



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

**In:** KSC-BC-2020-06  
**Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi**

**Before:** Trial Panel II  
Judge Charles L. Smith, III, Presiding Judge  
Judge Christoph Barthe  
Judge Guénaél Mettraux  
Judge Fergal Gaynor, Reserve Judge

**Registrar:** Dr Fidelma Donlon

**Filing Participant:** Specialist Prosecutor's Office

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**Public Redacted Version of 'Prosecution motion for admission of Pashtrik Zone documents with confidential Annexes 1-3'**

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## I. INTRODUCTION

1. Pursuant to Articles 37 and 40 of the Law,<sup>1</sup> Rules 137-138 of the Rules,<sup>2</sup> and the Conduct of Proceedings Order,<sup>3</sup> the Specialist Prosecutor's Office ('SPO') requests the admission of contemporaneous KLA records ('Proposed Exhibits') relating to the Pashtrik Operational Zone ('Pashtrik OZ'). The Proposed Exhibits listed in Annex 1<sup>4</sup> are *prima facie* authentic, relevant, and have probative value that is not outweighed by any prejudice.<sup>5</sup>

## II. SUBMISSIONS

2. The Proposed Exhibits corroborate and complement witness and documentary evidence, and adjudicated facts, which, taken together,<sup>6</sup> demonstrate: (i) the high level of organisation of the KLA, including in the Pashtrik OZ, during relevant parts of the Indictment period; (ii) that KLA members in the Pashtrik OZ acted under the authority and pursuant to the instructions of the Accused and General Staff, and, after its

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<sup>1</sup> Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). All references to 'Article' or 'Articles' herein refer to the Law, unless otherwise specified.

<sup>2</sup> Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

<sup>3</sup> Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023 ('Conduct of Proceedings Order'), paras 60-62. Pursuant to Conduct of Proceedings Order (*see* para.61), Proposed Exhibits in Annex 1 were sent to the Defence and Victims' Counsel for *inter partes* consultation. The Defence confirmed that its position on the Proposed Exhibits would be provided in the form of a response to the filed motion.

<sup>4</sup> Annex 1 includes specific indicia of the *prima facie* authenticity, relevance, and probative value of each Proposed Exhibit. The Annex also indicates the relevant Indictment paragraphs for each Proposed Exhibit and identifies exhibits associated with witness testimony. *See* Decision on Specialist Prosecutor's Bar Table Motion, KSC-BC-2020-06/F01409, 31 March 2023, Confidential ('First Decision'), para.22. Annex 2 links the abbreviations used in the 'Indictment Primary Paragraphs' column of Annex 1 with the primary Indictment paragraph(s) to which each item relates. *See* Amended Indictment, KSC-BC-2020-06/F00999/A01, 30 September 2022, Confidential ('Indictment'). Annex 2 also defines other abbreviations and short names used in this filing and Annex 1.

<sup>5</sup> The applicable law has been set out in prior decisions. *See e.g.* First Decision, KSC-BC-2020-06/F01409, paras 8-13.

<sup>6</sup> A non-exhaustive selection of Proposed Exhibits has been set out below, with further detail provided in Annex 1. Likewise, a non-exhaustive selection of corroborative and complementary testimony, statements, exhibits, and adjudicated facts is cited below, with further details set out in Annex 1.

formation, the PGOK; and (iii) that JCE members, including the Accused and certain KLA members in the Pashtrik OZ, shared the common criminal purpose, which they implemented personally and through the structures in place. The Proposed Exhibits also corroborate and complement other evidence and adjudicated facts concerning the charged crimes, the armed conflict and widespread and systematic attack against the civilian population, the Accused's effective control, including both directly and through the Pashtrik OZ structures, the practical assistance, encouragement, and/or moral support the Accused provided to the perpetrators of the charged crimes, and the Accused's and other JCE members' knowledge and intent.

A. THE PROPOSED EXHIBITS ARE RELEVANT

3. The Pashtrik OZ encompassed Rahovec/Orahovac, parts of Klinë/Klina, Suharekë/Suva Reka, Prizren, and Malishevë/Mališevo municipalities.<sup>7</sup>

4. Throughout the Indictment period – as reflected in adjudicated facts, witness evidence, and contemporaneous records, including admitted and Proposed Exhibits – KLA units and members in the Pashtrik OZ<sup>8</sup> were coordinating operations in areas under their control, including in and around Llapushnik/Lapušnik, Drenoc/Drenovac, Malishevë/Mališevo, Budakovë/Budakovo, Semetishtë/Semetište, Jeshkovë/Ješkovo, Shalë/Sedlare, Kleçkë/Klečka, Bubël/Bublje, Kostërc/Kostrc, Prizren, Rahovec/Orahovac, and Suharekë/Suva Reka, and established bases in these locations.<sup>9</sup> KLA members in and around these locations, at times acting together with

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<sup>7</sup> KSC-BC-2020-06/F01534/A01, Fact 290; P00189\_ET (Public), p.U015-8849; [REDACTED]; Annex 1: Section II(b); Lesser Redacted Version of 'Confidential Redacted Version of Corrected Version of Prosecution Pre-Trial Brief', KSC-BC-2020-06/F01594/A03, 9 June 2023, Confidential ('Pre-Trial Brief'), para.228.

<sup>8</sup> This includes both before and after the establishment of the Pashtrik OZ Command.

<sup>9</sup> See e.g. KSC-BC-2020-01/F01534/A01, Facts 391-394, 456-459, 531-542; Annex 1, Section II; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 303-309, 338-345, 358-367, 384-389, 403-411, 469, 479-487, 570-573, 614-620, 634-636, 680-681; KSC-BC-2020-06/F02676/A02, Items 56, 101, 215. See e.g. Annex 1: Section II. See also paras 7-10, 15, 17, 20 below.

the Accused and other members of the General Staff,<sup>10</sup> targeted, intimidated, arrested, detained, mistreated, and killed alleged collaborators, LDK members, Serbs, Romas, and other Opponents,<sup>11</sup> including charged victims in this case.<sup>12</sup> Reports of the arbitrary detention and mistreatment of individuals within the Pashtrik OZ were brought to the attention of the Accused and other General Staff members, Pashtrik OZ Command, subordinate commands, and international observers.<sup>13</sup>

*i. General Staff authority*

5. As reflected in Proposed Exhibits, the Accused and General Staff held and exercised authority in the Pashtrik OZ throughout the Indictment period, including by direct oversight,<sup>14</sup> implementation of rules and regulations,<sup>15</sup> establishment of reporting and communication structures,<sup>16</sup> and the targeting, detention, mistreatment, and removal of Opponents.

6. Before the Pashtrik OZ Command's establishment in summer 1998, KLA bases, units, and fighting points were established in the area. Under General Staff oversight: (i) existing KLA strongholds expanded, organising and arming KLA units in neighbouring areas; and (ii) in areas where there was no or inadequate KLA presence, the Accused and other JCE Members, including other members of the General Staff, dispatched trusted LPK and KLA members to recruit and organise.

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<sup>10</sup> See e.g. [REDACTED]; [REDACTED]; [REDACTED]; P00323 (Public); P00323\_ET (Public); P01252.3\_ET, pp.6-10 (Confidential); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>11</sup> The term 'Opponents' is defined at para.32 of the Indictment.

<sup>12</sup> See e.g. KSC-BC-2020-06/F01534/A01, Facts 403-455, 460-472, 543-555; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 230, 306-307, 309-337, 346-357, 368-380, 390-402, 407, 412-416, 488-518, 574-582, 621-633, 637-647, 682-686; Annex 1: Items 47-48, 63, 66. See also paras 19, 22-23 below.

<sup>13</sup> See e.g. P00392, paras 41-42, 62-69, 72, 75-76, 83 (Confidential); Transcript, 27 March 2024, pp.13962-13963 (Open). See also paras 22, 25 below.

<sup>14</sup> See e.g. Annex 1: Items 14, 35, 187, 253, 275, 292.

<sup>15</sup> See e.g. Annex 1: Items 9, 12, 61, 148, 160, 240, 215.

<sup>16</sup> See e.g. Annex 1: Items 74, 120, 233, 241, 244, 248.

7. For example, around the start of the Indictment period, Hashim THAÇI and Kadri VESELI led a group – which included, *inter alia*, Fatmir LIMAJ, Ismet JASHARI, and Haxhi SHALA – into Kosovo.<sup>17</sup> Following discussions with Hashim THAÇI and Rexhep SELIMI in Likoc/Likovac, *inter alia*, Fatmir LIMAJ and Haxhi SHALA were dispatched to Kleçkë/Klečka, where they established the Çeliku unit, and Ismet JASHARI was sent to Suharekë/Suva Reka.<sup>18</sup> The same process was followed as additional individuals and groups arrived, from within Kosovo and abroad, at KLA headquarters. For example: (i) a group that included Naser KRASNIQI was sent by Azem SYLA to Rexhep SELIMI in Likoc/Likovac, before joining Fatmir LIMAJ and Haxhi SHALA in Kleçkë/Klečka;<sup>19</sup> and (ii) Xhemë GASHI was deployed to Drenoc/Drenovac.<sup>20</sup> The General Staff later appointed and promoted certain of these trusted KLA and LPK members. For example, Fatmir LIMAJ, Haxhi SHALA, and Naser KRASNIQI were appointed to command positions in Brigade 121<sup>21</sup> and, in LIMAJ's case, also to senior positions in the General Staff<sup>22</sup> and PGOK.<sup>23</sup>

<sup>17</sup> P01816.1\_ET, pp.26, 28 (Public); P01817\_ET, pp.55, 61-71 (Public); P01814, p.SITF00223937-SITF00223938 (Public); Transcript, 4 November 2024, pp.21822-21823 (Open); Transcript, 6 November 2024, p.22082-22083 (Open); P01812\_ET, pp.SPOE00229777-SPOE00229778 (Public).

<sup>18</sup> P01816.1\_ET, pp.31-32 (Public); P01820\_ET, pp.16-17 (Public); P01822\_ET, pp.4-5 (Confidential); P01812\_ET, pp.SPOE00229778-SPOE00229780 (Public), Transcript, 5 November 2024, p.21927 (Open).

<sup>19</sup> P02006.1\_ET, p.1112 (Public); P01115.3\_ET, pp.2-3 (Public); P01115.9\_ET, pp.12-13 (Confidential).

<sup>20</sup> P00653.2\_ET, pp.6-7 (Public); Transcript, 1 July 2024, p.17338 (Public).

<sup>21</sup> LIMAJ was appointed Brigade 121 Commander by August 1998. *See e.g.* KSC-BC-2020-06/F01534/A01, Fact 538; [REDACTED]; [REDACTED]; P00778, p.6601 (Public); P00775\_ET, p.SPOE00068077 (Public); P00974, para.7 (Confidential); P01816.1\_ET, pp.77, 81 (Public); P02006.4\_ET, p.3 (Public); Transcript, 29 January 2025, pp.24801-24802 (Open). From autumn 1998, when LIMAJ was appointed head of the Military Police Directorate, Haxhi SHALA was appointed Brigade 121 Commander. *See e.g.* P01115.7\_ET, pp. 3-4 (Public); Transcript, 24 April 2024, p.14849 (Open); P00982, p.SITF00009927 (Confidential); P00712\_ET, p.SPOE00209330 (Public); [REDACTED]; P00974, paras 7-8 (Confidential). Naser KRASNIQI was the Brigade 121 Military Police Commander. *See e.g.* P02006.2\_ET, pp.8-9 (Public); Annex 1: Item 276.

<sup>22</sup> In autumn 1998, LIMAJ was appointed head of the Military Police Directorate. *See e.g.* P01355.4\_ET, p.8 (Confidential); [REDACTED]; [REDACTED]; P00761.14\_ET, pp.13-14 (Confidential); P00792\_ET, SPOE00068092(Public).

<sup>23</sup> By April 1999, LIMAJ was the PGOK Deputy Defence Minister. *See e.g.* P00772, para.24 (Confidential); P00763.5\_ET, p.21 (Public); P00813\_ET.13, p.SPOE00054965 (Public); [REDACTED]; [REDACTED]; Transcript, 15 November 2023, p.10184 (Open).

8. By at least March 1998, Gani KRASNIQI and Hysni KILAJ began recruiting members to the Lumi unit and establishing KLA bases in Malishevë/Mališevo town and the surrounding areas.<sup>24</sup> Rexhep SELIMI assigned code names to the units operating in the Malishevë/Mališevo area.<sup>25</sup>

9. By May 1998, Malishevë/Mališevo was a 'free zone', meaning it was controlled by the KLA and 'free from Serb forces',<sup>26</sup> and the KLA had taken control of the Llapushnik/Lapušnik gorge.<sup>27</sup> Due to its strategic importance, Rexhep SELIMI was directly involved in organising the defence of this area.<sup>28</sup> Around June 1998, Vrrin/Verrin was also declared a free zone and, in coordination with the General Staff,<sup>29</sup> the KLA set up its local command for Prizren in Jeshkovë/Ješkova.<sup>30</sup> The KLA forces operating in the Pashtrik area were 'one' under the command of the General Staff.<sup>31</sup> From at least June, intelligence and military police, brigades, and battalions were established in the Pashtrik OZ.<sup>32</sup> After the summer 1998 Serbian offensive, the General Staff oversaw the reorganisation and expansion of the existing Pashtrik OZ structures.<sup>33</sup>

10. From summer 1998 and throughout much of the Indictment period, Hashim THAÇI, Kadri VESELI, Jakup KRASNIQI, and other General Staff members

<sup>24</sup> P01694.1\_ET, pp.8–10 (Confidential); P01667.1\_ET, p.10 (Public); [REDACTED]. *See e.g.* Annex 1: Item 34-36.

<sup>25</sup> P00776, pp.58-70, 88 (Confidential); P00778, pp.6597-6598, 6668 (Public); P00779, p.6695 (Public).

<sup>26</sup> Transcript, 17 April 2023, pp.2939-2940 (Open); Transcript, 30 September 2024, pp.20434, 20457 (Open); P01210, p.5 (Confidential); Annex 1: Section II(b).

<sup>27</sup> KSC-BC-2020-01/F01534/A01, Facts 61-64.

<sup>28</sup> P00778, pp.6665-6668 (Public).

<sup>29</sup> *See e.g.* P00649\_ET, pp.SITF00245549–SITF00245550 (Public); [REDACTED]; [REDACTED].

<sup>30</sup> Annex 1: Item 56; P00649\_ET.1, pp SITF00245547-SITF00245549, SITF00245552-SITF00245553 (Public); P00729\_ET, p.U015-8849 (Public).

<sup>31</sup> *See e.g.* P00838\_ET (Public); Transcript, 30 September 2024, pp.20439-20440 (Open); Transcript, 1 July 2024, pp.17355-17356, 17358-17359 (Open).

<sup>32</sup> *See* Sections (iii) Brigades, (iv) Intelligence Services and military police, (v) Special units.

<sup>33</sup> *See e.g.* Annex 1: Item 192; [REDACTED]; P01138\_ET, pp.SPOE00231431-SPOE00231432 (Confidential); P00643\_ET, pp.SPOE00229214-00229215 (Public); P01277\_ET, pp.U015-8836-U015-8837 (Confidential); [REDACTED]; P01816.1\_ET, p.78 (Public).



increasingly used locations in the Pashtrik OZ, in particular, in the Berishë/Beriša mountains for: (i) public appearances;<sup>34</sup> (ii) meetings with international representatives;<sup>35</sup> and (iii) as headquarters, including both Kleçkë/Klečka and Divjakë/Divljaka.<sup>36</sup>

*ii. Pashtrik OZ Command*

11. By late June/July 1998, Muse JASHARI was Pashtrik OZ Commander; his appointment was later confirmed by the General Staff in a written order among the Proposed Exhibits.<sup>37</sup> After Muse JASHARI became the head of the General Staff's communications directorate in late 1998, the General Staff appointed Ekrem REXHA (also known as Drini) as Pashtrik OZ Commander.<sup>38</sup> Between December 1998 and March 1999, following accusations that they were affiliated with the FARK,<sup>39</sup> the General Staff replaced Ekrem REXHA,<sup>40</sup> Blerim KUQI (Pashtrik OZ Deputy Commander until December 1998),<sup>41</sup> and Sylejman KOLLQAKU (Pashtrik OZ Deputy Commander until March 1999).<sup>42</sup> The General Staff also ordered Blerim KUQI's arrest for desertion and treason, after which he was detained in Divjakë/Divljaka and

<sup>34</sup> P01252.1\_ET, pp.8–9 (Confidential); P01252.2\_ET, p.7 (Confidential); P00836 sec.16:53-17:05 (Public); P01115.2\_ET, p.26 (Public).

<sup>35</sup> P01210, paras 13-28, 31-34, 36-49 (Confidential); P01208\_ET, pp.663-664 (Confidential); P01209\_ET, pp.669-670, 677, 679-680, 749; Transcript, 28 May 2024, pp.16122-16130 (Open); Transcript, 29 May 2024, pp.16232-16236 (Open); P01216 (Confidential); P01217\_ET (Confidential); P01218 (Confidential); P01219 (Confidential); P01220\_ET (Confidential).

<sup>36</sup> P02025\_ET, p.SITF00031715 (Confidential); P02026\_ET, pp.26–32 (Confidential).

<sup>37</sup> Annex 1: Item 3. See also KSC-BC-2020-06/F01534/A01, Fact 242(e); P00776\_ET, pp.39-40 (Confidential); P00796, pp.3480-3481 (Public); P00189\_ET, pp.U015-8836-U015-8837 (Public); P01816.1\_ET, pp.64-65, 78, 80 (Public); Transcript, 1 July 2024, p.17344 (Open).

<sup>38</sup> P00779, pp.6686-6687 (Public); P00796, p.3481 (Public); [REDACTED]; [REDACTED]; [REDACTED]; P00189\_ET, p.U015-8850 (Public); [REDACTED]; KSC-BC-2020-06/F02676/A01, Items 89, 121.

<sup>39</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; Transcript, 4 December 2023, pp.10464-10465 (Open); P00707.2\_ET, pp.6-7 (Confidential); Transcript, 16 November 2023, p.10249 (Open); [REDACTED]; Transcript, 2 April 2024, pp.14177-14180 (Open); P00012\_ET, p.058006 (Public).

<sup>40</sup> [REDACTED]; [REDACTED]; P00779, p.6687 (Public); [REDACTED].

<sup>41</sup> [REDACTED]; [REDACTED].

<sup>42</sup> [REDACTED]; [REDACTED]; P00719\_ET, p.108035 (Confidential).

Klečkë/Klečka, subjected to a sham trial, sentenced to death, and ultimately released shortly before the NATO bombing commenced.<sup>43</sup>

12. Instead of REXHA, KUQI, and KOLLQAKU, the General Staff installed trusted and loyal KLA and LPK members on the Pashtrik OZ Command.<sup>44</sup> Tahir SINANI was appointed as Pashtrik OZ Commander<sup>45</sup> and, despite his prior involvement in crimes,<sup>46</sup> Sadik HALITJAH was appointed Pashtrik OZ Deputy Commander.<sup>47</sup>

13. The composition of the Pashtrik OZ Command Staff was consistent with that of other OZs and the General Staff, being comprised of the Commander, Deputy Commander, Military Police Commander, and heads of various sectors, *inter alia*, administration, intelligence and counter-intelligence, operations, logistics, communications, and finance.<sup>48</sup>

14. As demonstrated by witness evidence and admitted and Proposed Exhibits, the Pashtrik OZ Command held regular meetings, was responsible for KLA units in the OZ, and was in regular contact with the General Staff (including the Accused), making reports and receiving orders, instructions, and regulations,<sup>49</sup> which it then implemented and, as appropriate, distributed to subordinate commands.<sup>50</sup> The Pashtrik OZ Command also coordinated with other operational OZs, including

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<sup>43</sup> [REDACTED]; [REDACTED]; P01355.6\_ET, pp.27-30 (Confidential); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00976, p.SITF00009666 (Confidential); P00980, p.SITF00009580 (Confidential); [REDACTED]; P01344\_ET (Public); [REDACTED]; [REDACTED]; [REDACTED].

<sup>44</sup> See also paras 21, 23 below.

<sup>45</sup> [REDACTED]; P00712\_ET, pp.SPOE00209329-SPOE00209330 (Public); 1D00072 (Public); P00776\_ET, pp.39-40 (Confidential); P00774\_ET, p.SPOE00067170 (Confidential); P00779, p.6687 (Public); P00796, p.3481 (Public); P00517 (Public); P00189\_ET, pp.U015-8850-U015-8851 (Public); P01854.4\_ET, pp.6, 8 (Confidential); P01856\_ET, p.070949 (Public).

<sup>46</sup> P01830.3\_ET, pp.9-10, 12-13, 18-21 (Public); P01829, pp.SITF00032827-SITF00032828 (Public); P01827.3\_ET, pp.5-8 (Public).

<sup>47</sup> P00633\_ET (Public); P00712\_ET, pp.SPOE00209329-SPOE00209330 (Public); 1D00072 (Public); P00517 (Public); P00708.3\_ET, p.7 (Confidential); P01854.4\_ET, pp.7-8 (Confidential); P01856\_ET, p.070949 (Public).

<sup>48</sup> [REDACTED]; [REDACTED]; [REDACTED]; Annex 1: Items 5, 8, 27, 73, 309, 312.

<sup>49</sup> See e.g. footnotes in para 5 above; Annex 1: Items 3, 253.

<sup>50</sup> P00707.2\_ET, p.17 (Confidential); P00708.3\_ET, pp.21-22 (Confidential); Annex 1: Items 9, 61, 160, 192.



Drenica and Dukagjini,<sup>51</sup> took measures to recruit, train, and deploy new soldiers,<sup>52</sup> and issued orders concerning civilian matters and mandating support for the KLA. In this respect, the Pashtrik OZ Command regulated: (i) the provision of goods and other supplies for the needs of the KLA;<sup>53</sup> and (ii) consistent with General Staff orders and regulations,<sup>54</sup> movement into, out of, and within the Pashtrik OZ, including by a system of checkpoints, restrictions, and travel permits.<sup>55</sup>

15. The Pashtrik OZ Command headquarters were in the neighbouring villages of Kostërc/Kostrc and Nishor/Nišor until mid-June 1999,<sup>56</sup> when they moved to Prizren.<sup>57</sup> At General Staff-organised training in Nishor/Nišor in February 1999, battalion commanders were lectured about, *inter alia*, the enemy's 'special war' and the 'Fifth Column', which included informants and collaborators.<sup>58</sup> At and near the Pashtrik OZ Command headquarters in Kostërc/Kostrc and Prizren, certain KLA members were involved in the arrest, detention, and mistreatment of alleged collaborators and other Opponents.<sup>59</sup>

### *iii. Brigades*

16. Before the creation of brigades, commanders of KLA units, points, and local staffs in the Pashtrik area were deployed, appointed, and acted under the direct oversight of the General Staff.<sup>60</sup> Proposed Exhibits demonstrate that commanders of

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<sup>51</sup> [REDACTED]; KSC-BC-2020-06/F02676/A03, Item 122. *See also* fns 52-55 below.

<sup>52</sup> *See e.g.* Annex 1: Items 156, 161, 187, 314.

<sup>53</sup> *See e.g.* Annex 1: Items 83, 84, 87, 95, 101.

<sup>54</sup> *See e.g.* Annex 1: Items 148, 253.

<sup>55</sup> *See e.g.* Annex 1: Items 148, 316.

<sup>56</sup> P01827.2\_ET, p.16 (Public); P01854.4\_ET, pp.5-6 (Confidential); P00708.6\_ET, pp.2-5 (Confidential); P00012\_ET, p.057981. *See e.g.* Annex 1: Item 221.

<sup>57</sup> P00708.6\_ET, p.2 (Confidential); [REDACTED]; P00707.4\_ET, pp.8, 20-21 (Confidential); [REDACTED]; [REDACTED].

<sup>58</sup> [REDACTED]; P00707.3\_ET, p.8 (Confidential); [REDACTED]. Proposed Exhibits relate to this battalion commander training in February 1999. *See e.g.* Annex 1: Items 267, 268, 309.

<sup>59</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 574-575, 577-581. *See also* paras 24-25 below.

<sup>60</sup> P00776, pp.58-70, 88 (Confidential); P00778, pp.6667-6668 (Public); P00067\_ET (Public). *See also* paras 6-9 above; Annex 1: Items 56, 150.

such units, points, and staffs: (i) administered KLA oaths;<sup>61</sup> (ii) managed and distributed weapons and supplies;<sup>62</sup> (iii) issued movement and travel permits;<sup>63</sup> (iv) kept detailed records of members and their weapons and duties;<sup>64</sup> (v) coordinated across units and local staffs;<sup>65</sup> and (vi) provided that disobedience or failure to implement orders would lead to disciplinary measures.<sup>66</sup>

17. Between June 1998 and early 1999, Brigades 121-126 and, later, 128 were established in the Pashtrik OZ.<sup>67</sup> For periods of time, certain of these brigades (in particular, Brigade 128) or parts/members thereof, were based at locations in Albania, including during preparations for Operation Arrow, before returning to Kosovo.<sup>68</sup> In and around Kukës, Albania, the Brigade 128 commander and his subordinates were involved in crimes against Opponents.<sup>69</sup>

18. Brigade and battalion commanders – who were proposed by the Pashtrik OZ Command and appointed by the General Staff<sup>70</sup> – and subordinate commanders: (i) distributed funds and supplies to local headquarters;<sup>71</sup> (ii) regulated the daily

<sup>61</sup> Annex 1: Items 181; [REDACTED]; [REDACTED]; P00008.1\_ET, pp.SPOE002325569-SPOE002325570 (Public); [REDACTED]; P01280 (Confidential); P01280\_ET, p.2 (Confidential).

<sup>62</sup> P01563\_ET (Public); [REDACTED]; [REDACTED]. *See e.g.* Annex 1: Items 37, 47, 199.

<sup>63</sup> Annex 1: Items 45, 50; Transcript, 30 September 2024, pp.20431-20432 (Open); P01696\_ET (Confidential); Transcript, 23 April 2024, pp.14657-14659 (Open); P01121\_ET (Public).

<sup>64</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See e.g.* Annex 1: Items 28, 35-38.

<sup>65</sup> *See e.g.* Annex 1: Items 103, 134.

<sup>66</sup> *See e.g.* Annex 1: Items 40-43.

<sup>67</sup> *See e.g.* KSC-BC-2020-06/F01534/A01, Fact 291; P00712\_ET, p.SPOE00209330 (Public); Transcript, 29 January 2025, pp.24803-24804 (Open); [REDACTED]; [REDACTED]; P01856\_ET, p.070950 (Public); [REDACTED]; Annex 1: Section III. Brigade 127's establishment in early 1999 failed following an attack on the unit, and it was later merged into Brigade 128. *See e.g.* [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>68</sup> *See e.g.* [REDACTED].

<sup>69</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 558-569; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED].

<sup>70</sup> [REDACTED]; [REDACTED]; Transcript, 26 November 2024, p.22703 (Open); [REDACTED]; [REDACTED]; Transcript, 16 November 2023, pp.10334-10335, 10337-10343 (Open); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00633\_ET (Public); P01854.1\_ET, pp.28-29 (Confidential); Annex 1: Item 3.

<sup>71</sup> *See e.g.* Annex 1: Items 5, 6, 7, 8, 10.

schedules of its soldiers;<sup>72</sup> (iii) kept detailed records of members and their weapons and activities;<sup>73</sup> (iv) issued standardised communication documents;<sup>74</sup> (v) coordinated with units in other OZs, transferring and requesting soldiers and supplies;<sup>75</sup> (vi) trained officers consistent with General Staff orders;<sup>76</sup> (vii) communicated regularly and directly with the Pashtrik OZ Command and reported to and received direct orders from the General Staff;<sup>77</sup> and (viii) provided that disobedience or failure to implement orders would lead to disciplinary measures.<sup>78</sup>

19. During the Indictment period, Pashtrik OZ brigade members investigated, targeted, arrested, detained, mistreated, and killed alleged collaborators, Serbs, LDK members, and other Opponents, including charged victims in this case.<sup>79</sup>

*iv. Intelligence services and military police*

20. Intelligence services and military police were active in the Pashtrik OZ from, at least, summer 1998, including at charged crime sites like Drenoc/Drenovac, Malishevë/Mališevo, Budakovë/Budakova, and Jeshkovë/Ješkova.<sup>80</sup>

<sup>72</sup> See e.g. Annex 1: Items 61, 194, 199, 201, 204, 236, 237.

<sup>73</sup> See e.g. Annex 1: Items 132, 162, 204, 231, 282, 284, 288, 315.

<sup>74</sup> See e.g. Annex 1: Items 49, 60, 77, 96, 123, 128, 157, 173, 183, 207, 233, 250.

<sup>75</sup> See e.g. Annex 1: Items 221, 235.

<sup>76</sup> See e.g. Annex 1: Items 66, 76, 175, 180, 194, 235, 260, 309.

<sup>77</sup> [REDACTED]; [REDACTED]; [REDACTED]; Annex 1: Item 215.

<sup>78</sup> See e.g. Annex 1: Items 179, 192, 200, 206, 217-218, 248, 275-276, 294.

<sup>79</sup> P00303\_ET (Public); Transcript, 25 November 2024, p.22593-22594, 22596-22598 (Open); [REDACTED]; [REDACTED]; Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 368-383, 390-402, 412-417, 488-499, 621-633, 637-647, 682-686. See e.g. Annex 1: Items 30, 31, 56, 59, 63, 70, 71, 76, 79, 81, 98, 116, 159, 167, 179, 206, 295, 298, 310, 313, 316.

<sup>80</sup> P01667.1\_ET, p.21 (Public); P01668, p.3 (Public); P01670\_ET, p.U017-3196 (Public); [REDACTED]; [REDACTED]; [REDACTED]; P00649\_ET.1, p.2 (Public); P00067\_ET, p.SITF00437787 (Public); [REDACTED]; [REDACTED]; P01355.2\_ET, pp.1-2 (Confidential); P00663\_ET (Public); P01694.1\_ET, pp.10-11 (Confidential); Transcript, 30 September 2024, p.20470 (Open); P01136.1\_ET.1, p.31 (Confidential); Transcript, 30 April 2024, pp.15142-15143 (Open); Transcript, 23 September 2024, p.20137 (Open). See e.g. Annex 1: Items 275, 276, 277, 279, 280.

21. By early 1999, the General Staff had appointed: (i) Halil QADRAKU as the head of intelligence for the Pashtrik OZ,<sup>81</sup> with Ilaz KADOLLI as his deputy;<sup>82</sup> and (ii) Nexhmi KRASNIQI as Pashtrik OZ military police commander.<sup>83</sup> QADRAKU and Nexhmi KRASNIQI reported to the Pashtrik OZ Command and directly to the General Staff.<sup>84</sup> Military police and intelligence services existed at both Pashtrik OZ Command and brigade levels.<sup>85</sup>

22. Proposed Exhibits, together with other documentary and witness evidence and adjudicated facts, show that the intelligence services and military police frequently acted together, were responsible for discipline within the KLA ranks and civilian police functions in areas under their control,<sup>86</sup> and were regularly involved in and responsible for the identification, arrest, detention, and interrogation of Opponents, including charged victims in this case.<sup>87</sup> In this respect, among the Proposed Exhibits are military police orders issued pursuant to KLA regulations and/or under threat of force in case of non-compliance, and lists, records, and reports concerning detainees, alleged collaborators, Serbs, and other Opponents.<sup>88</sup>

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<sup>81</sup> [REDACTED]; P00712\_ET, p.SPOE00209330 (Public); [REDACTED]; [REDACTED]; [REDACTED]; Transcript, 4 December 2023, p.10371 (Public).

<sup>82</sup> [REDACTED]; [REDACTED]; P00012\_ET, pp.057924, 058010-058011 (Public); [REDACTED].

<sup>83</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See e.g.* Annex 1: Items 206, 275, 283, 293.

<sup>84</sup> P00707.4\_ET, pp.1-2 (Confidential); P00707.1\_ET, pp.19-20 (Confidential); P00974, para.28 (Confidential).

<sup>85</sup> [REDACTED]; P01827.1\_ET, p.27 (Confidential); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00712\_ET, p.SPOE00209330 (Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00978, pp.SITF00009869-00009870 (Confidential); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P00458.2\_ET, p.8 (Confidential). *See e.g.* Annex 1: Items 275, 276, 280, 281, 282, 290, 292, 298, 300.

<sup>86</sup> *See e.g.* Annex 1: Items 275, 280; P01694.1\_ET, p.20 (Confidential); P01667.1\_ET, p.13 (Confidential); P01805.6\_ET, pp.20-21 (Confidential); P01694.1\_ET, p.11 (Confidential).

<sup>87</sup> *See e.g.* Annex 1: Items 159, 164, 169, 179, 234, 239, 241, 244, 248, 249, 274, 278, 286, 290, 295, 297, 306, 312; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01667.1\_ET, p.21 (Public); P01668\_ET, p.3 (Public); P01670\_ET, p.U017-3196 (Public); Transcript, 23 September 2024, p.20137 (Open); [REDACTED]; [REDACTED]; Transcript, 19 July 2023, p.6095, 6196, 6238 (Open); [REDACTED]; P00009\_ET (Public); Pre-trial Brief, KSC-BC-2020-06/F01594/A03, paras 346-357; KSC-BC-2020/F01534/A01, Fact 262.

<sup>88</sup> *See e.g.* Annex 1: Items 71, 88, 217, 218, 274, 276.

*v. Special units*

23. There were several special units operating in the Pashtrik OZ, including within brigades<sup>89</sup> and the Pashtrik OZ Command.<sup>90</sup> Certain of these units reported directly to the General Staff,<sup>91</sup> including the Eye of the Eagle unit commanded by Nezir KRYEZIU.<sup>92</sup> Special unit members were involved in the arrest, detention, and mistreatment of Opponents, including charged victims in this case.<sup>93</sup>

*vi. Summer 1999*

24. In summer 1999, the Pashtrik OZ Command, its sectors, and brigades continued many of the same functions and activities, including charged crimes in furtherance of the common criminal purpose,<sup>94</sup> while consolidating its control over locations previously held by the Serbian authorities. This included charged crime sites in Rahovec/Orahovac, Suharekë/Suva Reka, and Prizren.<sup>95</sup> Consistent with Proposed Exhibits, the PGOK and KLA, including police, in the Pashtrik OZ had overlapping and shared membership, hierarchy, and functions.<sup>96</sup> The Accused and other General Staff/PGOK officials also continued to visit locations in the Pashtrik OZ in summer

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<sup>89</sup> [REDACTED]; [REDACTED]; P00707.4\_ET, p.9 (Confidential); P00708.6\_ET, pp.3-5 (Confidential). *See e.g.* Annex 1: Items 55, 79, 84, 137, 187, 312.

<sup>90</sup> Transcript, 15 November 2023, pp.10180-10181 (Open); P00707.4\_ET, p.9 (Confidential); P00712\_ET, p.SPOE00209330 (Public); [REDACTED]; [REDACTED]. *See e.g.* Annex 1: Items 292, 312, 313.

<sup>91</sup> P00708.5\_ET, pp.15-17, 19 (Confidential); Transcript, 13 November 2023, p.9932 (Open); Annex 1: Item 79.

<sup>92</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See e.g.* Annex 1: Items 312-313.

<sup>93</sup> Transcript, 28 January 2025, pp.24641-24644 (Open); P00974, paras 40-57, 63-64 (Confidential); P00976, p.SITF00009673 (Confidential); P00980, p.SITF00009583 (Confidential); P00763.9\_ET, p.2 (Public); P00708.5\_ET, pp.15-17, 19 (Confidential); P00714, para.17 (Confidential); P00707.4\_ET, p.9 (Confidential); Transcript, 15 November 2023, pp.10180-10181 (Open). *See e.g.* Annex 1: Items 79, 292.

<sup>94</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, paras 564-582, 614-647. *See also* para.25 below (and sources cited therein).

<sup>95</sup> Pre-Trial Brief, KSC-BC-2020-06/F01594/A03, para.239; KSC-BC-2020-06/F02676/A01, Items 10, 153; KSC-BC-2020-06/F02676/A02, Items 153, 236; KSC-BC-2020-06/F02676/A03, Item 93; P01701.1\_ET, p.11 (Public); P01700\_ET, p.030656 (Public); [REDACTED]; [REDACTED]; P01188.2 (Public); [REDACTED]; P01570\_ET (Public); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]. *See e.g.* Annex 1: Items 2, 286, 295.

<sup>96</sup> P00814\_ET, p.35 (Confidential). *See e.g.* Annex 1: Items 301, 302, 303, 314.

1999. For example, as reflected in Proposed Exhibits, Hashim THAÇI visited Rahovec/Orahovac in mid-July 1999.<sup>97</sup>

25. Proposed exhibits demonstrate the organisation of the KLA/PGOK in Pashtrik OZ in summer 1999, including the police and intelligence services and their capacity to recruit,<sup>98</sup> patrol,<sup>99</sup> and conduct investigations, such as: (i) issuing, on standardised templates and pursuant to KLA regulations, orders and summons;<sup>100</sup> (ii) confiscating and allocating property;<sup>101</sup> and (iii) collecting information about, mistreating, arresting, and taking statements from and about, *inter alia*, persons of Serb and Roma ethnicities, alleged collaborators, and other Opponents,<sup>102</sup> including at charged crime sites in Rahovec/Orahovac,<sup>103</sup> Suharekë/Suva Reka,<sup>104</sup> and Prizren.<sup>105</sup> Members of the Pashtrik OZ Command, including Tahir SINANI and Nexhmedin KRASNIQI, were informed of such abductions and detentions, but no action was taken.<sup>106</sup>

#### *vii. Conclusion*

26. As set out above, the Proposed Exhibits, which relate to various allegations and charges in the Indictment, and corroborate and complement witness testimony, other documentary evidence, and noticed adjudicated facts, are *prima facie* relevant.

<sup>97</sup> Annex 1: Items 298-299 (and corroborating evidence cited therein).

<sup>98</sup> See e.g. Annex 1: Item 292.

<sup>99</sup> See e.g. Annex 1: Item 301.

<sup>100</sup> See e.g. Annex 1: Items 169, 179, 241, 290.

<sup>101</sup> See e.g. Annex 1: Items 252, 290, 301, 302, 303.

<sup>102</sup> See e.g. Annex 1: Items 295, 297.

<sup>103</sup> P01701.1\_ET, pp.11-12, 20 (Confidential); P01701.2\_ET, pp.3-4, 9-11, 19-20 (Confidential); P01701.3\_ET, pp.9-10, 12-17 (Confidential); P00666.3\_ET, p.5 (Confidential); Annex 1: Item 298.

<sup>104</sup> [REDACTED].

<sup>105</sup> [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01714.2\_ET, p.14-18, 24 (Confidential); P01714.3\_ET, pp.4-5 (Confidential); [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; P01176\_ET, p.U002-6106 (Confidential); P01177.2\_ET, pp.3-5, 8 (Confidential); Transcript, 21 May 2024, pp.15588-15589 (Private). See e.g. Annex 1: Items 63, 71, 79.

<sup>106</sup> [REDACTED]; [REDACTED]; [REDACTED].



B. THE PROPOSED EXHIBITS ARE *PRIMA FACIE* AUTHENTIC AND RELIABLE

27. The Proposed Exhibits contain multiple indicia of authenticity, as indicated for each in Annex 1.<sup>107</sup> Many bear official headers, signatures of their authors, reference numbers, and stamps.<sup>108</sup>

28. In addition to such formalities, other indicia of authenticity can be seen when the collection is viewed holistically. For example, as reflected in detail above and in Annex 1: (i) many of the Proposed Exhibits, including from different periods of time, were signed, prepared, and issued by, and/or concern, the same persons; (ii) administrative and operational records track similar information, including on official templates; (iii) many of the Proposed Exhibits contain detailed information, including on operational, routine and administrative matters, that only Pashtrik OZ KLA members would be in a position to know; and (iv) numerous Proposed Exhibits are interconnected with, replicate, and/or are corroborated by witness evidence and other admitted and Proposed Exhibits.

29. While proof of provenance is not required,<sup>109</sup> the provenance of each Proposed Exhibit is indicated in Annex 1. The majority of the Proposed Exhibits were seized by

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<sup>107</sup> For purposes of assessing certain of the indicia (such as signatures, stamps, and formatting such as headers) identified below and in Annex 1, both the original and translation should be consulted.

<sup>108</sup> See, similarly, Sixth Decision on Specialist Prosecutor's Bar Table Motion, KSC-BC-2020-06/F01983, 5 December 2023, Public ('Sixth Decision'), paras 85, 111, 119.

<sup>109</sup> See e.g. Decision on Veseli Defence Request for Leave to Appeal Decision to Admit P959 and P960, KSC-BC-2020-06/F02157, 29 February 2024, Public, paras 12, 14, 16; Transcript, 25 March 2024, p.13521 (Open).

the Serbian authorities,<sup>110</sup> UNMIK,<sup>111</sup> KFOR,<sup>112</sup> or in the context of ICTY proceedings,<sup>113</sup> from KLA bases and/or members during and after the Indictment period. Other Proposed Exhibits were seized by the SPO from the Accused.<sup>114</sup> Some documents were handed over by witnesses in the context of the current<sup>115</sup> or previous proceedings.<sup>116</sup>

30. Notably, as reflected where relevant in Annex 1 and in previous bar table motions,<sup>117</sup> documents forming part of many of the relevant, seized collections and/or

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<sup>110</sup> See e.g. ICTY, *Prosecutor v. Haradinaj et al.*, IT-04-84-T, Prosecution's Submission of Chain of Custody Information for Exhibits Tendered through Bislim Zyrapi, 7 November 2007, Annex A (Investigator Declaration), paras 6, 13 (concerning documents seized by the Serbian authorities and provided to the SPO by the ICTY/IRMCT and falling in ERN range U000-0287-U002-3928). Other items were provided directly to the SPO by the Serbian authorities and originally seized in Likoc/Likovac (item 150 and report at 076319-076443, pp. 076370-076406/076370-076406-ET), in Llapushnik (items 24, 28, 30 and 31 and report at 076319-076443/076407-076443-ET, pp.076427-076443), in Rahovec/Orahovac (item 160 and report at 076754-076761-ET/076754-076761), in Leskovec (item 82 and cover page at p.D011-4965), in Reti/Retimlje (item 221 and cover page at U003-1568-U003-1575, p.U003-1569), in Movljane (item 241 and cover page at U003-1639-U003-1678-ET Revised/U003-1639-U003-1678, p.U003-1640), in Siroko (item 312 and cover page at U003-1679-U003-1740-ET/U003-1679-U003-1740, p.U003-1680), in Velika Krusha, Prizren (item 14 and cover page at U003-1741-U003-1742-ET/U003-1741-U003-1749, p.U003-1742), and in Rundubrava, Prizren (item 248 and cover page disclosed with duplicate of item 248 at page SPOE00179372 of SPOE00178604-00179603 RED3). Item 157 was seized by the Serbian authorities from [REDACTED] (see report 076777-076786/076777-076786-ET in addition to the information included in Annex 1).

<sup>111</sup> The details of search and seizures conducted by UNMIK pursuant to search warrant SITF00423858-00423860 is included in Annex 3. Item 16 is part of an UNMIK case file related to a complaint made by a group of citizens from Prizren (see SITF00026025-00026227, pp.SITF00026144-SITF00026176).

<sup>112</sup> Documents tendered as item 259 were seized by the German Military Police during a checkpoint search south of Ciflak (see SITF00188694-00188735/ SITF00188694-SITF00188735-ET, pp.SITF00188700-SITF00188701). Documents tendered as items 227 and 228 were given to KFOR by KLA members (see SITF00189745-00189796, pp.SITF00189752-SITF00189753, SITF00189758).

<sup>113</sup> Item 32 was seized from the residence of Haradin Balaj (see SITF00291733-00291778, p.SITF00291759). Items 279, 283, and 314 were seized from the residence of Fatmir Limaj (see ICTY, *Prosecutor v. Limaj et al.*, IT-03-66-T, Prosecution's Motion to Admit Rebuttal Statements via Rule 92bis, 29 June 2005, para.4, Appendix C, para.7, Exhibit B (including U003-3254-U003-3368 and SITF00291733-00291778, pp.SITF00291770-SITF00291771).

<sup>114</sup> The related details are provided for each item seized from the Accused in the authenticity column in Annex 1.

<sup>115</sup> Items from ERN range 082926-083087 (item 276) were handed over to the SPO by W04743.

<sup>116</sup> Items 188, 196 and 205 were provided to the Basic Court of Pristina by W04839. See SPOE00248736-00248739, and in particular documents referenced as 0096-09-EW C2/008, 0096-09-EW C2/009 and 0096-09-EW C2/010.

<sup>117</sup> Prosecution Motion for admission of Llap Zone documents and related request, KSC-BC-2020-06/F02178, 14 March 2024, para.21; Prosecution motion for admission of Drenica Zone documents, KSC-BC-2020-06/F02248, 16 April 2024, para.21; Prosecution motion for admission of Shala Zone and

their contents have been or will be authenticated by witnesses, which buttress the authenticity of the collections as a whole, also considering the multiple indicia of authenticity on the face of the documents and their mutually corroborative nature.

C. THE PROBATIVE VALUE OF THE PROPOSED EXHIBITS IS NOT OUTWEIGHED BY ANY PREJUDICE

31. As the Proposed Exhibits are *prima facie* authentic, reliable, and relevant, they have probative value. No prejudice outweighs such probative value. The Defence has had and will have ample opportunity to address and make submissions concerning the Proposed Exhibits, put their contents to witnesses, and lead evidence to the contrary.<sup>118</sup> At the end of the trial, the Panel will assess what weight to assign any admitted exhibits in light of the entire record.<sup>119</sup>

III. CLASSIFICATION

32. This filing and Annex 1 are confidential to give effect to existing protective measures and to safeguard the interests and privacy of third parties. For each Proposed Exhibit, the proposed classification is indicated in Annex 1, justifying confidential classification, where appropriate.<sup>120</sup>

IV. RELIEF REQUESTED

33. For the foregoing reasons, the Panel should admit the Proposed Exhibits.

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Karadak Zone documents, KSC-BC-2020-06/F02468, 24 July 2024, para.17; Prosecution motion for admission of Nerodime Zone documents, KSC-BC-2020-06-F02667, 21 October 2024, para.17.

<sup>118</sup> See, similarly, Sixth Decision, KSC-BC-2020-06/F01983, paras 32, 87, 97, 105, 113, 121.

<sup>119</sup> Sixth Decision, KSC-BC-2020-06/F01983, para.129.

<sup>120</sup> See First Decision, KSC-BC-2020-06/F01409, para.22.

**Word count: 5734**



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**Kimberly P. West**

**Specialist Prosecutor**

Tuesday, 18 February 2025

At The Hague, the Netherlands.