



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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**Prosecution motion for admission of Dukagjin Zone documents
with confidential Annexes 1-2**

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I. INTRODUCTION

1. Pursuant to Articles 37 and 40 of the Law,¹ Rules 118(2) and 137-138 of the Rules,² and the Conduct of Proceedings Order,³ the Specialist Prosecutor's Office ('SPO') requests the admission of contemporaneous KLA records ('Proposed Exhibits') relating to the Dukagjin Operational Zone ('Dukagjin OZ').⁴ The Proposed Exhibits – which are, to the extent possible, organised thematically and chronologically in Annex 1⁵ – are *prima facie* authentic, relevant, and have probative value that is not outweighed by any prejudice.⁶

II. SUBMISSIONS

2. The Proposed Exhibits corroborate and complement witness and documentary evidence, and adjudicated facts,⁷ which, taken together, demonstrate: (i) the high level of organisation of the KLA and PGoK, including in the Dukagjin OZ, during the Indictment period; (ii) that KLA members in the Dukagjin OZ acted under the

¹ Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law').

² 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.

³ Order on the Conduct of Proceedings, KSC-BC-2020-06/F01226/A01, 25 January 2023 ('Conduct of Proceedings Order'), paras 60-62. Pursuant to paragraph 61 of the Conduct of Proceedings Order, certain KLA materials, including the Proposed Exhibits, were previously sent to the Defence for *inter partes* consultation. The Defence indicated its intention to respond to the motion once filed.

⁴ As indicated where relevant in Annex 1, a limited number of Proposed Exhibits were previously denied admission without prejudice on the basis that further context was necessary. Such context is provided in this filing and Annex 1.

⁵ Annex 1 includes specific indicia of the *prima facie* authenticity, relevance, and probative value of each Proposed Exhibit. It also indicates the relevant Indictment paragraphs for each Proposed Exhibit. See Decision on Specialist Prosecutor's Bar Table Motion, KSC-BC-2020-06/F01409, Confidential, 31 March 2023 ('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 in Annex 1 and this filing.

⁶ The applicable law has been set out in prior decisions. See e.g. First Decision, KSC-BC-2020-06/F01409, paras 8-13.

⁷ Taking into account applicable protective measures, this filing primarily refers to the Proposed Exhibits in the footnotes below, with the majority of corroborating and complementary evidence and adjudicated facts set out in detail in Annex 1. Each citation to an Annex 1 'item' in this filing should therefore be read to include the corroborating and complementary evidence cited in Annex 1.

authority of and pursuant to the instructions of the Accused, General Staff, and, after its formation, the PGoK; and (iii) that the JCE members, including the Accused and certain KLA members acting in the Dukagjin OZ, such as Lahi BRAHIMAJ, 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 Dukagjin 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 Dukagjin OZ encompassed Deçan/Dečani, Pejë/Peć, Gjakovë/Đakovica, and parts of Istog/Istok and Klinë/Klina municipalities.⁸ The Dukagjin OZ lay on the main supply route from Albania and was therefore strategically important for both the KLA and Serbian forces.⁹

4. Proposed Exhibits, other documentary and witness evidence, and adjudicated facts demonstrate that during the Indictment period: (i) there were ongoing and frequently intense hostilities between KLA and Serb forces in the Dukagjin OZ;¹⁰ and (ii) certain KLA members, including General Staff member Lahi BRAHIMAJ (Maxhup, 15), Dukagjin OZ Deputy Commander Nazmi BRAHIMAJ, Intelligence Chief Faton MEHMETAJ, and Black Eagles Special Unit Commander Idriz BALAJ (Toger), identified, interrogated, intimidated, detained, mistreated, and killed alleged

⁸ KSC-BC-2020-06/F01534/A01, Fact 246.

⁹ KSC-BC-2020-06/F01534/A01, Fact 249; P00474, paras 9, 10; P00739.4_ET, p.15.

¹⁰ See e.g. Annex 1: items 3, 62, 97, 102-103, 107-108, 114, 121, 123, 125, 140, 146, 152, 156, 162-163, 174, 178, 184, 188, 190, 193-195, 279, 287; KSC-BC-2020-06/F01534/A01, Facts 34, 36, 39, 41-42, 48-50, 52, 56, 58-59, 72, 85-86, 752, 754-755, 769.

collaborators, LDK and FARK members, Serbs, Romas, and other Opponents¹¹ in and around Jabllanicë/Jablanica and other locations in the Dukagjin OZ.¹² On multiple occasions throughout the Indictment period, the Accused and other General Staff members were present at Jabllanicë/Jablanica and other locations in the Dukagjin OZ interacting with and providing guidance and direction, *inter alia*, to these KLA members.¹³

5. The first KLA headquarters in the Dukagjin area were established in Jabllanicë/Jablanica, Gjakovë/Đakovica and Gllogjan/Glođane, Deçan/Dečani.¹⁴ As reflected in admitted and Proposed Exhibits and witness evidence, Lahi BRAHIMAJ was the commander in Jabllanicë/Jablanica and also acted as the General Staff liaison in the Dukagjin area.¹⁵ Ramush HARADINAJ was the Gllogjan/Glođane headquarters commander.¹⁶ In early 1998, particularly after the 24 March 1998 attack on the HARADINAJ family compound,¹⁷ the KLA strongholds in Jabllanicë/Jablanica and Gllogjan/Glođane coordinated the expansion to and consolidation of control over further areas.¹⁸

¹¹ The term 'Opponents' is defined in the Indictment. *See* Indictment, KSC-BC-2020-06/F00999/A01, para.32.

¹² *See e.g.* Annex 1: items 26, 75, 114-116, 120A, 139, 177, 190, 193, 214-219, 254-255, 261, 282-283; KSC-BC-2020-06/F01534/A01, Facts 309-390, 677-734; P01251, paras 55-70, 72, 75, 77, 168; P00730, pp.4248-4258, 4262, 4265.

¹³ *See e.g.* Annex 1: item 113, 178, 193-195, 200; KSC-BC-2020-06/F01534/A01, Fact 261; P00763.8_ET, pp.1-2, 10; P00771, paras 84-85; P00796, p.3475; P00800, pp.5004, 5074-5075, 5142; P01740.3_ET, pp.11-13; P01264_ET, pp.SPOE00128649-50.

¹⁴ KSC-BC-2020-06/F01534/A01, Facts 247, 298.

¹⁵ *See e.g.* Annex 1: items 31-32, 50, 141; P00771, para.92; KSC-BC-2020-06/F01534/A01, Fact 303. *See also* P00739.6_ET, pp.2-4; P00778, p.6621; P00730, p.4265. Lahi BRAHIMAJ was also head of the General Staff Finance Directorate. *See e.g.* P00800, p.5075; Annex 1: item 200.

¹⁶ *See e.g.* Annex 1: items 3-4, 6, 18, 58; KSC-BC-2020-06/F01534/A01, Fact 251.

¹⁷ *See e.g.* KSC-BC-2020-06/F01534/A01, Facts 24, 26, 39, 41.

¹⁸ *See e.g.* KSC-BC-2020-06/F01534/A01, Facts 49, 250-252, 257, 756; P00474, paras 5, 8-9; P00730, pp.4188-4196; P01593, pp.U002-9299-U002-9302.

1. Dukagjin Regional Staff

6. By late May 1998, the Dukagjin Regional Staff had been formed,¹⁹ and over the next several weeks: (i) held regular meetings, receiving reports from and providing instructions to local staffs, dispatching commanders to liberate and organise new areas, and discussing disciplinary measures, movement control, and the activities of and actions against alleged traitors, 'suspicious persons', and other Opponents;²⁰ (ii) established a hospital at Irzniq/Rznić, where a murder victim in this case would later die as a result of the prolonged and brutal beatings he received at the Jabllanicë/Jablanica detention site;²¹ (iii) authorised travel;²² (iv) procured weapons, logistics, and services;²³ and (v) assigned and transferred soldiers.²⁴

7. Likewise, Proposed Exhibits show that, in spring 1998, local staffs in the Dukagjin area were: (i) reporting on their work, compliance with superior orders, discipline, and the identification of and measures taken or to be taken against deserters, 'undesirables', 'enemy spies', former police, and other Opponents;²⁵ (ii) organising military training, guard duties, and checkpoints;²⁶ (iii) authorising travel;²⁷ (iv) issuing mobilisation orders and training/work schedules;²⁸ and (v) acknowledging contributions to and support for the KLA.²⁹

¹⁹ See e.g. KSC-BC-2020-06/F01534/A01, Facts 252, 256; P01593, pp.U002-9302-U002-9304; P01597_ET; Transcript, 3 September 2023, p.19501; P01594.1_ET, pp.13, 16; P01594.2_ET, pp.1-3.

²⁰ Annex 1: items 3-4, 6. See also P00889_ET.

²¹ Annex 1: items 1-2, 126, 177; P00827, paras 6-10; KSC-BC-2020-06/F01534/A01, Facts 351-356. The hospital in Irzniq/Rznić also coordinated with the medical clinic in Jabllanicë/Jablanica. See Annex 1: items 126, 177.

²² Annex 1: item 5.

²³ Annex 1: items 7-11. See also P01388_ET; P01389_ET.

²⁴ Annex 1: items 12-13.

²⁵ Annex 1: items 121, 123, 125, 127-131.

²⁶ Annex 1: items 122-124, 128-130.

²⁷ Annex 1: items 123, 128-130.

²⁸ Annex 1: items 125, 189.

²⁹ Annex 1: items 127, 129.

8. Considering the pace and breadth of the KLA's expansion, the creation of the Dukagjin OZ was discussed at Regional Staff meetings in mid-June 1998³⁰ and the Dukagjin OZ Command Staff was elected at a 23 June 1998 meeting attended by General Staff members Lahi BRAHIMAJ and Rexhep SELIMI (Agron, 10).³¹

2. Dukagjin OZ Command

9. The Dukagjin OZ Command consisted of the Commander (Ramush HARADINAJ), Deputy Commander (Nazmi BRAHIMAJ),³² Chief of Staff, and heads of various sectors, including policy and morale, intelligence, military police, operations, and logistics.³³ After receiving proposals for OZ Command positions, the General Staff discussed them at meetings, afterwards issuing written appointments.³⁴

10. The General Staff was not bound by the selections and proposals made by subordinate commands. For example, after the General Staff learned that FARK officer Tahir ZEMAJ had been elected to replace Ramush HARADINAJ as Dukagjin OZ Commander, Hashim THAÇI, Rexhep SELIMI, Lahi BRAHIMAJ, and other General Staff members intervened personally and at a meeting on 2 September 1998, reinstated HARADINAJ.³⁵

11. Among the Proposed Exhibits are minutes and other records of multiple Dukagjin OZ Command meetings held on a regular basis during the Indictment period and sometimes attended by General Staff members, including the Accused and

³⁰ See e.g. Annex 1: items 6, 14; P01598_ET; KSC-BC-2020-06/F01534/A01, Fact 257.

³¹ See e.g. Annex 1: items 15, 31.

³² Lahi BRAHIMAJ was briefly the Dukagjin OZ Deputy Commander (between 23 June and 5 July 1998); however, he was replaced with his brother, Nazmi, due to his competing obligations on the General Staff. See e.g. Annex 1: items 32, 40.

³³ See e.g. Annex 1: items 15, 40, 86. See also Sections II(3)-(4).

³⁴ Annex 1: items 27, 29-30, 86. See also P00774_ET, p.SPOE00067171; P00800, pp.5147-5149, 5156-5158; P00761.6_ET, pp.6-7.

³⁵ Annex 1: items 109-110; KSC-BC-2020-06/F01534/A01, Facts 277-280; P00473, paras 30-31, 33, 36; P00470.1_ET, pp.5, 12-15; P00486_ET, pp.47-54; P00739.7_ET, pp.13-16; P00761.6_ET, pp.6-10; P00761.12_ET, pp.6-7; P00762.2_ET, pp.2-9.

Lahi BRAHIMAJ.³⁶ At its meetings, the Dukagjini OZ Command: (i) discussed and disseminated General Staff orders and policies to brigades and local staffs; (ii) analysed past military operations and the current situation; and (iii) received reports and requests, and gave guidance and instructions concerning military operations, training, travel permits, logistics, finances, personnel, appointments, discipline, KLA military police and intelligence services, detentions, releases, and alleged collaborators and other Opponents.³⁷

12. From its start and on an ongoing basis thereafter, the Dukagjin OZ Command adopted and disseminated regulations and policies acknowledging the authority of the General Staff and mandating both publicly and internally within the KLA the identification and punishment of alleged collaborators and other Opponents.³⁸ The Dukagjin OZ Command also issued orders, including on the basis of KLA regulations and General Staff decisions,³⁹ concerning: (i) standardised communications⁴⁰ and financial⁴¹ plans, which took into account funds provided by the General Staff's Finance Directorate;⁴² (ii) mobilisation and recruitment;⁴³ (iii) provision of weapons, logistics, facilities, and services,⁴⁴ including to and from other OZs;⁴⁵ (iv) military training;⁴⁶ (v) registration, assignment, transfer, and deployment of soldiers,⁴⁷

³⁶ See e.g. Annex 1: items 15, 28, 193-195, 252; KSC-BC-2020-06/F01534/A01, Facts 260-261; P00519; P00813; P00895_ET; P00772, para.25. The Dukagjin OZ Commander also went to meetings of the General Staff. See e.g. Annex 1: items 92, 120, 193-194; Transcript, 12 July 2023, pp.5603-5606.

³⁷ Annex 1: items 15, 23, 25, 28, 62, 91, 113-114, 118, 193-195, 211-213, 243, 246, 252, 259. See also P00515_ET.55; P01600_ET; Annex 1: items 143, 169, 190; KSC-BC-2020-06/F01534/A01, Fact 260.

³⁸ Annex 1: items 14, 16, 46, 105, 106, 169, 193-194; P00270_ET.17; P00515_ET.44, p.008407; P00515_ET.5; P00812_ET; P00889_ET; P00812_ET.14; P00904_ET.1; P00908_ET.1; P00927_ET. See also KSC-BC-2020-06/F01534/A01, Facts 258-259; P00743.2, p.SITF00001597; Transcript, 6 December 2023, pp.10631-10634.

³⁹ See also Annex 1: items 199, 209.

⁴⁰ Annex 1: items 203-208, 238-240. See also items 271, 286.

⁴¹ Annex 1: items 201-202. See also items 234, 251.

⁴² Annex 1: item 200.

⁴³ Annex 1: items 16, 80, 100,

⁴⁴ Annex 1: items 19, 37, 61, 71, 78, 81, 83, 89, 93, 99, 104, 123, 222-224, 234.

⁴⁵ Annex 1: items 20, 94; P00121_ET; Transcript, 14 July 2023, p.5770; P01115.3_ET, p.10.

⁴⁶ Annex 1: items 24, 243, 265. See also items 53, 60.

⁴⁷ Annex 1: items 17, 21-22, 36, 38, 41-47, 49, 52, 53, 55, 63, 65, 79, 88, 197, 210, 228-230, 233, 236-237, Section V.

including to and from other OZs;⁴⁸ (vi) composition and structure of subordinate commands;⁴⁹ and (vii) discipline.⁵⁰ Subordinate commands and military police were responsible for executing such orders, which provided for isolation, disarmament, imprisonment, and other measures in case of non-compliance.⁵¹

3. Brigades

13. Brigades 131-137 were operational in the Dukagjin OZ during the Indictment period, consistent with the General Staff's decisions.⁵² Commanders were proposed on the basis of a structural 'blueprint' provided by the headquarters.⁵³ General Staff members, including Rexhep SELIMI, were involved in discussions and decisions concerning brigade command appointments.⁵⁴

14. Brigade and subordinate commands: (i) reported and made requests to the Dukagjin OZ Command concerning logistics, military operations, composition, weapons, movement control, training, military police, FARK members, and other Opponents;⁵⁵ (ii) executed orders from the General Staff and Dukagjin OZ Command and applied KLA regulations;⁵⁶ (iii) kept logs of authorised persons and exercised strict control over movement, including through a system of travel permits and checkpoints;⁵⁷ (iv) provided for and took disciplinary measures;⁵⁸ (v) maintained

⁴⁸ Annex 1: items 39, 48, 51, 54, 56-57, 67, 85, 225; P00122_ET; P00136_ET; P00145_ET; P00875_ET.

⁴⁹ Annex 1: items 18, 40, 58, 64, 68-70, 72-74, 96, 98, 112, 118, 293.

⁵⁰ Annex 1: item 35.

⁵¹ See e.g. Annex 1: items 16, 82, 100-101. See also item 84.

⁵² Annex 1: item 193-194, 200, Section IV; KSC-BC-2020-06/F01534/A01, Fact 282. As demonstrated by Proposed Exhibits, in summer 1998, there were four brigades (Brigades 1-4); in late 1998, these transitioned into Brigades 131-134, with Brigades 135-137 created/restructured in late 1998 and early 1999 based on operational needs. See e.g. Annex 1: items 66, 70, 73, Section IV.

⁵³ Annex 1: items 194, 243, 264.

⁵⁴ See e.g. Annex 1: item 252. See also item 292; P00763.5_ET, p.10.

⁵⁵ Annex 1: items 59, 111, 135, 138-139, 145-148, 150-153, 156, 158-163, 165-166, 169, 170-175, 178, 241, 243, 245, 267, 283.

⁵⁶ Annex 1: items 123, 127, 134, 138, 140, 165, 168, 179, 190, 194 (p.U001-5671), 243-244, 246-248, 251, 266, 273, 278, 288-289.

⁵⁷ Annex 1: items 123, 129-130, 140-142, 144, 155, 164, 178, 190, 192, 250, 266, 279, 281, 284.

⁵⁸ Annex 1: items 123, 129, 131, 140, 167, 178, 180, 185, 188, 191, 247.

records of training, daily activities, soldiers, weapons, and guard/duty schedules;⁵⁹ (vi) registered and requisitioned property, and recorded support provided to the KLA;⁶⁰ and (vii) investigated, summonsed, and interrogated persons, including ‘suspicious persons’, LDK and FARK members, and alleged collaborators.⁶¹

4. Intelligence services, military police, and special unit

15. Faton MEHMETAJ was the head of the Dukagjin OZ intelligence services,⁶² Fadil NIMANI/NIMONAJ (Tigri) was the military police commander,⁶³ and Idriz BALAJ was the Black Eagles Special Unit commander.⁶⁴ Such appointments were notified to and approved by the General Staff.⁶⁵

16. Under the direction of the Dukagjin OZ Command, intelligence and military police units were established in local staffs and brigades.⁶⁶ The intelligence services, military police, and Black Eagles were responsible for, and coordinated with one another and the Dukagjin OZ and brigade commands on, disciplinary measures, enforcement of summons and orders,⁶⁷ investigations, arrests, detentions, and interrogations, including of alleged collaborators and other Opponents.⁶⁸ In summer

⁵⁹ Annex 1: items 123-124, 132, 133, 136, 138, 149, 154, 167, 182, 184, 187-188, 190, 241-243, 245, 247-248, 253, 257-259, 264, 270, 272-277, 280, 282, 287, 289-290.

⁶⁰ Annex 1: items 137, 149, 172, 181, 183, 249, 262-263, 268, 280, 285.

⁶¹ Annex 1: items 123, 166, 186, 247, 269, 282-283; P00904_ET.7.

⁶² Annex 1: items 15, 98, 214; P00473, para.46; P00482_ET; P00483_ET; P01386_ET.

⁶³ See e.g. Annex 1: items 193-195, 201, 212, 243; P01600_ET; P00811_ET.32, p.SPOE00053774. The Dukagjin OZ military police had weekly meetings with their commander, guard schedules, daily activity plans, identification cards, and standard uniforms with military police insignia. See e.g. Annex 1: items 194, 198, 211, 260.

⁶⁴ Annex 1: items 77, 119, 226, 232; KSC-BC-2020-06/F01534/A01, Facts 269-269, 272; P00473, paras 39-40; P00473, paras 19-21. The Black Eagles kept records of its members and activities, and wore distinctive black uniforms with KLA and Black eagles insignia. See e.g. Annex 1: items 77, 119, 226, 232; KSC-BC-2020-06/F01534/A01, Fact 275.

⁶⁵ See e.g. KSC-BC-2020-06/F01534/A01, Fact 264; P01600_ET; Annex 1: items 29-31.

⁶⁶ Annex 1: items 95, 156-157, 161, 179, 180, 193-195, 212, 243, 247-248, 252-253, 256-258, 277, 282-283.

⁶⁷ Annex 1: items 50, 82, 113, 191, 193-195, 211, 261. See also item 77.

⁶⁸ Annex 1: item s26, 166, 247, 254-255, 261; P00473, para.46.

1999, the PGOK public sector and KLA military police and members of the Dukagjin OZ intelligence services and Black Eagles continued the same functions.⁶⁹

17. Admitted and Proposed Exhibits illustrate the level of cooperation among these units and the process for identifying and targeting Opponents. The Dukagjin OZ intelligence services produced numerous written reports, including a series of numbered reports from the Dukagjin OZ Intelligence Sector,⁷⁰ two of which were seized from Rexhep SELIMI's residence.⁷¹ These reports contained information on events in the Dukagjin OZ, disciplinary measures, those who supported the KLA, and allegations and actions against alleged collaborators, LDK and FARK members, Serbs, Romas, and other Opponents, including victims detained and mistreated at the Jabllanicë/Jablanica, Kukës, and Cahan detention sites.⁷² Such information was disseminated, including to the Dukagjin OZ and brigade commands.⁷³ Further action was then taken, including following written referrals by the intelligence services for 'necessary measures' against certain, named Opponents.⁷⁴ As recorded in admitted and Proposed Exhibits, such 'necessary measures' included detention, interrogation, mistreatment, and execution.⁷⁵

⁶⁹ See e.g. Annex 1: item 227; P00815, paras 18-20; KSC-BC-2020-06/F01534/A01, Facts 719-734; P01909, paras 4-15.

⁷⁰ Annex 1: items 200, 216-218; P00905_ET.

⁷¹ Annex 1: items 214-215.

⁷² See e.g. Annex 1: item 75, 113-117, 180-181, 183, 200, 214; P00903_ET. In late spring 1999, Dukagjin OZ members were operating in northern Albania and involved in the detention and mistreatment of Opponents. See e.g. P00674.2_ET, pp.55-68.

⁷³ See e.g. Annex 1: items 193 (p.U002-0294), 241.

⁷⁴ See e.g. P00904_ET.4. See also Annex 1: item 247.

⁷⁵ See e.g. P00904_ET.7; P00904_ET.8; P00904_ET.9; P00905_ET; Annex 1: items 200, 214-218. See also KSC-BC-2020-06/F01534/A01, Facts 717-718; P01907, pp.U003-2297-U003-2299; P01908, paras 4-8.

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

18. The Proposed Exhibits contain multiple indicia of authenticity, as indicated for each in Annex 1.⁷⁶ Many bear official headers, signatures, reference numbers, stamps, seals, and insignia.⁷⁷

19. In addition to such formalities, other indicia of authenticity can be seen when the collection is viewed holistically. For example, as reflected in detail 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, operational, and intelligence records track the same and similar information, often using comparable or even identical formatting, and standard templates; (iii) many of the Proposed Exhibits contain detailed information, including on routine and administrative matters, that only Dukagjin OZ KLA members would be in a position to know; and (iv) numerous Proposed Exhibits are interconnected with and/or corroborated by witness evidence and other admitted and Proposed Exhibits.

20. Finally, while proof of provenance or authorship is not required,⁷⁸ the provenance of each Proposed Exhibit is indicated in Annex 1. The majority of the Proposed Exhibits were seized by: (i) Serbian authorities from KLA bases and members during and after the Indictment period;⁷⁹ and (ii) the SPO from the residences of Jakup KRASNIQI and Rexhep SELIMI.⁸⁰ Documents forming part of the relevant, seized collections and/or their contents have been authenticated by

⁷⁶ For purposes of assessing certain of the indicia (such as signatures, insignia, stamps, seals, and formatting) identified below and in Annex 1, the original should also be consulted.

⁷⁷ See, similarly, Sixth Decision on Specialist Prosecutor's Bar Table Motion, KSC-BC-2020-06/F01983, 5 December 2023 ('Sixth Decision'), paras 85, 111, 119.

⁷⁸ 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, paras 12, 14, 16.

⁷⁹ 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 3, 13 (concerning Proposed Exhibits provided to the SPO by the ICTY and falling in ERN range U000-0287-U002-3928); Annex 1: item 190.

⁸⁰ See e.g. Annex 1: items 27, 30-33, 86, 199, 204-209, 213-215, 225, 228-229, 232.

witnesses,⁸¹ 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 corroborative nature.

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

21. 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 ample opportunity to address and make submissions concerning the Proposed Exhibits, put their contents to witnesses, and lead evidence to the contrary.⁸² At the end of the trial, the Panel will assess what weight to assign any admitted exhibits in light of the entire record.⁸³

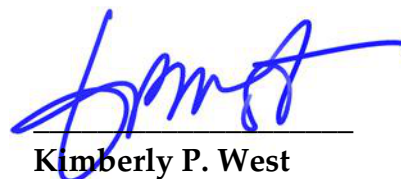
III. CLASSIFICATION

22. Annexes 1-2 are confidential to give effect to existing protective measures and to safeguards the interests and privacy of third parties. For each Proposed Exhibit, the proposed classification is indicated in Annex 1, justifying confidential classification.⁸⁴

IV. RELIEF REQUESTED

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

Word count: 3575



Kimberly P. West

Specialist Prosecutor

Monday, 10 March 2025

At The Hague, the Netherlands.

⁸¹ See e.g. Annex 1 (which includes citations to relevant witness testimony confirming, corroborating, contextualising, and complementing the Proposed Exhibits).

⁸² See, similarly, Sixth Decision, KSC-BC-2020-06/F01983, paras 32, 87, 97, 105, 113, 121.

⁸³ Sixth Decision, KSC-BC-2020-06/F01983, para.129.

⁸⁴ See First Decision, KSC-BC-2020-06/F01409, para.22.