential); 1D00055(Confidential); 1D00056(Confidential); 1D00057(Confidential); 1D00058(Confidential); 1D00059(Confidential); 1D00060(Confidential); 1D00061(Confidential); 1D00062(Confidential); 1D00063(Confidential); 1D00064(Confidential); 1D00065(Confidential); 1D00066(Confidential); 1D00067(Confidential); 1D00068(Confidential); 1D00069(Confidential); 1D00070(Confidential); 1D00071(Confidential); 1D00072(Confidential); 1D00073(Confidential); 1D00074(Confidential); 1D00075(Confidential); 1D00076(Confidential); 1D00077_ET(Confidential); 1D00078_ET(Confidential); 1D00079(Confidential).
[1454] *E.g.* 1D00081_ET(Public); 1D00088_ET(Public); 1D00089_ET(Confidential); 1D00090_ET(Public); 1D00091_ET(Public); 1D00092_ET(Public); 1D00093(Confidential); 1D00094_ET(Confidential); 1D00097_ET(Public); 1D00100(Public); 1D00101(Public).
[1455] 1D00080_ET(Public).

information 'may have been disclosed by another third party' does not mean that information is no longer protected, that the court order has been '*de facto* lifted', or that its violation would not interfere with the administration of justice.[1456] To find this as a mitigating factor in this case would not only be contrary to the law, it would result in a perverse outcome whereby those subject to unambiguous judicial orders could simply pick and choose which parts of which orders to follow, based on their own subjective beliefs about the knowledge of others.

F. THAÇI SHOULD BE SUBJECT TO A CONSECUTIVE SENTENCE AND ONLY RECEIVE CREDIT FOR TIME SERVED ONCE

1. The Jurisprudence Supports Imposing a Consecutive Sentence upon THAÇI

597. Proceedings for obstruction-related offences are 'independent of the proceedings out of which they arise'.[1457] The two Indictments to which **THAÇI** is currently subject are entirely distinct. They concern two discrete courses of criminal conduct, separated by significant temporal and geographical distance. Further, the distinct charges in each Indictment protect disparate legal interests: those of civilians and other protected persons during conflict versus the effective administration of justice. Those interests, and the principle of deterrence, can only be served by imposing **THAÇI's** sentence in this case consecutively upon any sentence he ultimately receives in Case 6. Indeed, Rule 163(4) permits consecutive sentences in these circumstances.[1458]

598. Without the threat of a consecutive sentence, there is effectively nothing to deter **THAÇI** and others in his position who face the prospect of a lengthy term of imprisonment if convicted in the main proceedings against them, from engaging in

[1456] *Jović* AJ:para.30; *Nshogoza* TJ:para.187; C7 TJ:paras.970,995.
[1457] *Nyiramasuhuko et al.* Decision, p.2.
[1458] Rule 163(4) provides, in relevant part, that KSC sentences are 'to be served concurrently with any other sentence of imprisonment previously imposed by another Kosovo court.' A sentence imposed by a different Trial Panel of the KSC is a sentence coming from the same court, meaning that this part of the provision does not apply in this context. *See similarly Fatuma et al.* AJ:paras.104-105; *Bemba et al.* SAJ:paras.237-239. Regardless, the rule provided in Rule 163(4) applies 'unless otherwise ordered'.

obstructive conduct. For deterrence to have any force as a primary principle of sentencing in obstruction cases, terms of imprisonment must be imposed on a consecutive basis. A concurrent sentence in the present circumstances would be meaningless, devoid of deterrent value, and would, in effect, ratify and validate **THAÇI's** decision to risk attempting to interfere with his war crimes trial. Indeed, if there is no distinct penalty to be paid by an accused who attempts to interfere with and obstruct the case against them, there is little if any disincentive for an accused to do so.

599. Other courts have reached this same conclusion in similar cases. In *Jokić*, *Bangura et al*., and *Bemba et al*., the Trial Chambers all took into account the sentence of imprisonment the accused were already serving when imposing consecutive sentences for contempt offences.[1459] In *Fatuma et al*., the International Residual Mechanism for Criminal Tribunals ('IRMCT') Appeals Chamber reversed a contempt sentence for Augustin NGIRABATWARE which had been ordered to run concurrently with his 30-year sentence for genocide convictions.[1460] The Appeals Chamber found there to be no basis for such a sentence, imposing a consecutive sentence instead.[1461]

600. Accordingly, the interests of special and general deterrence[1462] require that **THAÇI's** sentence runs consecutively to any sentence he may receive in Case 6.

[1459] *Jokić* TJ:paras.38,42; *Bangura et al*. SJ:paras.93-94,101; *Bemba et al.* SAJ:paras.236-240 (finding no error in imposing a sentence consecutive to main case conviction). Mr. Bemba was ultimately re-sentenced in *Bemba et al*., but – because by then he had been acquitted in his main case – the question of consecutive or concurrent sentences no longer arose. *Bemba et al*. Re-sentencing Decision:para.123.
[1460] *Fatuma et al.* AJ:paras.104-107.
[1461] *Fatuma et al.* AJ:para.119 (by majority).
[1462] *Kordić and Čerkez* AJ:paras.1076-1078. *See also Kabashi* SJ:para.11, where the Trial Chamber observed that '[b]oth special and general deterrence are important purposes of sentencing in criminal law. The *rationale* of special deterrence is to dissuade the wrongdoer from recidivism in the future, whereas general deterrence aims at discouraging others from committing similar crimes.'

2. *Time Served by an Accused Should Only be Counted Once*

601. By virtue of Rule 163(6), all Accused are entitled to credit for time served in detention prior to conviction. However, **THAÇI** is currently detained pursuant to two separate arrest warrants in operation: (i) since November 2020 in Case 6;[1463] and, (ii) since November 2024 in the present proceedings.[1464] Such situations are not uncommon before other similarly-situated tribunals, where an accused is separately charged with obstructing the substantive proceedings against them.[1465]

602. The Appeals Chamber in *Bemba et al.* confirmed that, 'in circumstances where an accused has spent time in detention as a result of warrants of arrest issued in different cases, time spent in detention can only be taken into account once.'[1466] Logically, this approach is necessary to fulfil the principal purpose of deterrence. No accused would be discouraged from engaging in obstructive conduct if he knew his time in detention would be eventually deducted from their sentence in both the main case and obstruction proceedings.[1467] Accordingly, given that for the entirety of these proceedings **THAÇI** was also detained in respect of his Case 6 charges, any credit for time served should only be deducted from his sentence in that case.[1468]

G. SIGNIFICANT CUSTODIAL SENTENCES ARE APPROPRIATE FOR ALL ACCUSED

603. Without exception, the Accused knowingly, wilfully, and enthusiastically participated in a sophisticated, systematic scheme to influence the testimony of multiple SPO witnesses in **THAÇI's** favour, including victim witnesses. In doing so,

[1463] C6 Decision F00177:paras.1,61(a).
[1464] Arrest Warrants Decision:paras.34-35.
[1465] *E.g. Bemba et al.* Sentence Decision:paras.251-260; *Fatuma et al.* AJ:para.120.
[1466] *Bemba et al.* SAJ:para.225.
[1467] *Bemba et al.* SAJ:para.225.
[1468] In the event THAÇI is not convicted and sentenced in Case 6, any credit for time served could be deducted from his sentence in the present proceedings *ex post facto*. *See, similarly, Bemba et al.* SAJ:para.231.

the Accused knowingly disregarded court orders, demonstrating their contempt for this institution and the rule of law. They did so in a manner designed to avoid detection and exert pressure on witnesses. In these circumstances, the imposition of significant custodial sentences upon all the Accused is the only appropriate outcome.

1. The Sentences Imposed Must Reflect the Conduct in This Case

604. While it has been recognised that considering the sentence imposed for the same offences committed in substantially similar circumstances may offer certain comparative guidance, this principle has limited utility in practice.[1469]

605. Obstruction of justice offences before the KSC are governed by a detailed, complex regulatory regime which differentiates between specific types of obstructive conduct, modes of liability, and aggravating and mitigating factors across multiple provisions.[1470] By contrast, such offences before the ICC, ICTY, International Criminal Tribunal for Rwanda ('ICTR'), and IRMCT are enumerated in a single provision within their respective governing instruments.[1471] The penalties available for obstruction offences, and indeed the penalties imposed in past cases, vary significantly between the KSC and other courts.[1472] For these reasons, in determining the sentences to be imposed, the STJ should have regard firstly, to the specific facts of

[1469] C5 TJ:para.794; C5 AJ:para.453; C4 TJ:paras.1070,1083; C7 TJ:paras.957,979,1004.
[1470] KCC, Chapter XXXI, Criminal Offenses against the Administration of Justice and Public Administration and Chapter XXXII, Criminal Offenses against Public Order. *See, in particular,* KCC Arts.386-395 and Art.401.
[1471] ICC Statute:Art.70; IRMCT RPE, Rule 90; ICTY RPE, Rule 77; ICTR RPE, Rule 77.
[1472] Penalties under the KCC include both minimum and maximum terms of imprisonment ranging from three months to life imprisonment, depending on the circumstances of the offence, and also provide for the imposition of fines. The maximum penalty under Article 70 of the ICC Statute is five years' imprisonment and/or a fine. The maximum penalty for contempt before the ICTY, ICTR, and IRMCT is seven years' imprisonment and/or a fine (maximum 100,000 EUR at the ICTY, 10,000 USD at the ICTR, and 50,000 EUR at the IRMCT).

this case,[1473] and secondly, to the sentences imposed in Case 7 and Case 10 before the KSC.

606. Custodial sentences of between two and four and a half years' imprisonment have been imposed for obstruction-related offences in Case 7 and Case 10.[1474] However, the specific circumstances of the criminality in these cases differ from the present case. Case 7 involved the revelation of hundreds of documents containing protected information, including witness identities,[1475] on a 'brazenly wide' scale,[1476] but the *modus operandi* of the crimes was not nearly as calculated and orchestrated. The Case 7 accused were not charged with delivering the batches of documents at issue in that case; their convictions stemmed from illegally disseminating information which others dropped on their doorstep at the KLA War Veterans Association. While Case 10 concerned an attempt to interfere with witness testimony, the scope of the criminal conduct was confined to a single witness over a period of approximately one week.[1477] Further, the sentences in Case 10 were imposed after all three accused pleaded guilty and were sentenced pursuant to plea agreements reached between the SPO and the accused.[1478] Notwithstanding these factual differences, Case 7 and Case 10 remain instructive in terms of the sentences deemed appropriate for obstructive conduct before the KSC by Trial Panels similarly placed to the STJ.

607. In this context, **THAÇI** systematically directed the implementation of a coordinated plan to influence the evidence of multiple SPO witnesses over a period of months. His co-Accused, **FAZLIU**, **SMAKAJ**, **KILAJ**, and **KUÇI** all participated knowingly and eagerly in this effort, which was designed to help **THAÇI** escape responsibility for the war crimes and crimes against humanity with which he is

[1473] *See, similarly,* C7 TJ:paras.979,1004. *See also Al Khayat* SJ:para.22; *Tabaković* SJ:para.15; *Milošević* Contempt Decision:para.62.
[1474] C7 TJ:paras.1014,1017; C10 Decision F00693:para.114(b)-(d).
[1475] C7 TJ:paras.964,989.
[1476] C7 TJ:paras.966,991.
[1477] C10 Decision F00693:para.26.
[1478] C10 Decision F00693:para.114.

charged in Case 6. All five Accused engaged in duplicitous conduct to conceal their offending, knowingly defied court orders and DC rules in the process, and were selected precisely because of their access to and familiarity with the specific witnesses they were directed to target. Collectively, their conduct posed a concrete threat to the integrity of the trial proceedings in Case 6, the true impact of which may never be known.

H. CONCLUSION

608. Having considered the applicable sentencing ranges and the factors set forth above, and given that pursuant to Rule 163(4) the STJ must first determine a sentence for each charge in the Indictment, the SPO requests the STJ to impose the following sentences on the Accused:

609. **THAÇI**:

(a) Count 1: five years' imprisonment;

(b) Count 2: five years' imprisonment;

(c) Count 3: five years' imprisonment;

(d) Count 4: six months' imprisonment;

(e) Count 5: six months' imprisonment;

(f) Count 6: six months' imprisonment;

(g) Count 7: one and a half years' imprisonment;

(h) Count 8: six months' imprisonment;

(i) Count 9: six months' imprisonment;

(j) Count 10: six months' imprisonment;

(k) Count 11: six months' imprisonment.

610. **SMAKAJ**:

(a) Count 12: three years' imprisonment;

(b) Count 13: three months' imprisonment.

611. **KILAJ**:

(a) Count 14: three years' imprisonment;

(b) Count 15: three months' imprisonment.

612. **FAZLIU**:

(a) Count 16: three years' imprisonment;

(b) Count 17: three months' imprisonment.

613. **KUÇI**:

(a) Count 18: six months' imprisonment;

(b) Count 19: three months' imprisonment.

614. Rule 163(4) requires the STJ to impose a single sentence reflecting the totality of the criminal conduct of each Accused, which shall not be less than the highest individual sentence for each charge. The STJ may sentence each Accused to the terms of imprisonment set out in relation to each count cumulatively, or impose a higher sentence of imprisonment than that set out in relation to any specific count. In line with these principles, the SPO requests single sentences for each Accused as follows:

(a) **THAÇI**: six years' imprisonment;

(b) **SMAKAJ**: three years' imprisonment;

(c) **KILAJ**: three years' imprisonment;

(d) **FAZLIU**: three years' imprisonment; and,

(e) **KUÇI**: nine months' imprisonment.

Word count: 92,507



Kimberly P. West
Specialist Prosecutor

Monday, 24 August 2026
At The Hague, the Netherlands