



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

In: KSC-BC-2020-06

**The Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli,
Rexhep Selimi, and Jakup Krasniqi**

Before: Trial Panel II

Judge Charles L. Smith III, Presiding Judge

Judge Christoph Barthe

Judge Guénaél Mettraux

Judge Fergal Gaynor, Reserve Judge

Registrar: Fidelma Donlon

Date: 8 December 2023

Language: English

Classification: Public

**Public Redacted Version of
Decision on Prosecution Request to Amend the Exhibit List (F01844)**

Specialist Prosecutor

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TRIAL PANEL II (“Panel”), pursuant to Articles 21(4)(c) and (6) and 40 of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 95(4)(c), 102(1)(b), and 118(2) and 149 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 25 January 2023, the Panel issued the Order on the Conduct of Proceedings.¹
2. On 3 April 2023, trial proceedings started.²
3. On 30 May, 10 and 12 July 2023, 25 August, 19 September and 3 November 2023, upon authorisation from the Panel,³ the Specialist Prosecutor’s Office (“SPO”) amended its list of proposed exhibits (“Exhibit List”).⁴

¹ F01226, Panel, *Order on the Conduct of Proceedings*, 25 January 2023, with Annex 1.

² Transcript of Hearing, 3 April 2023.

³ F01352, Panel, *Decision on Prosecution Request to Amend the Exhibit List and Related Matters*, 8 March 2023, confidential (a public redacted version was issued on 1 November 2023, F01352/RED); F01544, Panel, *Decision on Prosecution Request to Add Five Items Relating to Expert Witness to the Exhibit List* (“23 May 2023 Decision”), 23 May 2023; Transcript of Hearing, 12 July 2023, p. 5551, line 9 to p. 5553, line 19; F01656, Panel, *Decision on Prosecution Request to Add Intercepted Communications to the Exhibit List* (“Intercepts Decision”), 7 July 2023, confidential (a public redacted version was issued on 14 November 2023, F01656/RED); F01739, Panel, *Decision on Prosecution Request to Amend the Exhibit List* (F01728) (“24 August 2023 Decision”), 24 August 2023, confidential (a public redacted version was issued on 15 November 2023, F01739/RED); F01785, Panel, *Decision on Prosecution Requests to Amend the Exhibit List* (F01689 and F01747), 12 September 2023, confidential (“12 September 2023 Decision”) (a public redacted version was issued on 10 November 2023, F01785/RED); F01902, Panel, *Decision on Prosecution Request to Amend the Exhibit List* (F01858) (“3 November 2023 Decision”), 3 November 2023.

⁴ F01562, Specialist Prosecutor, *Prosecution Submission of Amended Exhibit List*, 30 May 2023, with Annex 1, strictly confidential and *ex parte*, and Annex 2, confidential; F01662, Specialist Prosecutor, *Prosecution Submission of Amended Exhibit List*, 10 July 2023, with Annex 1, strictly confidential and *ex parte*, and Annex 2, confidential; F01669, Specialist Prosecutor, *Prosecution Submission of Amended Exhibit List*, 12 July 2023, with Annex 1, strictly confidential and *ex parte*, and Annex 2, confidential; F01744, Specialist Prosecutor, *Prosecution Submission of Amended Exhibit List*, 25 August 2023, with Annex 1, strictly confidential and *ex parte*, and Annex 2, confidential; F01802, Specialist Prosecutor, *Prosecution Submission of Amended Exhibit List*, 19 September 2023, with Annex 1, strictly confidential and *ex parte*, and Annex 2, confidential; F01906, Specialist Prosecutor, *Prosecution Submission of Amended Exhibit List*, 3 November 2023, with Annex 1, strictly confidential and *ex parte*, and Annex 2, confidential.

4. On 6 October 2023, the SPO filed a request to amend the Exhibit List (“Request”).⁵
5. On 20 October 2023, the Defence for all four Accused (collectively, “Defence”) responded jointly to the Request (“Response”).⁶
6. The SPO did not reply to the Response.

II. SUBMISSIONS

7. The SPO requests to amend the Exhibit List to include material generated, used, or reassessed in the context of other proceedings (“Other Proceedings” and “Requested Amendments”).⁷ The SPO avers that the Request is timely, as the material was either recently obtained, used, or reassessed by the SPO.⁸ It further submits that the Request is relatively limited in scope, allows timely and effective Defence preparations, and concerns relevant and probative material.⁹ The SPO also argues that there is adequate protection of the Accused’s rights and minimal impact on Defence preparations, particularly as none are currently noticed as reserve or scheduled witnesses.¹⁰ Moreover, the SPO submits that it is in the interest of fair and expeditious proceedings that the SPO has the opportunity to rely on and, as appropriate, use such material.¹¹
8. In its Response, the Defence objects to the addition of certain material related to an expert whom the SPO does not intend to call to testify (“Expert”).¹² The

⁵ F01844, Specialist Prosecutor, *Prosecution Request to Amend the Exhibit List*, 6 October 2023, confidential, with Annexes 1-5, confidential (a public redacted version was filed on 10 November 2023, F01844/RED). The Panel notes that the Request was notified on 10 October 2023.

⁶ F01873, Specialist Counsel, *Joint Defence Response to Prosecution Request to Amend the Exhibit List (F01844)*, 20 October 2023, confidential.

⁷ Request, paras 1, 8, 34.

⁸ Request, para. 7.

⁹ Request, para. 1.

¹⁰ Request, paras 2-3, 30-32.

¹¹ Request, para. 5.

¹² Response, paras 2, 15-17, 20.

Defence submits that the SPO has failed to show good cause for the addition of these items to the Exhibit List. The Defence requests, however, that this material be disclosed to the Defence pursuant to Rule 102(3).¹³

III. DISCUSSION

9. Pursuant to Rule 118(2), the Panel may permit, upon timely notice and a showing of good cause, the amendment of the lists of witnesses and exhibits filed pursuant to Rule 95(4)(b) and (c). As proceedings advance, any further requests to amend the Exhibit List will be subject to greater scrutiny.¹⁴ As previously stated,¹⁵ the Panel has already permitted the SPO to add items to the Exhibit List several times and the Exhibit List is already, by any standards, voluminous. With this in mind, the Panel will assess whether, at the current stage of proceedings, the SPO has provided timely notice and shown good cause for the Requested Amendments, and that no undue prejudice is caused to the Defence by the amendment of the Exhibit List.¹⁶ The Panel refers, in particular, to the principles set out in the 12 September 2023 Decision.¹⁷

¹³ Response, para. 18.

¹⁴ See 3 November 2023 Decision, para. 7; 12 September 2023 Decision, para. 15, referring to F00727, Pre-Trial-Judge, *Decision on Specialist Prosecutor's Request to Amend its Exhibit List and to Authorise Related Protective Measures*, 8 March 2022, strictly confidential and *ex parte*, para. 30 (a confidential redacted version was filed on the same day, F00727/CONF/RED). See also Transcript of Hearing, 15 February 2023, pp. 2017-2018.

¹⁵ 3 November 2023 Decision, para. 7; 12 September 2023 Decision, para. 16.

¹⁶ 3 November 2023 Decision, para. 7; 12 September 2023 Decision, para. 16. Similarly 23 May 2023 Decision, para. 8; Intercepts Decision, para. 10.

¹⁷ 12 September 2023 Decision, in particular, paras 15-21.

A. ADDITIONAL MATERIAL RELATING TO W04366, [REDACTED], [REDACTED] AND [REDACTED] (“WITNESSES” AND “ADDITIONAL MATERIAL”)

10. With respect to W04366, the SPO requests to add the following material to the Exhibit List: (i) W04366’s testimony;¹⁸ and (ii) an item marked by W04366 during that testimony.¹⁹

11. With respect to [REDACTED], the SPO requests to add the following material to the Exhibit List: (i) [REDACTED]’s testimony;²⁰ (ii) four items marked by [REDACTED] during that testimony;²¹ and (iii) a 2010 report regarding [REDACTED] authored by [REDACTED] (“Report”).²²

12. With respect to [REDACTED], the SPO requests to add the following material to the Exhibit List: (i) [REDACTED]’s testimony;²³ (ii) two items marked by [REDACTED] during that testimony;²⁴ (iii) screenshots of that testimony;²⁵ and (iv) notes from a 2023 meeting between the SPO and [REDACTED] (“First Notes”).²⁶

13. With respect to [REDACTED], the SPO requests to add the following material to the Exhibit List: (i) [REDACTED]’s testimony;²⁷ and (ii) notes from a 2023 meeting between the SPO and [REDACTED] (“Second Notes”).²⁸

14. As regards the timeliness of notice, the Panel observes that: (i) with the exception of the Report, the Additional Material dates from mid-2023; (ii) the timing of the preparation of the Request was linked to an event that occurred in

¹⁸ [REDACTED]. See Request, fn. 21 and paras 9-12, and Disclosure Package 967.

¹⁹ [REDACTED]. See Request, fn. 21 and paras 9-12, and Disclosure Package 967.

²⁰ [REDACTED]. See Request, fn. 21 and paras 9-12, and Disclosure Package 967.

²¹ [REDACTED]. See Request, fn. 21 and paras 9-12, and Disclosure Package 967.

²² [REDACTED]. See Request, paras 14, 22-24, and Disclosure Package 967.

²³ [REDACTED]. See Request, fn. 21 and paras 9-12, and Disclosure Package 967.

²⁴ [REDACTED].

²⁵ [REDACTED]. See Request, fn. 21 and paras 9-12, and Disclosure Package 967.

²⁶ [REDACTED]. See Request, paras 14, 20-21, and Disclosure Package 967.

²⁷ [REDACTED]. See Request, fn. 21 and paras 9-12, and Disclosure Package 967.

²⁸ [REDACTED]. See Request, paras 14-16, and Disclosure Package 967.

mid-2023 (“2023 Event”);²⁹ (iii) on 20 July 2023, the SPO notified the Panel, the Parties and participants that it was preparing a further, consolidated request for materials generated in the course of the Other Proceedings (“Notification”);³⁰ and (iv) on 6 October 2023, the SPO filed the Request and disclosed the Additional Material pursuant to Rule 102(1)(b) to all Defence teams and Victims’ Counsel.³¹ The Panel further observes that the testimony of the Witnesses is yet to be scheduled³² and that the Defence did not contest the timeliness of notice. The Panel notes favourably that the SPO prepared a consolidated request for material generated in the course of the Other Proceedings and considers that, in the present circumstances, the time periods between the Additional Material dating from mid-2023 (“2023 Material”) having become available, and the Notification and the filing of the Request, respectively, are reasonable. Bearing in mind that a certain degree of flexibility must be maintained in the context of a complex multi-accused trial,³³ in particular where it overlaps with other ongoing proceedings, the Panel considers the notice provided by the SPO in respect of the 2023 Material to be timely.

15. With respect to the Report, the Panel observes that this report: (i) dates from 2010 and was disclosed to all Defence teams (but not to Victims’ Counsel) on 30 January 2023 pursuant to Rule 102(3),³⁴ and re-disclosed on 6 October 2023 pursuant to Rule 102(1)(b);³⁵ and (ii) is a more complete version of an item already

²⁹ See Request, para. 7 and fn. 18.

³⁰ F01689, Specialist Prosecutor, *Prosecution Request to Amend the Exhibit List*, 20 July 2023, confidential, fn. 5, with Annexes 1-12, confidential, and Annexes 13-15, public (a public redacted version of the Request was filed on 27 September 2023, F01689/RED).

³¹ Disclosure Package 967.

³² Request, paras 3, 30.

³³ 3 November 2023 Decision, paras 9, 14, 20; 12 September 2023 Decision, paras 32, 38, 65, 71, 77, 88; IA019/F00006, Court of Appeals Panel, *Decision on Thaçi’s Appeal against Decision on Specialist Prosecutor’s Request to Amend its Exhibit List and to Authorise Related Protective Measures*, 12 July 2022, para. 21.

³⁴ Disclosure Package 659.

³⁵ Disclosure Package 967.

on the Exhibit List (“Item 6761”),³⁶ which was disclosed to all Defence teams and Victims’ Counsel on 30 January 2023 pursuant to Rule 102(1)(b).³⁷ The Panel notes the SPO’s submission that the item could have been added to the Exhibit List sooner, but that the significance of the information contained in the additional pages was only recently reassessed.³⁸

16. The Panel recalls the above observations with respect to: (i) the timing of the 2023 Event, the SPO’s Notification and the filing of the Request; and (ii) the fact that [REDACTED]’s testimony is yet to be scheduled and that the Defence did not contest the timeliness of notice.³⁹ The Panel again notes favourably that the SPO prepared a consolidated request for material generated in the Other Proceedings and considers that, in the present circumstances, the time periods between the relevance of the additional pages of the Report having become apparent to the SPO, and the Notification and the filing of the Request, respectively, are reasonable. Bearing in mind that a certain degree of flexibility must be maintained in the context of a complex multi-accused trial, in particular where it overlaps with other ongoing proceedings,⁴⁰ the Panel considers the notice provided by the SPO in respect of the Report to be timely.

17. As regards good cause and the question of the relevance and importance of the Additional Material, the Panel observes that the Additional Material consists of: (i) relatively recent material of the Witnesses (who are witnesses in the present case) relating to the charges in the present case, including in relation to an alleged murder victim named in the Indictment; (ii) associated exhibits marked by the Witnesses, corresponding to items already on the Exhibit List;⁴¹ (iii) a video-still

³⁶ [REDACTED] (item no. 6761). *See also* Request, para. 23 and fn. 56, *referring, in particular, to the additional pages* [REDACTED].

³⁷ Disclosure Package 657.

³⁸ Request, para. 24.

³⁹ *See above*, para. 14.

⁴⁰ *See above*, para. 14.

⁴¹ *See* Request, fns 28-29.

of an expert testifying; (iv) a more complete version of an item already on the Exhibit List;⁴² and (v) notes of two relatively recent meetings between the SPO and two of the Witnesses, wherein these Witnesses provided clarifications and/or corrections with respect to their proposed evidence.⁴³ The Panel further observes that, with the exception of the Report, the Additional Material is relatively recent. As regards the Report, the Panel understands that the relevance and importance of the additional pages contained therein but not contained in Item 6761 became apparent to the SPO only recently.⁴⁴ Lastly, the Panel notes that the Defence did not contest that good cause exists for the late addition of the Additional Material to the Exhibit List nor did it challenge the relevance and importance thereof.

18. The Panel considers that the Additional Material, while substantially overlapping with the Witnesses' evidentiary material currently on the Exhibit List, provides additional details and clarification and, in turn, may contribute to a more complete record. In light of the above, the Panel is satisfied that the Additional Material is *prima facie* relevant and of sufficient importance and that there is good cause for its late addition to the Exhibit List.

19. As regards prejudice, the Panel recalls that: (i) the SPO disclosed the Additional Material to the Defence and Victims' Counsel in early October 2023 pursuant to Rule 102(1)(b);⁴⁵ (ii) the Defence has already been in possession of the Report since January 2023 and a slightly less complete version is already on the Exhibit List;⁴⁶ and (iii) the testimony of the Witnesses is yet to be scheduled.⁴⁷ The Panel also observes that: (i) the Additional Material relates to known aspects of the SPO's case; (ii) the Defence has had notice of the scope of the Witnesses' evidence through, *inter alia*, the Rule 95 summaries and disclosed material, and

⁴² Report. *See above*, paras 11, 15.

⁴³ First Notes and Second Notes. *See, in general, also* Request, paras 15-16, 20-21 *and above*, paras 10-13.

⁴⁴ *See* Request, para. 24.

⁴⁵ Disclosure Package 967.

⁴⁶ *See above*, para. 15.

⁴⁷ *See above*, para. 14.

new information contained in the Additional Material appears to be limited;⁴⁸ and (iii) the Defence did not object to the addition of the Additional Material to the Exhibit List. The Panel is satisfied that the Defence has sufficient time to adequately prepare before the Witnesses' testimony and that the effectiveness of the rights of the Accused is being preserved. In turn, the Panel is also satisfied that no undue prejudice is caused by the addition of the Additional Material to the Exhibit List.

20. The Panel therefore grants leave to add the Additional Material⁴⁹ to the SPO's Exhibit List.

B. ADDITIONAL MATERIAL RELATING TO THE EXPERT ("EXPERT MATERIAL")

21. The SPO requests to add the following material related to the Expert to the Exhibit List: (i) the Expert's testimony ("Testimony");⁵⁰ (ii) 2009 material related to objects analysed by the Expert ("2009 Material");⁵¹ (iii) a 2023 SPO official note on a meeting with the Expert ("Official Note");⁵² and (iv) a document provided by the Expert in 2023⁵³ containing the underlying data used for an analysis performed by him ("Data").⁵⁴

22. The Defence objects to the addition to the Exhibit List of the Testimony, the Official Note and the Data, and requests that they be disclosed pursuant to Rule 102(3).⁵⁵

23. As regards the timeliness of notice, the Panel notes with respect to the Testimony, the Official Note and the Data, that these documents have been

⁴⁸ See also Request, paras 30-31. With respect to the Report, see also above, para. 15 and fn. 36.

⁴⁹ See above, fns 18-28.

⁵⁰ [REDACTED] (Annex 1 to the Request). See Request, para. 13.

⁵¹ [REDACTED] (Annex 2 to the Request); [REDACTED] (Annex 3 to the Request). See Request, paras 14, 17-19.

⁵² [REDACTED] (Annex 4 to the Request). See Request, paras 14, 25-26.

⁵³ See Annex 4 to the Request, para. 3(e).

⁵⁴ [REDACTED] (Annex 5 to the Request). See Request, paras 14, 27-29.

⁵⁵ Response, paras 2, 15-18, 20.

generated or provided to the SPO in 2023. With respect to the 2009 Material, the Panel notes that: (i) this material dates from 2009 and was disclosed to most Defence teams in September and October 2022 pursuant to Rule 102(3);⁵⁶ and (ii) the SPO submits that although this material could have been added to the Exhibit List sooner, its significance was only recently reassessed.⁵⁷

24. The Panel recalls: (i) the timing of the 2023 Event and the SPO's Notification;⁵⁸ and that (ii) on 6 October 2023, the SPO filed the Request to which it annexed the Expert Material.⁵⁹ The Panel further observes that: (i) the Expert is not on the SPO's witness list ("Witness List")⁶⁰ and the SPO confirmed that it does not intend to call him to testify;⁶¹ and (ii) the Defence did not contest the timeliness of notice. The Panel again notes favourably that the SPO prepared a consolidated request for material generated in the Other Proceedings. The Panel considers that, in the present circumstances, the time periods between the Expert Material having become available to the SPO – or with respect to the 2009 Material, its relevance having become apparent to the SPO – and the Notification and the filing of the Request, respectively, are reasonable. Bearing in mind that a certain degree of flexibility must be maintained in the context of a complex multi-accused trial, in particular where it overlaps with other ongoing proceedings,⁶² the Panel considers the notice provided by the SPO in respect of the Expert Material to be timely.

25. As regards good cause and the question of the relevance and importance of the Expert Material, the Panel takes note of the Defence's submission that the SPO

⁵⁶ [REDACTED]: Disclosure Packages 512, 522, 524; not disclosed to the Selimi Defence or Victims' Counsel. [REDACTED]: Disclosure Packages 503, 512, 522, 571; not disclosed to Victims' Counsel.

⁵⁷ Request, para. 19.

⁵⁸ See above, para. 14, with further references.

⁵⁹ Annexes 1-5 to the Request.

⁶⁰ F01594/A01, Specialist Prosecutor, *Annex 1 to Prosecution Submission of Updated Witness List and Confidential Lesser Redacted Version of Pre-Trial Brief*, 9 June 2023, strictly confidential and *ex parte* (a confidential redacted version was filed on the same day, F01594/A02).

⁶¹ Request, paras 13, 26.

⁶² See above, para. 14.

should not be allowed to add the Testimony, the Official Note and the Data to the Exhibit List, as they relate to an individual who is not on the Witness List.⁶³ In this respect, the Panel observes that: (i) the Expert is not listed on the Witness List; and (ii) the SPO is not presently seeking leave to add him to its Witness List.⁶⁴ The fact that the Expert is not on the Witness List does not, as such, constitute an impediment to adding material related to him to the Exhibit List. The Panel also observes that other material related to the Expert is already on the Exhibit List.⁶⁵ The Panel further observes that the Expert Material is closely related to: (i) the expected testimony of, and items on the Exhibit List pertaining to [REDACTED],⁶⁶ who is on the Witness List;⁶⁷ and (ii) the charges in the present case, in particular with respect to an alleged murder victim named in the Indictment.

26. With respect to the Defence's submissions regarding the *admissibility* of the Testimony,⁶⁸ the Panel reiterates that when deciding whether to grant the addition of a particular item to a Party's exhibit list, the Panel need not assess whether the proposed item is admissible, but only needs to satisfy itself that the proposed item is *prima facie* relevant and of sufficient importance to justify the late addition.⁶⁹ The Panel also reiterates that a decision authorising the addition of an item to a Party's exhibit list is without prejudice to the Panel's subsequent decision on whether that item should be admitted into evidence.⁷⁰

27. The Panel further observes that, with the exception of the 2009 Material, the Expert Material has been generated or provided to the SPO relatively recently. As regards the 2009 Material, the Panel understands that the relevance and

⁶³ Response, in particular, para. 15.

⁶⁴ Request, paras 13, 26.

⁶⁵ [REDACTED]. *See also* Request, para. 13.

⁶⁶ *See* Request, paras 13, 15-16, 26, 28-29 (with further references).

⁶⁷ *See* Witness List, [REDACTED].

⁶⁸ Response, paras 16-17.

⁶⁹ 12 September 2023 Decision, para. 17; 24 August 2023 Decision, para. 9, with further references.

⁷⁰ 12 September 2023 Decision, para. 17; 24 August 2023 Decision, para. 9, with further references. *See, however, also* para. 31 below.

importance thereof became apparent to the SPO only recently.⁷¹ The Panel considers that the Expert Material provides additional details and clarification with respect to items already on the Exhibit List and the expected testimony of [REDACTED], who is a witness in this case, and, in turn, may contribute to a more complete record.

28. In light of the above, the Panel is satisfied that the Expert Material is *prima facie* relevant and of sufficient importance and that there is good cause for its late addition to the Exhibit List.

29. As regards prejudice, the Panel recalls that: (i) while the 2009 Material was disclosed to most Defence teams already in September and October 2022 pursuant to Rule 102(3),⁷² the remainder of the Expert Material was made available to the Defence and Victims' Counsel with the filing of the Request on 6 October 2023; and (ii) the testimony of [REDACTED], to whom (parts of) the Expert Material relates, is yet to be scheduled.⁷³ Furthermore, the Panel observes that: (i) the Expert Material relates to known aspects of the SPO's case; (ii) the Defence has long had notice of the scope of [REDACTED]'s evidence through, *inter alia*, the Rule 95 summary and disclosed material; and (iii) the Expert Material is relatively limited in size and scope and relates to information contained in items already on the Exhibit List.⁷⁴ The Panel is satisfied that the Defence has sufficient time to adequately prepare before [REDACTED]'s testimony and that the effectiveness of the rights of the Accused is being preserved. In turn, the Panel is also satisfied that no undue prejudice is caused by the addition of the Expert Material to the Exhibit List.

⁷¹ See Request, para. 19.

⁷² See above, fn. 56.

⁷³ See above, fn. 32.

⁷⁴ See also Request, paras 30-31.

30. The Panel therefore grants leave to add the Expert Material⁷⁵ to the Exhibit List.

31. This said, the Panel emphasises that the admission of evidence qualifying as ‘expert’ evidence is subject to specific rules and requirements, as set out in Rule 149 and paragraphs 121-127 of the Order on the Conduct of Proceedings.⁷⁶ What use the tendering Party seeks to make of evidence emanating from an expert or an expert report will determine what requirements regulate its admission. Should the SPO seek to circumvent the *lex specialis* regulating the admission of expert evidence, the Defence will have an opportunity to object at the time when such evidence is being offered for admission.

IV. CLASSIFICATION

32. The Panel notes that the Response was filed confidentially and that no public redacted version was filed to date. The Panel therefore orders the Defence to submit a public redacted version of the Response by no later than **Friday, 15 December 2023**.

V. DISPOSITION

33. For the above-mentioned reasons, the Panel hereby:

- a) **GRANTS** the Request;
- b) **GRANTS** the SPO leave to add the following items to the Exhibit List:

⁷⁵ See above, fns 50-52, 54.

⁷⁶ See e.g. F01852, Panel, *Decision on Krasniqi Defence Request to Admit Additional Document Related to W02153*, 11 October 2023, para. 8, referring to F01380, Panel, *Decision on Admission of Evidence of First Twelve SPO Witnesses Pursuant to Rule 154*, 16 March 2023, confidential, paras 12, 26 (a public redacted version was issued on 7 November 2023, F01380/RED). See also F01700, Panel, *Decision on Prosecution Motion for Admission of Evidence of W03724, W03832, W03880, W04368, W04566, and W04769 Pursuant to Rule 154*, 24 July 2023, confidential, para. 68 (a public redacted version was issued on 7 November 2023, F01700/RED); KSC-BC-2020-07, F00334, Panel, *Decision on the Prosecution Request for Admission of Items Through the Bar Table*, 29 September 2021, paras 84-87.

- (i) [REDACTED]; including, where relevant, the corresponding translations disclosed in Disclosure Package 967; and (ii) the items contained in Annexes 1-5 to the Request;
- c) **ORDERS** the SPO to: (i) file its amended Exhibit List by no later than **Friday, 15 December 2023**; and (ii) disclose, if it has not already done so, the items contained in Annexes 1-5 to the Request to all Defence teams and Victims' Counsel, by no later than **Wednesday, 13 December 2023**; and
- d) **ORDERS** the Defence to file a public redaction version of the Response by no later than **Friday, 15 December 2023**.



Judge Charles L. Smith, III
Presiding Judge

Dated this Friday, 8 December 2023
At The Hague, the Netherlands.