



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA 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

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Decision on Prosecution Motion for Admission of Dukagjin Zone Documents

Specialist Prosecutor

Kimberly P. West

Counsel for Hashim Thaçi

Luka Mišetić

Counsel for Victims

Simon Laws

Counsel for Kadri Veseli

Rodney Dixon

Counsel for Rexhep Selimi

Geoffrey Roberts

Counsel for Jakup Krasniqi

Venkateswari Alagendra

TRIAL PANEL II ("Panel"), pursuant to Articles 21, 37 and 40(2) and (6)(h) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 137 and 138(1) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"), hereby renders this decision.

I. PROCEDURAL BACKGROUND

1. On 10 March 2025, the Specialist Prosecutor's Office ("SPO") filed a motion for the admission of Dukagjin Operational Zone ("Dukagjin OZ") documents ("Motion").¹

2. On 13 March 2025, the Panel extended the deadline for the Defence to file a joint response to the Motion to 28 March 2025, and directed the SPO to file a reply, if it so wished, in accordance with the time limits set out in Rule 76.²

3. On 28 March 2025, the Defence filed a joint response to the Motion ("Response").³

4. On 7 April 2025, the SPO filed a reply to the Response ("Reply").⁴

5. On 11 and 23 April 2025, following the Panel's instructions,⁵ the SPO disclosed the correct English translation of item 18 and the revised English translations of items 22, 118, 122-124, 126, 127, 130, 131, 134, 149, 179-182, 251, 254, 256, 257, 260, 261, 270, 280, 287 and 312 tendered in the Motion.⁶

¹ F02997, Specialist Prosecutor, *Prosecution Motion for Admission of Dukagjin Zone Documents*, 10 March 2025, public, with Annexes 1-2, confidential.

² CRSPD760, *Emails by Trial Panel and Parties Participants re Request for Extension of Time Response to F02997*, 13 March 2025, confidential.

³ F03064, Specialist Counsel, *Joint Defence Response to 'Prosecution Motion for Admission of Dukagjin Zone Documents (F02997)'*, 28 March 2025, confidential, with Annex 1, confidential.

⁴ F03092, Specialist Prosecutor, *Prosecution Reply Relating to Motion to Admit Dukagjin Zone Documents (F02997)*, 7 April 2025, confidential.

⁵ CRSPD786, *Email from Trial Panel II to Parties Participants re Revised Translations – Dukagjin Bar Table Motion*, 9 April 2025, confidential.

⁶ Disclosure Packages 1678 and 1684.

II. SUBMISSIONS

6. The SPO requests the admission of contemporaneous Kosovo Liberation Army (“KLA”) records relating to the Dukagjin OZ (“Proposed Exhibits”).⁷ The SPO submits that the Proposed Exhibits: (i) are *prima facie* authentic and relevant, as they relate to various allegations and charges in the Indictment; (ii) have probative value that is not outweighed by any prejudice; and (iii) corroborate and complement other witness testimony and documentary evidence as well as noticed adjudicated facts.⁸

7. The Defence responds that the Motion is yet another attempt by the SPO to add masses of unverified documents to the case file, and argues that the persistent submission and admission of hundreds of items of questionable relevance, authenticity and reliability is incompatible with the principle of orality and the rights of the Accused.⁹ The Defence challenges the relevance and authenticity of the Proposed Exhibits, and submits that their probative value is outweighed by their prejudicial effect.¹⁰ In particular, in addition to the individual objections listed in Annex 1 to the Response, the Defence makes the following submissions pertaining to the Motion as a whole or to certain groups of items:

- (a) Many Proposed Exhibits are not sufficiently linked to the elements of the offences or modes of liability pleaded in the Indictment or other facts and circumstances material to the SPO case and, therefore, should not be admitted into evidence;¹¹

⁷ Motion, paras 1, 23, *referring to* Annex 1 to the Motion, Proposed Exhibits 1-353.

⁸ Motion, paras 1-21; Annex 1 to the Motion, Proposed Exhibits 1-353, “Relevance/Probative Value” and “Indicia of authenticity” columns.

⁹ Response, paras 2-3.

¹⁰ Response, paras 11-24; Annex 1 to the Response, Proposed Exhibits 1-353, “Defence Comments” column.

¹¹ Response, paras 11, 13; Annex 1 to the Response, R.1, R.2, R.2.1 and R.2.2 Objections.

- (b) Proposed Exhibits that are duplicates of items already in evidence or which are materially the same or similar to other Proposed Exhibits should not be admitted into evidence;¹²
- (c) The SPO tenders many documents that contain little or no information as to authorship, the circumstances in which they were created, their provenance and/or chain of custody;¹³
- (d) The SPO's choice to seek admission of certain Proposed Exhibits at this late stage without putting them to the relevant witnesses who could have authenticated or contextualised them constitutes an inappropriate and unfair use of bar table motions and obstructs the Defence's ability to test the SPO's case with respect to these items;¹⁴
- (e) The Defence opposes the SPO's practice of establishing the reliability of Proposed Exhibits by relying on other questionable Proposed Exhibits or other documents not forming part of the evidentiary record;¹⁵
- (f) The testimony of certain witnesses who were shown some of the Proposed Exhibits militates against their admission in evidence;¹⁶
- (g) The Defence draws attention to the SPO's practice of not tendering and not translating those pages of the Proposed Exhibits that are written in Serbian, and requests that, where these Proposed Exhibits are admitted into evidence, the pages written in Serbian form part of the exhibits and a translation thereof be provided;¹⁷ and

¹² Response, paras 12-13.

¹³ Response, para. 14; Annex 1 to the Response, A.1, A.1.1, A.1.2, A.1.3, A.1.4, A.1.5, A.2 and A.3, A.3.1, A.3.2, A.3.3 and A.3.3.1 Objections.

¹⁴ Response, paras 4, 15-17; Annex 1 to the Response, C.3, C.3.1, C.3.2 and C.3.4 Objections.

¹⁵ Response, para. 17.

¹⁶ Response, para. 18.

¹⁷ Response, paras 19-20.

- (h) The admission at this late stage of several Proposed Exhibits that are purportedly relevant to and bear probative value with regard to central issues in the SPO case would cause material, inexcusable and irrevocable prejudice to the Defence who is unable to test these items in court during the presentation of the SPO case.¹⁸

The Defence submits that the Panel should reject the admission of the Proposed Exhibits for the reasons set out in the Response and Annex 1 thereto.¹⁹

8. The SPO replies that the Response repeats prior objections to broad categories of evidence, which have already been considered and dismissed by the Panel, and misrepresents and ignores submissions made in the Motion.²⁰ In addition, the SPO replies to specific challenges raised by the Defence regarding the relevance of certain Proposed Exhibits.²¹ The SPO further submits that, although there is no requirement that documents be tendered through a witness, it has put to and tendered through witnesses a significant number of contemporaneous KLA documents, including documents relating to the Dukagjin OZ.²² Moreover, the SPO argues that the Defence fails to explain how reference to and consideration of corroborative and complementary witness and documentary evidence is circular or impermissible.²³ According to the SPO, the Defence has been given the opportunity to respond to bar table motions and use documents with witnesses, and it will also have the opportunity to tender and elicit evidence on the Proposed Exhibits as part of the Defence case(s) and make submissions on their ultimate weight.²⁴ The SPO therefore requests that the Panel grant the Motion.²⁵ Finally, the

¹⁸ Response, paras 22-24; Annex 1 to the Response, R.3 Objections. *See also* Response, para. 21.

¹⁹ Response, paras 5, 26.

²⁰ Reply, paras 1, 5.

²¹ Reply, para. 2.

²² Reply, para. 3.

²³ Reply, para. 3. *See also* Reply, para. 4.

²⁴ Reply, para. 6.

²⁵ Reply, para. 9.

SPO: (i) corrects the ERN of the translation for Proposed Exhibit 344;²⁶ (ii) seeks to replace the translation of Proposed Exhibit 95 with its revised version;²⁷ and (iii) withdraws its request in relation to Proposed Exhibits 15, 128, 202, 209, 216 and 259, which have now been admitted into evidence.²⁸

III. APPLICABLE LAW

9. The applicable law regarding the present matter is set out, in particular, in Article 40(6)(h) and Rule 138(1), and has been laid out extensively in the Panel's prior decisions.²⁹ The Panel will apply these standards to the present decision.

IV. DISCUSSION

1. General Considerations

10. The Panel first recalls that there is no requirement under the Specialist Chambers' ("SC") legal framework that Proposed Exhibits be authenticated through witnesses.³⁰ In particular, the Panel recalls that the right to confrontation is not absolute and does not encompass a right for the non-calling Party to have each and every exhibit or document produced through a witness, which the non-calling Party is then able to question in respect of its content.³¹ However, if exhibits are not put, by the calling Party, to witnesses who are able to contextualise them, this may negatively impact the weight that the Panel may attribute to those

²⁶ Reply, para. 7, footnote 29. The SPO explains that the "-ET" part of the ERN of Proposed Exhibit 344 was missing and that the correct ERN is U001-7035-U001-7035-ET.

²⁷ Reply, para. 7, referring to U002-1395-U002-1395-ET Revised.

²⁸ Reply, para. 7.

²⁹ See e.g. F01409, Panel, *Decision on Specialist Prosecutor's Bar Table Motion* ("Decision on Bar Table Motion"), 31 March 2023, confidential, paras 8-13.

³⁰ See Decision on Bar Table Motion, para. 12. See also Rule 138(1). *Contra* Response, paras 4, 15-17; Annex 1 to the Response, C.3, C.3.1, C.3.2 and C.3.4 Objections.

³¹ Response, paras 4, 15-17; Annex 1 to the Response, C.3, C.3.1, C.3.2 and C.3.4 Objections.

exhibits at the end of trial.³² The fact that some of the documents were not authenticated, nor corroborated, and in certain instances were contradicted by witnesses who testified, or by other evidence on the record, does not prevent their admission. This, however, may negatively impact the weight that the Panel may attribute to such evidence.³³

11. Furthermore, there is no bar to the admission through the bar table of proposed exhibits on account of their alleged central importance to the Prosecution case.³⁴ The same conditions and requirements for admission, as set out in Rule 138(1), apply to all categories of proposed exhibits, regardless of their (perceived) importance to a Party's case.³⁵ What matters is that the tendering Party satisfies the Panel of the relevance, *prima facie* authenticity and probative value of the tendered items pursuant to Rule 138(1).

12. This being said, the Panel recalls that bar table motions should not be used to render the principle of orality irrelevant to the proceedings. While the bar table procedure is in the interest of judicial economy and helps expedite the process of admission of evidence, it should not become an alternative to presenting the most important exhibits through witnesses who are in a position to speak to them and to be cross-examined about them.

13. Regarding the Defence's arguments that the Proposed Exhibits contain handwritten materials and/or other documents whose authors have not been identified and that the SPO has failed to provide relevant information as to their

³² F03070, Panel, *Decision on Prosecution Motion for Admission of Pashtrik Zone Documents* ("Decision on Pashtrik Zone Bar Table Motion"), 1 April 2025, para. 16.

³³ Decision on Pashtrik Zone Bar Table Motion, para. 18. *Contra* Response, para 18; Annex 1 to the Response, Proposed Exhibits 16, 27, 32, 40, 69, 70, 76, 98, 100.

³⁴ F01596, Panel, *Second Decision on Specialist Prosecutor's Bar Table Motion* ("Second Decision on Bar Table Motion"), 9 June 2023, para. 84. *Contra* Response, paras 22-24; Annex 1 to the Response, R.3 Objections.

³⁵ F02951, Panel, *Decision on Prosecution Motion for Admission of Llap Zone Documents and Related Request* ("Decision on Llap Zone Bar Table Motion"), 21 February 2025, para. 21.

provenance or the context in which those documents were prepared,³⁶ the Panel recalls that documents bearing no indication of a named source or other indicators of origin might be considered to lack the requisite indicia of authenticity.³⁷ However, the fact that a document does not name a source, or that it is handwritten, does not entail that there cannot be other indications of its author and/or origin.³⁸ The Panel further recalls that, although this would help establish the requirements for admission of evidence, proof of provenance or authorship is not strictly required when assessing *prima facie* authenticity and reliability under Rule 138(1), as such proof pertains primarily to the evidentiary weight of the tendered items rather than to their admissibility. Each piece of evidence will be assessed by the Panel at the end of trial, having regard to the entire body of evidence admitted, in accordance with Rule 139(2).³⁹

14. Regarding the Defence's submissions that the SPO failed to provide sufficient information as to the chain of custody of the tendered items,⁴⁰ the Panel recalls its prior finding that proof or record of chain of custody is not a condition for the admission of evidence.⁴¹ Furthermore, the fact that Serbian authorities may have been involved in the chain of custody of some of the Proposed Exhibits does not *per se* bar their admission.⁴² For the purpose of admission, the question is whether or not the relevant documents meet the requirements of Rule 138(1).

15. Moreover, as already indicated, the fact that tendered items are offered as part of lengthy compilations and sometimes bear no discernible link to one

³⁶ Response, para. 14; Annex 1 to the Response, A.1, A.1.1, A.1.2, A.1.3, A.1.4, A.1.5, A.2 and A.3, A.3.1, A.3.2, A.3.3 and A.3.3.1 Objections.

³⁷ Decision on Llap Zone Bar Table Motion, para. 23; Decision on Bar Table Motion, para. 59.

³⁸ Decision on Llap Zone Bar Table Motion, para. 23.

³⁹ See Decision on Llap Zone Bar Table Motion, para. 23; Second Decision on Bar Table Motion, para. 82.

⁴⁰ Response, para. 14; Annex 1 to the Response, A.3, A.3.1, A.3.2, A.3.3 and A.3.3.1 Objections.

⁴¹ Second Decision on Bar Table Motion, para. 109.

⁴² F03082, Panel, *Decision on Prosecution Motion for Admission of Nerodime Zone Documents*, 4 April 2025, para. 13.

another is not a bar to their admission, provided that each of the tendered items is found to be relevant, *prima facie* authentic, probative and not unduly prejudicial to the Defence.⁴³

16. In addition, the Panel recalls that it will only consider documents for corroboration, or as supporting provenance and authenticity, if tendered for admission, or already admitted into evidence.⁴⁴ The Panel further recalls that for an item to be admitted through the bar table, it must meet the four cumulative requirements of Rule 138(1).⁴⁵ Corroboration of content may help establish these criteria when not otherwise apparent from the face of a document. Such corroboration of content is not, however, a requirement for admission.⁴⁶ Accordingly, the Panel will assess whether each of the Proposed Exhibits meets the requirements of Rule 138(1) and, if not, will reject the admission of any Proposed Exhibit that fails to meet that standard.

17. Regarding the Proposed Exhibits allegedly containing testimonial documents,⁴⁷ the Panel is of the view that these documents do not constitute, or contain, statements or records of interviews prepared for the purposes of legal proceedings. As such, the Panel finds that the Proposed Exhibits challenged by the Defence due to their purported testimonial nature are not subject to Rules 153-155.

18. Regarding the Defence's submissions that certain Proposed Exhibits contain hearsay information,⁴⁸ the Panel has many times ruled that this does not bar a document's admission and that it will address these issues at the end of the trial

⁴³ Decision on Llap Zone Bar Table Motion, para. 24. *Contra* Response, para. 3; Annex 1 to the Response, Proposed Exhibits 126, 127, 129-131, 200.

⁴⁴ F02967, Panel, *Decision on Prosecution Motion for Admission of Drenica Zone Documents* ("Decision on Drenica Zone Bar Table Motion"), 26 February 2025, para. 10 (a public redacted version was issued on the same day, F02967/RED).

⁴⁵ Decision on Bar Table Motion, para. 9.

⁴⁶ Decision on Drenica Zone Bar Table Motion, para. 10.

⁴⁷ Annex 1 to the Response, Proposed Exhibits 48, 49, 56, 57, 59, 87, 241, 244, 261.

⁴⁸ Annex 1 to the Response, Proposed Exhibits 3, 6, 48, 49, 57, 59.

by assigning the appropriate weight, if any, to any passages containing hearsay information.⁴⁹

19. The Panel also notes that the Defence raises the issue of specific words being wrongly translated in some Proposed Exhibits.⁵⁰ The Panel finds that such issues pertain to the evidentiary weight to be given to the tendered items, if any, rather than to their admissibility. As such, these issues will be duly assessed by the Panel at the end of trial, having regard to the entire body of evidence admitted, in accordance with Rule 139(2).⁵¹

20. Lastly, in relation to the Defence's objections to the Proposed Exhibits seized from the houses of Rexhep Selimi ("Mr Selimi") and Jakup Krasniqi ("Mr Krasniqi"),⁵² the Panel recalls its finding in the Second Decision on Bar Table Motion as to the lawfulness of the search and seizure operations, which was upheld by the Court of Appeals Panel.⁵³ The Defence has not sought to establish, nor has it established, the conditions for reconsideration of the Second Decision on Bar Table Motion.

21. The Panel will now turn to assess whether the Proposed Exhibits are admissible pursuant to Rule 138. In doing so, the Panel will refer to the Proposed Exhibits as numbered in Annex 1 to the Motion and Annex 1 to the Response. In this respect, the Panel notes that the SPO withdrew its request to admit into evidence Proposed Exhibits 15, 128, 202, 209, 216 and 259 as they have been admitted as Exhibits 1D00188, P02092, P02100, P02096, P02102 and P02101,

⁴⁹ Decision on Bar Table Motion, para. 38.

⁵⁰ Annex 1 to the Response, Proposed Exhibits 106, 170.

⁵¹ See Second Decision on Bar Table Motion, para. 82.

⁵² Annex 1 to the Response, Proposed Exhibits 27, 29, 31-33, 199, 204-208, 214, 225, 228, 232, 261.

⁵³ Second Decision on Bar Table Motion, paras 101-120; IA029/F00005, Court of Appeals Panel, *Decision on Veseli and Krasniqi Appeal against Second Decision on Specialist Prosecutor's Bar Table Motion*, 23 August 2023, confidential and *ex parte*, paras 32, 36-38 (a public redacted version was issued on the same day, IA029/F00005/RED).

respectively, following the filing of the Motion.⁵⁴ Accordingly, the Panel will not consider these exhibits in its assessment below.

2. Proposed Exhibits 1-14 and 16-120A: General Staff and Dukagjin OZ Command, Spring/Summer 1998⁵⁵

22. At the outset, the Panel authorises the SPO to substitute the translation tendered in the Motion for Proposed Exhibit 95 with the revised translation disclosed in Disclosure Package 1654.⁵⁶

23. In addition, the Panel notes that the English translations of Proposed Exhibits 7, 12, 13, 19-21, 29, 48, 49, 51, 53, 54, 57, 58, 62, 66, 67, 80 and 117 do not represent a complete translation of the original documents in Albanian.⁵⁷ The Panel further notes that the English translations of Proposed Exhibits 3, 14 and 20 are marked as draft translations.⁵⁸ The Panel, therefore, directs the SPO to provide to the Panel and to disclose to the Parties and participants revised translations of Proposed Exhibits 3, 7, 12-14, 19-21, 29, 48, 49, 51, 53, 54, 57, 58, 62, 66, 67, 80 and 117 by Friday, 23 May 2025.

⁵⁴ Reply, para. 7.

⁵⁵ The Panel notes that, according to the SPO, some of these exhibits relate to the Dukagjin/Gllogjan regional staff, which pre-dated the establishment of the Dukagjin OZ Command on 23 June 1998. See Annex 1 to Motion, p. 3.

⁵⁶ U002-1395-U002-1395-ET Revised. See Reply, para. 7.

⁵⁷ In particular, *see* (i) handwritten notes contained in Proposed Exhibits 7, 12, 13, 19-21, 48, 49, 51, 53, 54, 57, 58, 66 and 67; (ii) pp. 6-7 of Proposed Exhibit 62; (iii) p. 2 of Proposed Exhibits 19, 21, 29; (iv) reference number at the top of Proposed Exhibit 80; and (v) handwritten notes and stamp at the top of Proposed Exhibit 117. See *further* Annex 1 to the Response, Proposed Exhibits 7, 12, 13, 19-21, 29, 48, 49, 51, 53, 54, 57, 58, 66 and 67.

⁵⁸ See Annex 1 to the Response, Proposed Exhibits 3, 14, 20.

24. Lastly, the Panel notes that, for the purpose of its assessment under Rule 138, it has considered the correct and revised translations of Proposed Exhibits 18,⁵⁹ 22,⁶⁰ 95⁶¹ and 118⁶² contained in Disclosure Packages 1654, 1678 and 1684.

(a) Relevance

25. Regarding the relevance of Proposed Exhibits 1-14 and 16-120A, the Panel notes the SPO's submissions that they relate to the structure and organisation of the KLA, including in the Dukagjin OZ, during the spring and summer of 1998.⁶³ More specifically, the Panel notes that: (i) Proposed Exhibits 1, 5, 7-13, 16, 18-20, 34, 36, 37, 39, 40, 42-48, 51, 53-57, 64, 67-74, 78, 80-82, 88, 89, 93, 98-101 and 104 consist of handwritten and typewritten orders, authorisations, certificates and appointments concerning, *inter alia*, mobilisation, logistics, transfer and recruitment of soldiers, appointment of commanders, movement control and provision of military equipment and training ("Orders, Authorisations and Appointments"); (ii) Proposed Exhibits 17, 21, 22, 52, 63 and 65 consist of documents listing soldiers sent as reinforcements to various villages, Proposed Exhibit 49 lists individuals who presented as volunteers, and Proposed Exhibit 117 lists persons perceived as deserters ("Lists"); (iii) Proposed Exhibits 38, 66, 77 and 94 consist of requests regarding the deployment of soldiers, appointment of officers and provision of supplies and assistance ("Requests"); (iv) Proposed Exhibits 50 and 84 consists of two summonses to appear ("Summonses"); (v) Proposed Exhibits 61, 79 and 85 consist of two travel permits and one special permit ("Permits"); (vi) Proposed Exhibits 97, 102, 103, 105-110, 113-115 and 120A consist of reports, information notes and communiques providing updates and information on, *inter alia*, ongoing hostilities, military operations, movement of

⁵⁹ IT-04-84bis P00198.E.

⁶⁰ IT-04-84 P00151-ET Revised.

⁶¹ U002-1395-U002-1395-ET Revised.

⁶² U001-7246-U001-7247-ET.

⁶³ Annex 1 to the Motion, Proposed Exhibits 1-14, 16-120A.

civilian population, enlistment of soldiers, disciplinary matters and alleged collaborators (“Communiques and Reports”); (vii) Proposed Exhibits 3,⁶⁴ 4, 6, 14, 23, 28, 31, 62 and 91 consist of the agenda, minutes and list of participants of meetings (“Documents on Meetings”); (viii) Proposed Exhibits 27, 29, 32, 33, 86, 90, 92 and 120 consist of decisions and orders issued by the KLA General Staff (“General Staff”), documents from the Dukagjin OZ Command addressed to the General Staff and an invitation to the Dukagjin OZ Commander to attend a General Staff meeting (“General Staff Documents”); (ix) Proposed Exhibits 26, 75, 76 and 116 consist of notes and reports concerning alleged collaborators and others perceived as opponents (“Documents on Opponents”); (x) Proposed Exhibit 41 is a note from a doctor stating that he accompanied a wounded soldier to Albania, as ordered by Commander Ramush Haradinaj (“Doctor’s Note”); (xi) Proposed Exhibit 2 consists of an appeal to a doctor to report for duty (“Appeal”); (xii) Proposed Exhibits 96 and 118⁶⁵ consist of a schematic depiction of the structure of the military police units in the Dukagjin OZ and the minutes of a military police meeting (“Military Police Documents”); (xiii) Proposed Exhibit 119 contains notes about the Special Unit “Black Eagles” and its members; (xiv) Proposed Exhibits 24, 25, 30, 35,⁶⁶ 58-60, 83, 87, 95 and 111 consist of various documents concerning the work and activities of the KLA in the Dukagjin area (“Other Documents”); and (xv) Proposed Exhibit 112 is a document listing members of the “Voksh” and “Smolicë” groups.

⁶⁴ The Panel notes that the SPO is only tendering pp. 1-4 of the English translation of Proposed Exhibit 3 and submits that pp. 5-6 relate to a different document. *See* Annex 1 to the Motion, Proposed Exhibit 3. The Panel, however, notes that part of p. 5 of the English translation relates to Proposed Exhibit 3. The Panel has, therefore, assessed pp. 1-5 of the English translation of Proposed Exhibit 3.

⁶⁵ The Panel notes that, upon the Defence’s request, it has assessed Proposed Exhibit 118 (and related translation) in its entirety, including p. U001-7247 consisting of a text written in Serbian, although said page is not tendered by the SPO. *See* Response, paras 19-20, and Annex 1 to the Response, Proposed Exhibit 118. *See also* Annex 1 to the Motion, Proposed Exhibit 118.

⁶⁶ The Panel notes that the last page of the English translation of Proposed Exhibit 35 does not relate to the original Albanian document. The Panel has, therefore, assessed only pp. 1-2 of the English translation of Proposed Exhibit 35.

26. The Panel notes that Proposed Exhibits 1-14 and 16-120A relate, amongst other, to: (i) the ongoing hostilities between the KLA and Serbian forces in the Dukagjin OZ;⁶⁷ (ii) the creation of the Dukagjin OZ and the election and composition of its Command Staff;⁶⁸ (iii) the meetings, work and activities of the Dukagjin Regional Staff and, following its creation, the Dukagjin OZ Command;⁶⁹ (iv) the identification and monitoring of alleged collaborators and others perceived as opponents;⁷⁰ and (v) the existence and work of intelligence services, military police and the Special Unit “Black Eagles” in the Dukagjin OZ.⁷¹ In particular, the SPO relies on Proposed Exhibits 1-14 and 16-120A to demonstrate, *inter alia*, that: (i) the Dukagjin OZ Command issued orders, received reports and requests, adopted and disseminated regulations and policies, and gave guidance and instructions concerning mobilisation, assignment, transfer, and deployment of soldiers, military operations, training, travel permits, logistics, appointments, discipline as well as alleged collaborators and others perceived as opponents;⁷² (ii) the General Staff was involved in the appointment of commanders in the Dukagjin OZ;⁷³ and (iii) the intelligence services, military police, and Special Unit “Black Eagles” were responsible for, and coordinated with one another and the Dukagjin OZ Command on disciplinary measures, enforcement of summonses and orders.⁷⁴

27. As regards the Defence’s objections regarding the relevance of Proposed Exhibits 71, 81, 93, 94, 99 and 104,⁷⁵ the Panel observes that these documents include authorisations and one request concerning various logistical matters

⁶⁷ See e.g. Proposed Exhibits 3, 62, 97, 102, 103, 107, 108, 114.

⁶⁸ See e.g. Proposed Exhibits 6, 14, 29, 31, 32, 40, 86.

⁶⁹ See e.g. Proposed Exhibits 1, 3-7, 11-14, 16, 19, 23, 25, 28, 37, 46, 62, 83, 89, 91, 105, 106, 113 and 114.

⁷⁰ See e.g. Proposed Exhibits 75, 114.

⁷¹ See e.g. Proposed Exhibits 77, 95, 98, 119.

⁷² See e.g. Proposed Exhibits 14, 16, 23, 25, 28, 46, 62, 80, 91, 106, 114.

⁷³ See e.g. Proposed Exhibits 29, 30, 86.

⁷⁴ See e.g. Proposed Exhibits 50, 82.

⁷⁵ Response, para. 11.

relating to the work of the KLA in the Dukagjin OZ, all of which are signed by Commander Ramush Haradinaj. The Panel, therefore, finds that the aforementioned Proposed Exhibits are relevant to the organisation of the KLA in the Dukagjin OZ, the roles and activities of the persons concerned and/or the assessment of corroborating evidence that are tendered in the Motion or are already in evidence.

28. As regards the Defence's submissions that Proposed Exhibits 7-11 are virtually identical and, as such, they should not all be admitted,⁷⁶ the Panel notes that these documents contain authorisations issued by Ramush Haradinaj as the Commander of the Dukagjini Regional Staff which relate to logistical matters and are addressed to different individuals. As such, the Panel finds that Proposed Exhibits 7-11 are all relevant to the organisation of the KLA in the Dukagjin OZ and the roles and activities of the persons concerned.

29. In relation to Proposed Exhibit 27, the Panel notes that the first page contains a draft order, a partially filled version of which is already in evidence.⁷⁷ A third, partially filled version of this order is also contained in Proposed Exhibit 29. The Panel notes and accepts the SPO's submissions that Proposed Exhibits 27 and 29 were seized from Mr Krasniqi's residence and are both relevant to assessing the documents' authenticity and dissemination.⁷⁸ As regards the Defence's submissions that Proposed Exhibit 16 is a duplicate of a document already in evidence, and that a copy of it is also part of Proposed Exhibit 190,⁷⁹ the Panel notes that Proposed Exhibit 16 does not have a duplicate in evidence and that, as submitted by the SPO,⁸⁰ the copy forming part of Proposed Exhibit 190 is relevant

⁷⁶ Annex 1 to the Response, Proposed Exhibits 7-11.

⁷⁷ P00609 and related translation. This exhibit was provided to the SPO by the ICTY/IRMCT. See Annex 1 to Motion, Proposed Exhibit 27.

⁷⁸ Annex 1 to Motion, Proposed Exhibits 27, 29. *Contra* Annex 1 to the Response, Proposed Exhibits 27 and 29.

⁷⁹ Annex 1 to the Response, Proposed Exhibit 16.

⁸⁰ Reply, para. 2.

to the dissemination of Proposed Exhibit 16. Similarly, the Panel accepts the SPO's submissions that Proposed Exhibit 31, despite being a duplicate of P01364, has independent relevance and probative value, considering that it was seized from Mr Krasniqi's residence.⁸¹

30. Having carefully reviewed Proposed Exhibits 1-14 and 16-120A, the Panel is satisfied that they are relevant to allegations in the Indictment.⁸²

(b) Authenticity

31. Regarding authenticity, the Panel notes that, except for Proposed Exhibit 82, the remaining Orders, Authorisations and Appointments are all signed and dated. In particular, with the exception of Proposed Exhibit 64 which is signed by the Chief of Staff of the Dukagjin OZ, the remaining Orders, Authorisations and Appointments are all signed by Commander Ramush Haradinaj, and some of them are signed by other individuals too.⁸³ In addition, all Orders, Authorisations and Appointments, apart from Proposed Exhibit 5, bear the KLA header, and the majority of them also contain the KLA logo or emblem.⁸⁴ Moreover, Proposed Exhibits 1, 7-13, 16, 20, 34, 36, 37, 39, 40, 48, 64, 67-71, 73, 74, 78, 80, 81, 88, 89, 93, 98-101 and 104 include a reference or registration number.⁸⁵ The Panel further notes that Proposed Exhibits 18, 19, 34, 36, 39, 40, 42-48, 51, 53-57, 67-74, 78, 80, 81, 88, 89, 93, 98-101 and 104 bear the code "N/O/D-14-05" (or a variation thereof), which is further used in other documents tendered in the Motion.⁸⁶

⁸¹ Reply, para. 2.

⁸² F00999/A01, Specialist Prosecutor, *Annex 1 to Submission of Confirmed Amended Indictment* ("Indictment"), 30 September 2022, confidential, paras 18-31, 32-54, 55, 63, 67, 100, 103, 142-144, 153 and 154. *Contra* Response, para. 11; Annex 1 to the Response, R.1 and R.2 Objections.

⁸³ Proposed Exhibits 5, 43-47, 88.

⁸⁴ Proposed Exhibits 18, 42-47, 51, 53-57, 67-74, 78, 80, 81, 88-89, 93, 98-101, 104.

⁸⁵ Contrary to the Defence's submissions, apart from Proposed Exhibit 37, a number of other similar documents also contain a registration number. *See e.g.* Proposed Exhibits 1, 7, 8 and 11. *Contra* Annex 1 to the Response, Proposed Exhibit 37.

⁸⁶ *See* Proposed Exhibits 38, 49, 58, 94, 96, 97, 102, 103, 105-110. *See further* Proposed Exhibits 204-208, 350 where the code "1405" is used instead.

Contrary to the Defence's submissions,⁸⁷ the Panel is of the view that the use of the code "N/O/D-14-05" and its variations provides further indication of the origin and source of the tendered material. Furthermore, Proposed Exhibits 16, 40, 69, 70, 98 and 100 were shown to and discussed with W04403 in the course of his testimony.⁸⁸ In this regard, the Panel recalls that the fact that a document was not authenticated, nor corroborated and even in certain instances contradicted by a witness who testified does not prevent its admission if the requirements of Rule 138 are otherwise met. However, this may negatively impact the weight that the Panel could attribute to such evidence.⁸⁹ The Panel further notes that Proposed Exhibits 42-47 contain documents with similar information and format. As regards Proposed Exhibit 82, the Panel notes that although this order is not signed, it is dated, its header refers to "KLA, Dukagjin Plain Operational Staff", and Commander Ramush Haradinaj is mentioned as the issuing authority. For these reasons, the Panel is satisfied that the Orders, Authorisations and Appointments bear sufficient indicia of authenticity to meet the *prima facie* threshold.

32. In relation to the Lists, the Panel notes that Proposed Exhibits 17, 21, 22, 49, 52 and 65 are dated, signed by Commander Ramush Haradinaj and bear a KLA header and/or logo. They also refer to the names of soldiers⁹⁰ and volunteers⁹¹ as well as the names of the places they were sent as reinforcement or they presented for enlistment, while some of them also refer to the individuals' places of origin.⁹² Additionally, Proposed Exhibits 17 and 21 include a reference number while Proposed Exhibits 49, 52 and 65 bear the code "N/O/D-14-05". This provides further indication of the origin and source of this material. As regards Proposed Exhibit 63, the Panel notes that, although it is not signed, the document bears a

⁸⁷ See e.g. Annex 1 to the Response, Proposed Exhibit 97.

⁸⁸ Transcript of Hearing, 26 March 2025, pp. 25977-25987, 25991, 25993.

⁸⁹ Decision on Pashtrik Zone Bar Table Motion, para 18. See *above* para. 10.

⁹⁰ Proposed Exhibits 17, 21, 22, 52, 65.

⁹¹ Proposed Exhibit 49.

⁹² Proposed Exhibits 17, 49.

KLA header, indicates a date and place of issuance, and lists the names of soldiers sent as reinforcement. The Panel is, therefore, of the view that Proposed Exhibit 63 appears to originate from the KLA. As regards Proposed Exhibit 117, the Panel notes that it bears a KLA stamp and contains personal details of the individuals concerned as well as their weapons. In addition, the personal details of an individual referred to as a deserter in Proposed Exhibit 117 are also listed in Proposed Exhibit 53, where he is mentioned as a soldier. For these reasons, the Panel is satisfied that the Lists bear sufficient indicia of authenticity to meet the *prima facie* threshold.

33. Turning to the Summonses and Permits, the Panel notes that they are dated, signed, including by Commander Ramush Haradinaj⁹³ and other KLA commanders,⁹⁴ and they contain details about the individuals and places concerned. Furthermore, Proposed Exhibits 50, 61, 79 and 84 have a handwritten or typed KLA header, and Proposed Exhibit 79 also bears a KLA logo. The Panel further considers the SPO's submissions that part of the information contained in Proposed Exhibits 50 and 84 overlaps with the information contained in Proposed Exhibit 31 as well as other admitted evidence.⁹⁵ For these reasons, the Panel is satisfied that the Summonses and Permits bear sufficient indicia of authenticity to meet the *prima facie* threshold.

34. As regards the Requests, the Panel notes that: (i) Proposed Exhibits 38, 66 and 94 are signed by Commanders Ramush Haradinaj and Tahir Zemaj, whereas Proposed Exhibit 77 refers to Faton Mehmetaj as the issuing authority; (ii) Proposed Exhibits 38 and 77 bear a KLA header and Proposed Exhibit 94 bears both a KLA header and emblem; (iii) Proposed Exhibit 66 is addressed to "Dukagjini Plain Operative Staff"; and (iv) Proposed Exhibits 38 and 94 bear a

⁹³ Proposed Exhibits 84, 85.

⁹⁴ Proposed Exhibits 61, 79.

⁹⁵ See Annex 1 to the Motion, Proposed Exhibits 50, 84, referring to P01364, 1D00188, P00643 (p. SPOE00229213), P00913, P01384 and related translations.

reference number and/or the code “N/O/D-14-05”, which provides further indication of their origin and source. Furthermore, the Panel notes that the Requests are dated. The Panel also considers the SPO’s submissions that information contained in Proposed Exhibit 77 overlaps with information included in Proposed Exhibits 119, 203, 226 and 229 as well as other admitted evidence.⁹⁶ For these reasons, the Panel is satisfied that the bear sufficient indicia of authenticity to meet the *prima facie* threshold.

35. Regarding the Communiques and Reports, the Panel observes that Proposed Exhibits 97, 102, 103, 105-110 and 113 consist of documents providing a detailed account of ongoing hostilities, meetings, the movement of civilian population, the composition and restructuring of the Dukagjin OZ Command as well as names of the relevant individuals, their roles and locations concerned. In addition, Proposed Exhibits 97, 102, 103 and 105-110: (i) are dated; (ii) contain a KLA emblem and/or header; and (iii) are signed by a commander,⁹⁷ or refer to Commander Ramush Haradinaj⁹⁸ or the “KLA, Operational Staff of the Plain of Dukagjin” as the issuing authority.⁹⁹ Proposed Exhibits 97, 102, 103 and 105-108 also contain a reference number and the code “N/O/D-14-05”, which provides further indication of their origin and source. Furthermore, Proposed Exhibit 113 was shown to and discussed with W04403 in the course of his testimony.¹⁰⁰ Turning to Proposed Exhibits 114, 115 and 120A, the Panel notes that these documents are undated, unsigned and they bear no KLA stamp or header. Furthermore, they are not attributed to any entity or person nor do they provide any other clear reference to the KLA. The Panel is, therefore, of the view that Proposed Exhibits 114, 115 and 120A lack sufficient indicia of authenticity. The

⁹⁶ See Annex 1 to the Motion, Proposed Exhibit 77, referring to P01006, P00473, P00483, P00482 and related translations.

⁹⁷ Proposed Exhibits 109-110.

⁹⁸ Proposed Exhibit 106.

⁹⁹ Proposed Exhibits 97, 102-103, 105, 107-108.

¹⁰⁰ Transcript of Hearing, 26 March 2025, pp. 25995-25997, 26027.

fact that aspects of these exhibits overlap with aspects of other documents in evidence or tendered in the Motion is not, in itself, sufficient to establish *prima facie* authenticity. The Panel, therefore, finds that the SPO has failed to establish the *prima facie* authenticity of Proposed Exhibits 114, 115 and 120A and, therefore, denies their admission. For these reasons, the Panel is satisfied that, except for Proposed Exhibits 114, 115 and 120A, the Communiques and Reports bear sufficient indicia of authenticity to meet the *prima facie* threshold.

36. In relation to the Documents on Meetings, the Panel notes that: (i) Proposed Exhibits 3,¹⁰¹ 4, 6, 23, 28, 31, 62 and 91 are dated, and most of them refer to the place the relevant meetings took place;¹⁰² (ii) Proposed Exhibits 3, 6, 23, 28, 31, 62 and 91 name the participants to the meetings, which include Commander Ramush Haradinaj; (iii) Proposed Exhibits 28 and 31 contain a KLA header; (iv) Proposed Exhibit 31 bears a reference number; and (v) Proposed Exhibits 3, 4 and 6 are signed by the minute taker, Proposed Exhibits 23 and 91 contain the signatures of some of the participants, Proposed Exhibit 31 is signed by Ramush Haradinaj and the minute taker, and Proposed Exhibits 62 and 91 identify by name the minute taker. As regards Proposed Exhibits 3, 4 and 6, the Panel finds that, in light of their content, in particular the specific references to locations and individuals present or active in the Dukagjin OZ, these exhibits originate from the KLA.¹⁰³ With respect to Proposed Exhibit 14 which is the agenda of a meeting, the Panel notes that, although it is not signed, the document is dated and Commander Ramush Haradinaj is identified as the issuing authority. The Panel further notes that the minutes of the meeting, as well as the military regulations adopted therein, are already in evidence.¹⁰⁴ The Panel is therefore satisfied that Proposed Exhibit 14 originates from the KLA. For these reasons, the Panel is satisfied that the

¹⁰¹ The Panel recalls that it only assessed pp. 1-5 of the English translation of Proposed Exhibit 3. See above footnote 64.

¹⁰² Proposed Exhibits 6, 23, 28, 31, 62, 91.

¹⁰³ *Contra* Annex 1 to the Response, Proposed Exhibits 3, 4 and 6.

¹⁰⁴ See P01598, P00927, P00908 and related translations.

Documents on Meetings bear sufficient indicia of authenticity to meet the *prima facie* threshold.

37. As regards the General Staff Documents, the Panel notes that Proposed Exhibits 27, 29, 32, 33, 90 and 92: (i) are dated; (ii) bear a KLA header and/or logo; and (iii) are signed by Commander Ramush Haradinaj or refer to him or the General Staff as the issuing authority. Moreover, Proposed Exhibits 29, 32, 33, 90 and 92 include a reference number and/or refer to the code “N/O/D-14-05”, which provides further indication of the origin and source of this material. The Panel additionally notes that Proposed Exhibits 27 and 32 were shown to and discussed with W04752 and W04403 respectively in the course of their testimony.¹⁰⁵ In this regard, the Panel recalls that the fact that a document was not authenticated, nor corroborated and even in certain instances contradicted by a witness who testified does not prevent its admission if the requirements of Rule 138 are otherwise met. However, this may negatively impact the weight that the Panel may attribute to such evidence.¹⁰⁶ The Panel additionally notes that Proposed Exhibits 27, 32 and 33 were seized from Mr Krasniqi’s residence. The Panel further notes that, although Proposed Exhibit 86 is not signed, it is dated, bears a “KLA, General Staff” header, refers to the code “N/O/D-14-05”, and is a document seized from Mr Krasniqi’s residence. This provides further indication of the document’s origin and source. As regards Proposed Exhibit 120, the Panel notes that it consists of a handwritten, signed invitation to Commander Ramush Haradinaj to attend a General Staff meeting from Lahi Brahimaj. Although the document is signed, the Panel notes that it bears no date, header or logo, nor any indication of when and for what purpose this invitation was prepared. The Panel, therefore, finds that the SPO has failed to establish the *prima facie* authenticity of Proposed Exhibit 120 and, therefore, denies its admission. For these reasons, the Panel is satisfied that, except

¹⁰⁵ Transcript of Hearing, 1 July 2024, p. 17381; Transcript of Hearing, 26 March 2025, pp. 25994-25995.

¹⁰⁶ Decision on Pashtrik Zone Bar Table Motion, para 18. *See above* para. 10.

for Proposed Exhibit 120, the General Staff Documents bear sufficient indicia of authenticity to meet the *prima facie* threshold.

38. Turning to the Documents on Opponents, the Panel notes that information contained in Proposed Exhibits 75 and 76 overlaps with information included in Proposed Exhibits 214 and 215, which are reports with the header “KLA, Command of the Dukagjin OZ”. Furthermore, Proposed Exhibit 75 is dated, whereas, Proposed Exhibit 76 was shown to and discussed with W04403 in the course of his testimony.¹⁰⁷ In this regard, the Panel reiterates that the fact that a document was not authenticated, nor corroborated and even in certain instances contradicted by a witness who testified does not prevent its admission if the requirements of Rule 138 are otherwise met. However, this may negatively impact the weight the Panel may attribute to the evidence.¹⁰⁸ As regards Proposed Exhibits 26 and 116, the Panel notes that these documents overlap, in part, in substance with each other and record similar information to Proposed Exhibit 215. Moreover, Proposed Exhibit 26 is dated and refers to specific persons, locations and events, whereas Proposed Exhibit 116 refers similarly to specific persons, dates, locations and events. The Panel is, therefore, satisfied that Proposed Exhibits 26, 75, 76 and 116 bear sufficient indicia of authenticity to meet the *prima facie* threshold.¹⁰⁹

39. In relation to the Doctor’s Note, the Panel notes that the document is dated, signed and its content overlaps in substance with Proposed Exhibits 1 and 36. In relation to the Appeal, the Panel notes that it contains a handwritten KLA header, is dated and signed and its content overlaps in substance with Proposed Exhibits 1, 36 and 41, Adjudicated Fact 353 as well as other admitted evidence.¹¹⁰

¹⁰⁷ Transcript of Hearing, 26 March 2025, pp. 25988-25990.

¹⁰⁸ Decision on Pashtrik Zone Bar Table Motion, para 18. *See above* para. 10.

¹⁰⁹ *Contra* Annex 1 to the Motion, Proposed Exhibits 26, 75, 76, 116.

¹¹⁰ *See* P00827/ P00827_AT.

For these reasons, the Panel is satisfied that the Doctor's Note and the Appeal bear sufficient indicia of authenticity to meet the *prima facie* threshold.

40. With respect to the Military Police Documents, the Panel notes that Proposed Exhibit 96 is dated, contains a KLA header and emblem as well as a reference number. Said exhibit also bears the code "N/O/D-14-05", which provides further indication of its origin and source. For these reasons, the Panel is satisfied that Proposed Exhibit 96 bears sufficient indicia of authenticity and is therefore *prima facie* authentic. Turning to Proposed Exhibit 118,¹¹¹ the Panel finds that, in the absence of any header, date, signature or other substantive detail linking the document to the KLA, the document lacks sufficient indicia of authenticity. The mere fact that certain documents in evidence contain information that overlap with one aspect of Proposed Exhibit 118 is not, in itself, sufficient to establish *prima facie* authenticity. The Panel, therefore, finds that the SPO has failed to establish the *prima facie* authenticity of Proposed Exhibit 118 and, therefore, denies its admission.

41. In relation to Proposed Exhibit 119, the Panel notes that the notebook contains the handwritten title "KLA, a notebook for the needs of the special unit", and its contents list the names and personal details of soldiers, including date of birth, place of origin, profession, date of enlistment, as well as the names of the unit's commanders, the weapons and ammunition available and duty schedules. The Panel further notes that the information contained in Proposed Exhibit 119 overlaps with information contained in Proposed Exhibits 203, 226, 229 and 232. The Panel is of the view that, in light of its content, Proposed Exhibit 119 appears to originate from the KLA. For these reasons, the Panel is satisfied that Proposed Exhibit 119 bears sufficient indicia of authenticity to meet the *prima facie* threshold.

¹¹¹ The Panel recalls that it has assessed Proposed Exhibit 118 as whole (U001-7246-U001-7247). *See above* footnote 65.

42. In relation to the Other Documents, the Panel notes that Proposed Exhibits 25, 35,¹¹² 58-60, 83 and 87 are dated and signed, including by Commander Ramush Haradinaj¹¹³ and other KLA commanders,¹¹⁴ and some of them bear a KLA header and/or emblem.¹¹⁵ The Panel further notes that: (i) Proposed Exhibit 35 bears a reference number and Proposed Exhibits 58 and 60 bear the code "N/O/D-14-05"; and (ii) Exhibits 83 and 87 pertain to the same individuals and facts. As regards Proposed Exhibit 95, the Panel notes that the document is signed, indicates a date and place of issuance and bears a handwritten KLA header. In relation to Proposed Exhibit 95, the Panel further notes that: (i) the document was shown to and discussed with W04403 in the course of his testimony;¹¹⁶ and (ii) the information recorded therein overlaps with the information contained in Proposed Exhibits 179, 181 and 184. With respect to the Defence's submissions concerning Proposed Exhibit 95,¹¹⁷ the Panel recalls that the fact that a document was not authenticated, nor corroborated and even in certain instances contradicted by a witness who testified does not prevent its admission if the requirements of Rule 138 are otherwise met. However, this may negatively impact the weight that the Panel may attribute to such evidence.¹¹⁸ As regards Proposed Exhibit 24, the Panel notes that it is dated, bears a handwritten KLA header, and identifies the Dukagjin OZ Chief of Staff as the author. The Panel further considers the SPO's submissions that information contained in Proposed Exhibit 24 overlaps with information contained in Proposed Exhibit 138 and in

¹¹² The Panel recalls that it has assessed only pp. 1-2 of the English translation of Proposed Exhibit 35. *See above* footnote 66.

¹¹³ Proposed Exhibits 35, 58-60, 83.

¹¹⁴ Proposed Exhibit 25.

¹¹⁵ Proposed Exhibits 25, 35, 58, 60, 95.

¹¹⁶ Transcript of Hearing, 26 March 2025, pp. 25994, 26025-26026, public.

¹¹⁷ Response, para 18; Annex 1 to the Response, Proposed Exhibit 95.

¹¹⁸ Decision on Pashtrik Zone Bar Table Motion, para 18. *See above* para. 10.

other admitted evidence.¹¹⁹ In relation to Proposed Exhibit 30, the Panel notes that it is a cover page with the KLA header and code “N/O/D-14-05”, and it identifies the General Staff as a recipient. The Panel further notes that Proposed Exhibit 30 was seized from Mr Krasniqi’s residence and relates to Proposed Exhibit 31.¹²⁰ The Panel finds that this provides further indication of its origin and source. As for Proposed Exhibit 111, the Panel notes that it is signed by Commander Ramush Haradinaj and provides details about soldiers, their weapons and positions. For these reasons, the Panel is satisfied that the Other Documents bear sufficient indicia of authenticity to meet the *prima facie* threshold.

43. Lastly, the Panel notes that Proposed Exhibit 112 bears a “KLA, Operational Staff of Dukagjin Plain” header, an emblem of the KLA as well as the code “N/O/D-14-05”, which provides further indication of the document’s origin and source. For these reasons, the Panel is satisfied that Proposed Exhibit 112 bears sufficient indicia of authenticity to meet the *prima facie* threshold.

(c) Probative value not outweighed by prejudicial effect

44. Having found Proposed Exhibits 1-14, 16-113, 116, 117 and 119 to be relevant and *prima facie* authentic,¹²¹ the Panel is satisfied that these items also bear *prima facie* probative value regarding facts and circumstances relevant to this case as outlined above at paragraph 26.¹²²

45. The Panel finds that the probative value of Proposed Exhibits 1-14, 16-113, 116, 117 and 119 is not outweighed by any prejudicial effect, considering that the Defence will be able to make submissions in respect of the weight and probative

¹¹⁹ See Annex 1 to the Motion, Proposed Exhibit 24, *referring to* P00481, P00482, P00912 (para. 64) and related translations. *See also* Adjudicated Fact 200.

¹²⁰ Annex 1 to the Motion, Proposed Exhibit 30.

¹²¹ Regarding Proposed Exhibits 3 and 35, the Panel recalls that it has found relevant and *prima facie* authentic the following pages: (i) pp. 1-5 of the English translation of Proposed Exhibit 3 (*see above* footnote 64); and (ii) pp. 1-2 of the English translation of Proposed Exhibit 35 (*see above* footnote 66).

¹²² *Contra* Annex 1 to the Response, PV.1 Objections.

value of these items and may, if it so chooses, challenge the content of any of these items through the presentation of evidence, although it bears no onus to do so.

(d) Conclusion

46. In light of the above, the Panel is satisfied that Proposed Exhibits 1-14, 16-113, 116, 117 and 119 are admissible pursuant to Rule 138(1).¹²³ The Panel denies admission of Proposed Exhibits 114-115, 118 and 120-120A.

3. Proposed Exhibits 121-127 and 129-192: Local Staffs and Brigades, Spring/Summer 1998

47. At the outset, the Panel notes that the English translations of Proposed Exhibits 138 and 139 are marked as draft/unrevised translations. The Panel, therefore, directs the SPO to provide to the Panel and to disclose to the Parties and participants revised translations of Proposed Exhibits 138 and 139 by Friday, 23 May 2025.

48. The Panel also notes that, for the purpose of its assessment under Rule 138, it has considered the revised translations of Proposed Exhibits 122-124,¹²⁴ 126,¹²⁵

¹²³ The Panel notes that it admits only: (i) pp. 1-5 of the English translation of Proposed Exhibit 3 (*see above* footnote 64); and (ii) pp.1-2 of the English translation of Proposed Exhibit 35 (*see above* footnote 66). The Panel further notes that it admits the correct and revised versions of the English translations of Proposed Exhibits 18, 22 and 95 disclosed in Disclosure Packages 1654, 1678 and 1684 (*see above* para. 24).

¹²⁴ U002-0987-U002-0996-ET Revised; 100021-100102-ET; U002-0397-U002-0432-ET.

¹²⁵ U002-0752-U002-0760-ET.

127,¹²⁶ 130,¹²⁷ 131,¹²⁸ 134,¹²⁹ 149¹³⁰ and 179-182¹³¹ contained in Disclosure Package 1684.

(a) Relevance

49. Regarding the relevance of Proposed Exhibits 121-127 and 129-192, the Panel observes that the SPO submits that they relate to the structure and organisation of the KLA, including in the Dukagjin OZ, during the spring and summer of 1998.¹³² More specifically, the Panel notes that: (i) Proposed Exhibits 121, 132-135,¹³³ 138, 139, 145-148, 150-152, 154, 156-163, 165, 166, 170-176 and 186-187 consist of handwritten and typewritten reports and requests, some of which are addressed to the Dukagjin OZ Command, relating to the work and activities of local staffs in the Dukagjin area, such as military operations, training, logistics, enlistment of volunteers and confiscation of weapons from civilians (“Reports and Requests”); (ii) Proposed Exhibits 122,¹³⁴ 124, 136 and 189 consist of documents relating to rosters, guard duty and training of soldiers (“Documents on Training and Rosters”); (iii) Proposed Exhibits 125, 137, 142, 185 and 191 consist of orders and template orders relating, *inter alia*, to the transfer of soldiers, logistics, functioning of medical facilities and mobilisation of civilians (“Orders”); (iv) Proposed Exhibits 141, 144, 155, 164 and 192 consist of travel permits and templates thereof

¹²⁶ U001-6853-U001-6870-ET Revised.

¹²⁷ U002-1278-U002-1300-ET.

¹²⁸ 099995-100013-ET Revised.

¹²⁹ U002-2138-U002-2139-ET.

¹³⁰ U002-1162-U002-1175-ET.

¹³¹ U002-1393-U002-1394-ET; U002-2098-U002-2099-ET; U002-2106-U002-2108-ET; U002-2109-U002-2110-ET.

¹³² Annex 1 to the Motion, Proposed Exhibits 121-127, 129-182, 184-192.

¹³³ The Panel notes that, upon the Defence’s request, it has assessed Proposed Exhibit 134 (and related translation) in its entirety, including p. U002-2139 consisting of a text written in Serbian, although said page is not tendered by the SPO. *See* Response, paras 19-20, and Annex 1 to the Response, Proposed Exhibit 134. *See also* Annex 1 to the Motion, Proposed Exhibit 134.

¹³⁴ The Panel notes that, upon the Defence’s request, it has assessed Proposed Exhibit 122 (and related translation) in its entirety, including p. U002-0996 consisting of a text written in Serbian, although said page is not tendered by the SPO. *See* Response, paras 19-20, and Annex 1 to the Response, Proposed Exhibit 122. *See also* Annex 1 to the Motion, Proposed Exhibit 122.

("Travel Permits"); (v) Proposed Exhibit 143 consists of an invitation to attend a work meeting; (vi) Proposed Exhibits 168 and 179 consist of regulations issued by local staffs ("Regulations"); (vii) Proposed Exhibits 180-184 consist of various lists pertaining to the work of the Kryshec local staff, issued by its commander ("Lists"); (viii) Proposed Exhibit 169 consists of a handwritten record of a meeting in the village of Baballoq attended by the Dukagjin OZ Chief of Staff; (ix) Proposed Exhibits 123, 126, 127, 129-131,¹³⁵ 140, 167, 177, 178 and 188 consist of notebooks, notebook entries and excerpts from diaries detailing ongoing hostilities as well as the work and activities of local staffs, such as the organisation of medical supplies, distribution of weapons and monitoring the activities and movements of volunteers and civilians ("Notebooks"); (x) Proposed Exhibit 149 consists of a collection of documents from the local staff in Kosuriq containing lists of soldiers and vehicles belonging to members of the village; (xi) Proposed Exhibit 153 consists of a request by six individuals to Commander Ramush Haradinaj for provision of weapons; and (xii) Proposed Exhibit 190¹³⁶ consists of a compilation of documents containing, *inter alia*, signed orders, military regulations, duty schedules, travel permits and a soldier's identification card.

50. The Panel further notes that the SPO relies on Proposed Exhibits 121-127 and 129-192 to demonstrate that, in spring 1998, local staffs in the Dukagjin area were: (i) organising military training, guard duties, and checkpoints;¹³⁷ (ii) authorising travel;¹³⁸ (iii) issuing mobilisation orders and training/work schedules;¹³⁹ and

¹³⁵ In relation to Proposed Exhibit 129, the Panel notes that the SPO only tenders pp. U001-6417-U001-6437. The Panel, therefore, has assessed these pages and related translation.

¹³⁶ The Panel notes that it has assessed pp. 1-3, 25, 30, 31, 33, 35, 37, 39-41, 43-45, 48-75, tendered by the SPO. The Panel has further assessed, upon the Defence's request, pp. 32, 34, 36, 38, 42, 46 and 47 which contain text written in Serbian, although said pages are not tendered by the SPO. *See* Response, paras 19-20, and Annex 1 to the Response, Proposed Exhibit 190. *See also* Annex 1 to the Motion, Proposed Exhibit 190.

¹³⁷ *See e.g.* Proposed Exhibits 122-124, 128-130.

¹³⁸ *See e.g.* Proposed Exhibits 123, 128-130.

¹³⁹ *See e.g.* Proposed Exhibits 125, 189.

(iv) acknowledging contributions to and support for the KLA.¹⁴⁰ In addition, the SPO relies on Proposed Exhibits 121-127 and 129-192 to demonstrate that subordinate commands, amongst other things: (i) reported and made requests to the Dukagjin OZ Command concerning, *inter alia*, logistics, military operations, weapons, movement control, training;¹⁴¹ and (ii) executed orders from the General Staff and Dukagjin OZ Command, and applied KLA regulations.¹⁴² Finally, Proposed Exhibits 121-127 and 129-192 demonstrate, according to the SPO, that: (i) intelligence and military police units were established in local staffs under the direction of the Dukagjin OZ Command;¹⁴³ and (ii) there were ongoing and frequently intense hostilities between KLA and Serbian forces in the Dukagjin OZ.¹⁴⁴

51. In relation to Proposed Exhibit 183, the Panel notes that this document is a duplicate of Proposed Exhibit 181. In particular, the Panel observes that, although the two documents were provided to the SPO by two different authorities,¹⁴⁵ the SPO makes no submissions as to why both versions of the document are relevant and should be admitted. The Panel therefore denies admission of Proposed Exhibit 183 as being unnecessarily duplicative.

52. As regards the Defence's objections regarding the relevance of Proposed Exhibits 169 and 176,¹⁴⁶ the Panel observes that: (i) Proposed Exhibit 169 contains the minutes of a meeting in the village of Baballoq attended by the Dukagjin OZ Chief of Staff, where he was briefed about the situation in the village and other issues such as general mobilisation, deserters and food supplies were discussed; and (ii) Proposed Exhibit 176 is a request for the provision of food for soldiers in

¹⁴⁰ See e.g. Proposed Exhibits 127, 129.

¹⁴¹ See e.g. Proposed Exhibits 121, 123, 127-131, 135, 138, 139, 145-148, 150-153, 156, 158-163, 165, 166, 169, 170-175, 178.

¹⁴² See e.g. Proposed Exhibits 123, 127, 134, 138, 140, 165, 168, 179, 190.

¹⁴³ See e.g. Proposed Exhibits 156, 157, 161, 179, 180.

¹⁴⁴ See e.g. Proposed Exhibits 121, 123, 125, 140, 146, 152, 156, 162, 163, 174, 178, 184, 188, 190.

¹⁴⁵ Annex 1 to the Motion, Proposed Exhibits 181, 183.

¹⁴⁶ Response, para. 11.

Sverke. The Panel is, therefore, satisfied that Proposed Exhibits 169 and 176 are relevant to the structure and organisation of the KLA in the Dukagjin OZ as well as the coordination and cooperation between the Dukagjin OZ Command and subordinate commands.

53. Moreover, the Panel notes that the second page of Proposed Exhibit 144¹⁴⁷ contains a signed request by a local commander to “Comrade Commander” for the provision of military equipment. Bearing in mind that there is no information available as to the recipient of said request, the Panel finds that the SPO has failed to establish that the document relates to the provision of training and control over weapons by the KLA as purported. The Panel therefore denies admission of the second page of Proposed Exhibit 144.

54. Having carefully reviewed Proposed Exhibits 121-127, 129-182 and 184-192, the Panel is satisfied that, except for page 2 of Proposed Exhibit 144, they are relevant to allegations in the Indictment.¹⁴⁸

(b) Authenticity

55. Regarding the authenticity of the Reports and Requests, in particular Proposed Exhibits 132-135, 138, 139, 145-148, 150, 154, 156-158, 160, 162, 163, 165, 170, 171 and 173-176, the Panel notes that they indicate a date and place of issuance, they are signed or contain the name of their author, including by KLA commanders,¹⁴⁹ and some of them bear a KLA header.¹⁵⁰ In addition, the Panel notes that: (i) Proposed Exhibits 132 and 133 are issued by the same KLA commander and they both record similar information; (ii) Proposed Exhibits 146, 147, 156, 162 and 174 are issued by the Xhungla Staff leader during the same time-period and record information of a similar nature; and (iii) Proposed

¹⁴⁷ U001-5870-U001-5871, p. U001-5871 and related translation.

¹⁴⁸ Indictment, paras 18-31, 32-55, 63, 84, 100, 122, 142-144. *Contra* Response, para. 11; Annex 1 to the Response, R.1 and R.2 Objections.

¹⁴⁹ Proposed Exhibits 132-135, 138, 148, 154, 157, 160, 162, 170, 171, 173, 175.

¹⁵⁰ Proposed Exhibits 134, 138, 146-148, 156, 157, 160, 162, 165, 173, 174.

Exhibits 148, 157, 160 and 173 are issued by the Kralan Staff commander and concern the work and activities of said staff. Further, Proposed Exhibits 162 and 163 refer, in part, to the same events and locations. Although Proposed Exhibit 171 does not bear a KLA header, it is signed by Nazmi Brahimaj who was a KLA commander, as confirmed by other admitted evidence.¹⁵¹ Furthermore, Proposed Exhibit 175 refers to certain individuals and facts also referred to in Proposed Exhibits 69 and 160. Additionally, the Panel considers that, according to the SPO, Proposed Exhibit 170 overlaps in substance with Proposed Exhibit 59. Turning to Proposed Exhibits 172, the Panel observes that, although this document is not signed, it indicates a date and place of issuance, and bears the title “Weekly KLA Report – Rashkoc Village”. The Panel further considers that Proposed Exhibit 172 concerns the same location and time period as, and records similar information to, Proposed Exhibits 59 and 148. The Panel is of the view that, in light of their content, as analysed above, Proposed Exhibits 132-135, 138, 139, 145-148, 150, 154, 156-158, 160, 162, 163, 165, 170-176 appear to originate from the KLA.

56. As regards Proposed Exhibits 121, 151 and 161, the Panel notes that they are handwritten documents originating from the Cërmjan local staff, providing details about its work and activities. They bear a handwritten KLA header and identify the local staff of Cërmjan as the issuing authority. In addition, Proposed Exhibits 151 and 161 are dated, whereas part of the information contained in Proposed Exhibits 121 and 161 overlap in substance with each other and with information contained in Proposed Exhibits 151 and 69, respectively. In relation to Proposed Exhibits 159, 166 and 187, the Panel notes that these documents originate from the Bec local staff, are signed by its local commander and record information of a similar nature. Moreover, Proposed Exhibit 159 and 166 concern the same time period. With respect to Proposed Exhibit 152, the Panel observes that it bears a

¹⁵¹ See e.g. P00103, P01593 (p. U002-9310), P00099.2_ET, p. 15, P00099.3_ET p. 12 and related translations. *Contra* Annex 1 to the Response, Proposed Exhibit 171.

handwritten KLA header, is signed by an unnamed commander and refers to specific dates and locations. As regards Proposed Exhibit 186, the Panel notes that, although this request is unsigned, it is addressed to the Loxha local staff and refers to the same individual and locations referred to in Proposed Exhibit 158. The Panel is of the view that, in light of their content, Proposed Exhibits 121, 151, 152, 159, 161, 166, 186 and 187 appear to originate from the KLA. For these reasons, the Panel is satisfied that the Reports and Requests bear sufficient indicia of authenticity to meet the *prima facie* threshold.

57. Regarding the Documents on Training and Rosters, the Panel notes that: (i) Proposed Exhibit 124 is a notebook titled “Official Wardens’ Notebook, Kosovo Liberation Army, Kryshec Headquarters”, which provides information about the KLA staff in the village of Kryshec during June-July 1998; (ii) Proposed Exhibit 136, which lists the names of individuals taking part in training, indicates a date and place of issuance, is signed by a local KLA commander and bears a KLA header; (iii) Proposed Exhibit 189 accounts for the daily schedule of training and work at the Glllogjan Staff and bears a “KLA, Dukagjin Regional Staff” header; and (iv) Proposed Exhibit 122 contains a detailed account of the duty roster in the village of Prejlep and indicates a place and date of issuance. The Panel is of the view that, in light of their content, Proposed Exhibits 122, 124, 136 and 189 appear to originate from the KLA. For these reasons, the Panel is satisfied that, the Documents on Training and Rosters bear sufficient indicia of authenticity to meet the *prima facie* threshold.

58. Turning to the Orders, the Panel notes that: (i) Proposed Exhibits 125 and 137 are signed by a KLA commander, indicate a date and place of issuance and bear a reference number, while Proposed Exhibit 137 bears a KLA header too; (ii) Proposed Exhibit 142 is signed by a KLA commander and indicates a date and place of issuance; (iii) Proposed Exhibit 185 contains two typewritten templates of general mobilisation orders for the Kryshec village, bears a KLA header and is

signed by the local commander; and (iv) Proposed Exhibit 191 is signed by KLA commander Nazmi Brahimaj and bears a “KLA, Dukagjini Plain Operational Staff” header. For these reasons, the Panel is satisfied that the Orders bear sufficient indicia of authenticity to meet the *prima facie* threshold.

59. In relation to the Travel Permits, the Panel notes that Proposed Exhibits 144,¹⁵² 155 and 164 indicate a date and place of issuance, are signed by a KLA commander, while Proposed Exhibits 144 and 155 bear a KLA header. As regards the Defence’s submissions regarding the signature contained in Proposed Exhibit 155,¹⁵³ the Panel notes that whether this signature belongs to the commander in question is an issue the Panel will address at the end of trial, having regard to the entire body of evidence admitted, in accordance with Rule 139(2). As for Proposed Exhibit 141, the Panel notes that it includes a template travel permit bearing the KLA header and emblem as well as a set of handwritten travel permits which are dated and signed by KLA commanders. Similarly, Proposed Exhibit 192 contains a template travel permit which bears a KLA header, refers to Gergoc local commander as the issuing authority, and its format is similar to the template contained in Proposed Exhibit 144, which was also issued by the Gergoc commander. For these reasons, the Panel is satisfied that the Travel Permits bear sufficient indicia of authenticity to meet the *prima facie* threshold.

60. Regarding the Regulations, the Panel notes that Proposed Exhibit 168 is a dated, typewritten document, bearing a “KLA, Loxha Staff” header, and its content overlaps with the information contained in Proposed Exhibit 82 as well as other admitted evidence.¹⁵⁴ As regards the Defence’s submissions regarding the handwritten date contained in Proposed Exhibit 168,¹⁵⁵ the Panel notes that it will

¹⁵² The Panel has assessed the authenticity of p. 1 of Proposed Exhibit 144 (U001-5870) and related translation, given that it denied the admission of the second page of said exhibit. *See above* para. 53.

¹⁵³ Annex 1 to the Response, Proposed Exhibit 155.

¹⁵⁴ *See e.g.* P00166 (p. U000-9351) and P00641 (p. SPOE00231447) and related translations.

¹⁵⁵ Annex 1 to the Response, Proposed Exhibit 168.

address such issues at the end of trial, having regard to the entire body of evidence admitted. In relation to Proposed Exhibit 179, the Panel notes that the document appears to be a draft version and is unsigned and undated. Nevertheless, the Panel notes that it bears a “KLA, Headquarters for Defence Kryshec/Krusevac” header, and identifies the intelligence services and the commander as the issuing authority. In the Panel’s view, this provides sufficient indication of the origin and source of this material.¹⁵⁶ For these reasons, the Panel is satisfied that the Regulations bear sufficient indicia of authenticity to meet the *prima facie* threshold.

61. Regarding the Lists, the Panel notes that Proposed Exhibits 180 and 181 bear a “KLA, Kryshec/Krusevac Headquarters” header, are signed by the Kryshec local commander, while Proposed Exhibit 181 is also signed by the village’s intelligence service. In addition, Proposed Exhibit 180 relates to a specific time-period. As regards Proposed Exhibits 182 and 184, the Panel notes that the two documents are signed by the Kryshec commander and overlap in substance. The Panel further notes that the Lists are all signed by the same KLA commander and concern the work of the Kryshec local staff. For these reasons, the Panel is satisfied that the Lists bear sufficient indicia of authenticity to meet the *prima facie* threshold.

62. Turning to the Notebooks, the Panel notes that Proposed Exhibits 123, 129-131,¹⁵⁷ 140, 178 and 188 account for contemporaneous events in the villages of Kryshec, Nec, Zabeli as well as surrounding villages, and provide details about the work of the KLA in these villages. They refer to specific persons, dates and locations and some of their entries are dated and signed, including by the villages’ commander and deputy commander. Furthermore, the notebooks contained in Proposed Exhibits 123, 129 and 140 identify their respective authors. Similarly, some of the entries of Proposed Exhibit 126 are dated and signed, including by

¹⁵⁶ *Contra* Annex 1 to the Response, Proposed Exhibit 179.

¹⁵⁷ The Panel recalls that it has assessed only pp. U001-6417-U001-6437 of Proposed Exhibit 129 and related translation. *See above* footnote 135.

Commander Ramush Haradinaj. As regards Proposed Exhibit 127, the Panel notes that it accounts for events at the Stubull village during June-July 1998, and includes information on work meetings, coordination with surrounding local staffs, soldiers, weapons, movement control and supplies.¹⁵⁸ The Panel also considers the SPO's submissions that: (i) information contained in Proposed Exhibit 126 overlaps with information contained in Proposed Exhibit 36 and other admitted evidence;¹⁵⁹ (ii) information contained in Proposed Exhibit 127 overlaps with information contained in Proposed Exhibit 24, Adjudicated Fact 200 and other admitted evidence;¹⁶⁰ (iii) information contained in Proposed Exhibit 140 overlaps with information contained in Proposed Exhibits 129 and 188;¹⁶¹ and (iv) information contained in Proposed Exhibit 178 overlaps with information contained in Proposed Exhibit 246 as well as other admitted evidence.¹⁶² In light of their contents and specific references to several KLA commanders and local staff, the Panel finds that Proposed Exhibits 123, 126, 127, 129-131, 140, 178 and 188 appear to originate from the KLA.¹⁶³ Further, the Panel notes that Proposed Exhibit 177 provides a detailed account of the patients in the Jabllanicë/Jablanica health clinic, their diagnosis and medication. The notebook: (i) indicates the location and date where it was used and the names of the staff maintaining it; and (ii) includes the names and signatures of doctors as well as other details regarding the clinic's functioning. In addition, Proposed Exhibit 177 contains a signed and dated request for medical supplies by a KLA commander. The Panel further notes the SPO's submissions that information contained in the notebook overlaps with

¹⁵⁸ See e.g. Proposed Exhibit 127, pp. U001-6857, U001-6858, U001-6859, U001-6862.

¹⁵⁹ Annex 1 to the Motion, Proposed Exhibit 126, *referring to, inter alia*, P00826, P00827 and related translations.

¹⁶⁰ Annex 1 to the Motion, Proposed Exhibit 127, *referring to* P00912 and related translation.

¹⁶¹ Annex 1 to the Motion, Proposed Exhibit 140.

¹⁶² See Annex 1 to the Motion, Proposed Exhibit 140, *referring to* P01598, 1D00165, P01947 and related translations.

¹⁶³ *Contra* Annex 1 to the Response, Proposed Exhibit 188.

information contained in Proposed Exhibits 69 and 126 and other admitted evidence.¹⁶⁴ As regards Proposed Exhibit 167, the Panel notes that it is unsigned and unstamped. Although the document refers to certain dates and individuals, the SPO has provided no indication as to when the document was compiled and by whom. The Panel therefore denies admission of Proposed Exhibit 167. For these reasons, the Panel is satisfied that, except for Proposed Exhibit 167, the Notebooks bear sufficient indicia of authenticity to meet the *prima facie* threshold.

63. Furthermore, the Panel notes that Proposed Exhibit 169 is signed, indicates a date and place of issuance and refers to persons referred to also in Proposed Exhibits 25, 84 and 190. Proposed Exhibit 143 consists of a document, bearing a KLA header and signed by a KLA commander, inviting a commander to attend a working meeting. The document indicates a specific date, time and location, and its content overlaps with information contained in Proposed Exhibit 62. The Panel further notes that Proposed Exhibit 149 consists of a collection of documents from the local staff in Kosuriq village, some of which are dated, signed, bear a KLA header and refer to specific dates in 1998. In addition, the Panel notes that the documents contained in Proposed Exhibit 149 record similar information such as names of soldiers and details about their duties and assignments. As for Proposed Exhibit 153, the Panel observes that it contains a request to Commander Ramush Haradinaj for the provision of weapons, which indicates a date and place of issuance, names the individuals making that request, and indicates that they are members of the KLA.¹⁶⁵ Lastly, the Panel notes that Proposed Exhibit 190¹⁶⁶ consists of: (i) documents that are dated,¹⁶⁷ signed,¹⁶⁸ bear a KLA header¹⁶⁹ and/or reference

¹⁶⁴ See Annex 1 to the Motion, Proposed Exhibit 177, *referring to, inter alia*, P00934_ET.5 (p.23), P00487_ET.5 (pp.31, 36), P00486 (p. U002-3197), P00099.2_ET (p. 7) and related translations.

¹⁶⁵ *Contra* Annex 1 to the Response, Proposed Exhibit 153.

¹⁶⁶ The Panel notes that it has assessed pp. 1-3, 25, 30-75 of Proposed Exhibit 190. See *above* footnote 136.

¹⁶⁷ See Proposed Exhibit 190, pp. 1-3, 30, 33, 39-41.

¹⁶⁸ See Proposed Exhibit 190, pp. 1-3, 30, 33, 37, 39-41, 48.

¹⁶⁹ See Proposed Exhibit 190, pp. 35, 41, 48.

number;¹⁷⁰ (ii) a KLA identification card, dated and signed by Commander Ramush Haradinaj, bearing a KLA header and emblem;¹⁷¹ (iii) a template travel permit as well as a dated travel permit issued by a KLA commander;¹⁷² and (iv) dated, handwritten notes regarding guard patrol duty and provision of supplies.¹⁷³ For these reasons, the Panel is satisfied that Proposed Exhibits 143, 149, 153, 169 and 190 bear sufficient indicia of authenticity to meet the *prima facie* threshold.

(c) Probative value not outweighed by prejudicial effect

64. Having found Proposed Exhibits 121-127, 129-166, 168-182 and 184-192 to be relevant and *prima facie* authentic,¹⁷⁴ the Panel is satisfied that these items also bear *prima facie* probative value regarding facts and circumstances relevant to this case as outlined above at paragraph 50.¹⁷⁵

65. The Panel finds that the probative value of Proposed Exhibits 121-127, 129-166, 168-182 and 184-192 is not outweighed by any prejudicial effect, considering that the Defence will be able to make submissions in respect of the weight and probative value of these item and could, if it so chooses, challenge the content of any of these items through the presentation of evidence, although it bears no onus to do so.

¹⁷⁰ See Proposed Exhibit 190, p. 41.

¹⁷¹ See Proposed Exhibit 190, p. 43.

¹⁷² See Proposed Exhibit 190, pp. 44, 48.

¹⁷³ See Proposed Exhibit 190, pp. 63-75.

¹⁷⁴ Regarding Proposed Exhibits 129, 144 and 190, the Panel recalls that it has found relevant and *prima facie* authentic the following pages: (i) pp. U001-6417-U001-6437 of Proposed Exhibit 129 and related translation (*see above* footnote 135); (ii) p. 1 of Proposed Exhibit 144 (U001-5870) and related translation (*see above* para. 53); (iii) pp. 1-3, 25, 30-75 of Proposed Exhibit 190 (*see above* footnote 136).

¹⁷⁵ *Contra* Annex 1 to the Response, PV.1 Objections.

(d) Conclusion

66. In light of the above, the Panel is satisfied that Proposed Exhibits 121-127, 129-166, 168-182 and 184-192 are admissible pursuant to Rule 138(1).¹⁷⁶ The Panel denies admission of Proposed Exhibits 144,¹⁷⁷ 167 and 183.

4. Proposed Exhibits 193-201, 203-208, 210-215 and 217-240: General Staff and Dukagjin OZ Command, Post-Offensive¹⁷⁸

(a) Relevance

67. Regarding the relevance of Proposed Exhibits 193-201, 203-208, 210-215 and 217-240, the Panel notes the SPO's submissions that they relate to the structure and organisation of the KLA, including in the Dukagjin OZ, and concern the time period from mid-September 1998 through 1999.¹⁷⁹ More specifically, the Panel notes that: (i) Proposed Exhibits 193-195 consist of two diaries and one notebook of KLA commanders ("Notebooks"); (ii) Proposed Exhibits 197 and 198, 230 and 231 as well as 236 and 237 consist of KLA identification cards ("Identification Cards"); (iii) Proposed Exhibits 211-213 consist of notes regarding meetings of the Dukagjin OZ Command ("Documents on Meetings"); (iv) Proposed Exhibits 203-208 and 238-240 consist of documents containing communication codes and trigraphs ("Communication Documents"); (v) Proposed Exhibits 214 and 215 and 217 and 218 consist of typewritten intelligence reports ("Intelligence

¹⁷⁶ The Panel notes that it admits only: (i) pp. U001-6417-U001-6437 of Proposed Exhibit 129 and related translation (*see above* footnote 135); (ii) p. 1 of Proposed Exhibit 144 and related translation (*see above* para. 53); and (iii) pp. 1-3, 25, 30-75 of Proposed Exhibit 190 (*see above* footnote 136). The Panel further notes that it admits the revised versions of the English translations of Proposed Exhibits 123, 124, 126, 127, 130, 131, 134, 149, 179-182 contained in Disclosure Package 1684 (*see above* para. 48).

¹⁷⁷ The Panel recalls that it denies the admission of *only* the second page of Proposed Exhibit 144 (*see above* para. 53).

¹⁷⁸ The Panel notes the SPO's submissions that "offensive" refers to the early September 1998 offensive and that the Proposed Exhibits falling under this category concern the time period from mid-September 1998 through 1999. *See* Annex 1 to the Motion, p. 109, footnote 2.

¹⁷⁹ Annex 1 to the Motion, footnote 2, and Proposed Exhibits 193-195, 197-201, 203-208, 210-215, 217-240.

Reports"); (vi) Proposed Exhibits 219, 220 and 225 consist of lists relating to individuals wanted by the military police, deserters and soldiers ("Lists"); (vii) Proposed Exhibits 222-224 and 234 consist of receipts for contributions to the KLA as well as a blank template version of such receipts ("Receipts"); (viii) Proposed Exhibits 228, 229 and 232 contain certificates of membership to the KLA and participation to the war ("Certificates"); (ix) Proposed Exhibit 200¹⁸⁰ consists of various documents, such as reports, receipts, travel permits and guard schedules, relating to the work and activities of the KLA in the Dukagjin OZ; (x) Proposed Exhibits 196, 199, 201, 210, 221, 227, 233 and 235 consist of various documents relating to the ongoing hostilities and the work and activities of the KLA in the Dukagjin OZ ("Other Documents"); and (xi) Proposed Exhibit 226 is a collection of documents, including handwritten notes, an order and a KLA identity card, pertaining to the ongoing hostilities between the KLA and Serbian forces as well as the work, meetings and activities of the KLA in the Dukagjin OZ.

68. The Panel notes that Proposed Exhibits 193-201, 203-208, 210-215 and 217-240 relate, amongst others, to: (i) the ongoing hostilities between the KLA and Serbian forces in the Dukagjin OZ;¹⁸¹ (ii) the meetings, work and activities of the Dukagjin OZ Command;¹⁸² (iii) the identification and monitoring of alleged collaborators and others perceived as opponents;¹⁸³ and (iv) the existence and work of KLA intelligence services, military police and the Special Unit "Black Eagles" in the Dukagjin OZ.¹⁸⁴ In particular, the SPO relies on Proposed Exhibits 193-195, 197-201, 203-208, 210-215 and 217-240 to demonstrate, *inter alia*, that the Dukagjin

¹⁸⁰ The Panel notes that it has not considered pp. U009-2026-U009-2030 of Proposed Exhibit 200 given the fact that the SPO has not made submissions as to the relevance, authenticity and probative value of those pages, and has not tendered their English translation. In this regard, *see* footnote 30 of the Reply, where the SPO "clarifies that it only intends to rely on those portions of a document translated".

¹⁸¹ *See e.g.* Proposed Exhibits 190, 193-195.

¹⁸² *See e.g.* Proposed Exhibits 193-195, 211-213.

¹⁸³ *See e.g.* Proposed Exhibits 193, 214-219.

¹⁸⁴ *See e.g.* Proposed Exhibits 191, 193-195, 200, 211, 212, 214-218.

OZ Command issued orders, including on the basis of KLA regulations and General Staff decisions,¹⁸⁵ concerning standardised communications,¹⁸⁶ financial plans,¹⁸⁷ registration, assignment and transfer of soldiers¹⁸⁸ as well as provision of weapons and logistics.¹⁸⁹

69. In relation to Proposed Exhibit 196, the Panel observes that the document is a duplicate of p. U009-2016 of Proposed Exhibit 200, and that the SPO makes no submissions as to why both versions should be admitted. The Panel therefore denies admission of Proposed Exhibit 196.

70. As regards the Defence's objections regarding the relevance of Proposed Exhibits 222-224 and 235,¹⁹⁰ the Panel observes that Proposed Exhibits 222-224 consist of receipts for contributions to the KLA, whereas Proposed Exhibit 235 is a template version of a document bearing a KLA header. In the Panel's view, Proposed Exhibits 222-224 and 235 are relevant to the organisation and structure of the KLA in the Dukagjin OZ.

71. Having carefully reviewed Proposed Exhibits 193-195, 197-201, 203-208, 210-215 and 217-240, the Panel is satisfied that they are relevant to allegations and charges in the Indictment.¹⁹¹

(b) Authenticity

72. Regarding authenticity, the Panel notes that the Notebooks contain records of financial disbursements, minutes of work meetings, reports as well as various notes and lists detailing the work and activities of the KLA in the Dukagjin OZ. In

¹⁸⁵ See e.g. Proposed Exhibit 199.

¹⁸⁶ See e.g. Proposed Exhibits 203-208.

¹⁸⁷ See e.g. Proposed Exhibits 200-202.

¹⁸⁸ See e.g. Proposed Exhibits 197, 210, 228-230, 233, 236-237.

¹⁸⁹ See e.g. Proposed Exhibits 222-224, 234.

¹⁹⁰ Response, para. 11.

¹⁹¹ Indictment, paras 16-31, 32-54, 55, 63, 100, 142-144. *Contra* Response, para. 11; Annex 1 to the Response, R.1 and R.2 Objections.

addition, the Notebooks' entries refer to specific persons, dates and locations and the majority of said entries are dated and signed. The Panel further considers the SPO's submissions that part of the information contained in Proposed Exhibits 193 and 194 overlap with each other, and with certain information in Proposed Exhibit 191 and Proposed Exhibits 143, 178 and 264, respectively, as well as information included in other admitted evidence.¹⁹² Additionally, the Panel notes that certain pages of Proposed Exhibit 194 were shown to and discussed with W04403, and subsequently admitted into evidence.¹⁹³ As regards the Defence's submissions regarding the signature contained in Proposed Exhibit 195,¹⁹⁴ the Panel notes that whether or not this signature belongs to the commander in question is an issue the Panel will address at the end of trial, if necessary, having regard to the entire body of evidence admitted, in accordance with Rule 139(2). For these reasons, the Panel is satisfied that the Notebooks bear sufficient indicia of authenticity to meet the *prima facie* threshold.

73. In relation to Proposed Exhibit 200,¹⁹⁵ the Panel notes that some of the documents contained therein are dated,¹⁹⁶ signed,¹⁹⁷ and bear a KLA header and/or logo.¹⁹⁸ In addition, the Panel further notes that: (i) the document contained in p. U009-2025 bears a KLA header and logo and provides a detailed account of the composition and structure of Brigade 132; (ii) the report in pp. U009-2031-U009-2033 identifies the Intelligence Sector as the issuing authority; (iii) the documents in pp. U009-2010-U009-2013 are stamped and bear

¹⁹² See Annex 1 to the Motion, Proposed Exhibits 193 and 194. For Proposed Exhibit 193, see P00103, P00628, P00641, P00163 and related translations. For Proposed Exhibit 194, see P01364 and related translation.

¹⁹³ In particular, pp. U001-5663, U001-5666-U001-5669 and U001-5671-U001-5674 were admitted on 25 March 2025 through W04403. See P02098 and related translation. See further Transcript of Hearing, 25 March 2025, pp. 25765-25770.

¹⁹⁴ Annex 1 to the Response, Proposed Exhibit 195.

¹⁹⁵ The Panel recalls that it has only assessed pp. U009-2010-U009-2025 and U009-2031-U009-2060 of Proposed Exhibit 200. See above footnote 180.

¹⁹⁶ See pp. U009-2010-U009-2013, U009-2016, U009-2031-U009-2033.

¹⁹⁷ See pp. U009-2010-U009-2013, U009-2015-U009-2016, U009-2034.

¹⁹⁸ See pp. U009-2016, U009-2031-U009-2033, U009-2034.

the header of “KLA, General Staff, Finance Directorate”; and (iv) the document in p. U009-2016 bears a reference number and the code “N/O/D-14-05”. As regards the guard duty schedule contained in p. U009-2017, the Panel notes that, although it refers to specific dates in 1999, and lists the names of several individuals, the document is neither signed nor attributed to any entity or person, and it does not provide a clear reference to the KLA. Similarly, the Panel notes that the reports contained in pp. U009-2018-U009-2024 and U009-2035-U009-2060 are undated, unsigned, they are not attributed to any entity or person nor do they provide a clear reference to the KLA. The fact that certain individuals referred to in these documents are mentioned in other documents in evidence or tendered in the Motion is not, in itself, sufficient to establish *prima facie* authenticity. The Panel, therefore, finds that the SPO has failed to establish the *prima facie* authenticity of pp. U009-2017-U009-2024 and U009-2035-U009-2060 of Proposed Exhibit 200 and, therefore, denies their admission. For these reasons, the Panel is satisfied that, except for pp. U009-2017-U009-2024 and U009-2035-U009-2060, Proposed Exhibit 200 bears sufficient indicia of authenticity to meet the *prima facie* threshold.

74. Turning to the Identification Cards, the Panel notes that they bear a KLA header and are signed, all but one,¹⁹⁹ by Commander Ramush Haradinaj. In addition, the Panel notes that: (i) Proposed Exhibits 197 and 198 indicate their date of issuance and Proposed Exhibits 198, 230, 231, 236 and 237 indicate a date of expiry; (ii) Proposed Exhibits 198, 230, 231 and 237 have a serial number; (iii) Proposed Exhibits 230 and 231 and 236 and 237 bear a KLA emblem and stamp, and Proposed Exhibit 198 bears a KLA emblem; and (iv) Proposed Exhibits 230 and 237 indicate the brigade of which the individuals concerned were allegedly members. For these reasons, the Panel is satisfied that the Identification Cards bear sufficient indicia of authenticity to meet the *prima facie* threshold.

¹⁹⁹ Proposed Exhibit 198.

75. Regarding the Documents on Meetings, the Panel notes that Proposed Exhibit 211 and 212 refer to the date and place the relevant meetings took place, and the information contained in said exhibits overlaps with the information contained in the relevant parts of Proposed Exhibit 194. In addition, the Panel notes that Proposed Exhibit 213: (i) is dated; (ii) contains information overlapping with the information contained in Proposed Exhibits 200, 214, 215, 217 and 218; and (iii) was seized from the residence of Mr Selimi. For these reasons, the Panel is satisfied that the Documents on Meetings bear sufficient indicia of authenticity to meet the *prima facie* threshold.

76. Regarding the Communication Documents, the Panel notes that Proposed Exhibits 204-208 have a “KLA, General Staff, Operational Directorate” stamp and were seized from Mr Krasniqi’s residence. The Panel further notes that Proposed Exhibits 204-208 refer to the code “14-05/1405”, which provides further indication of their origin and source. Furthermore, Proposed Exhibits 205 and 207 have similar format and record similar information. With respect to Proposed Exhibit 203, the Panel notes that the document indicates a date and place of issuance, and bears a KLA header as well as a reference number. The Panel further notes that Proposed Exhibits 203 refers to the code “14-05/1405”, which provides further indication of its origin and source. In relation to Proposed Exhibits 239 and 240, the Panel finds that, in the absence of any header, stamp, date, signature or substantive details providing further indication as to when the documents were compiled and by whom, the documents’ authenticity cannot be established on a *prima facie* basis. Similarly, the Panel notes that, although it refers to a date, Proposed Exhibit 238 bears no KLA header, stamp or any other clear reference to the KLA and it unclear who compiled the document. The Panel, therefore, finds that the SPO has failed to establish the *prima facie* authenticity of Proposed Exhibits 238-240 and, therefore, denies their admission. For these reasons, the

Panel is satisfied that, except for Proposed Exhibits 238-240, the Communication Documents bear sufficient indicia of authenticity to meet the *prima facie* threshold.

77. In relation to the Intelligence Reports, the Panel notes that they are dated, bear a KLA header and reference number and identify the intelligence sector as the issuing authority. In addition, the Panel considers that they have a similar format and record information of a similar nature. Moreover, Proposed Exhibits 214 and 215 were seized from the residence of Mr Selimi. For these reasons, the Panel is satisfied that the Intelligence Reports bear sufficient indicia of authenticity to meet the *prima facie* threshold.

78. In relation to the Lists, the Panel notes that: (i) Proposed Exhibit 220 bears a KLA header with the sub-header “Military Police” and provides details of deserters; and (ii) Proposed Exhibit 225 was seized from Mr Krasniqi’s residence. The Panel further considers the SPO’s submissions that information contained in Proposed Exhibit 225 overlaps, in part, in substance with information recorded in Proposed Exhibits 194.²⁰⁰ For these reasons, the Panel is satisfied that Proposed Exhibits 220 and 225 bear sufficient indicia of authenticity to meet the *prima facie* threshold. As regards Proposed Exhibit 219, the Panel notes that the document is undated, unsigned and bears no header, stamp or other indications as to when the document was compiled and by whom. The Panel, therefore, finds that the SPO has failed to establish the *prima facie* authenticity of Proposed Exhibit 219 and, therefore, denies its admission.

79. In relation to the Receipts, the Panel notes that Proposed Exhibits 222-224 are dated, signed, and bear a serial number as well as a KLA header and emblem, while Proposed Exhibit 234 is the blank template version of Proposed Exhibit 223 and 224 and, similarly, bears a KLA header and emblem. For these reasons, the

²⁰⁰ See Annex 1 to the Motion, Proposed Exhibit 225.

Panel is satisfied that the Receipts bear sufficient indicia of authenticity to meet the *prima facie* threshold.

80. In relation to the Certificates, the Panel notes that: (i) Proposed Exhibit 228 is dated, stamped, signed by Commander Ramush Haradinaj, bears a KLA header and emblem as well as a protocol number; (ii) Proposed Exhibited 229 is stamped, dated and signed; and (iii) Proposed Exhibit 232 is stamped, signed, including by Commander Ramush Haradinaj, and bears the emblem of the KLA and the Special Unit "Black Eagles". The Panel further notes that Proposed Exhibits 228, 229 and 232 were seized from Mr Selimi's residence and overlap in substance. For these reasons, the Panel is satisfied that the Certificates bear sufficient indicia of authenticity to meet the *prima facie* threshold.

81. Turning to the Other Documents, the Panel notes that Proposed Exhibit 221 bears a KLA logo and emblem and is signed, whereas Proposed Exhibit 235 is the blank template version of Proposed Exhibit 221 and, similarly, bears a KLA header and emblem. Furthermore, Proposed Exhibit 199: (i) indicates a date and place of issuance; (ii) bears a KLA header and emblem as well as a reference number and the code "N/O/D-14-05"; (iii) is signed by Commander Ramush Haradinaj and is addressed to the General Staff; and (iv) was seized from Mr Krasniqi's residence. As for Proposed Exhibit 201, the Panel notes that it bears a KLA header and emblem, indicates a date and place, and refers to Commander Ramush Haradinaj as the issuing authority. In relation to Proposed Exhibit 210, the Panel notes that the document bears a KLA header, reference number, is signed by Commander Ramush Haradinaj, and indicates a date and place of issuance. Turning to Proposed Exhibit 233, the Panel observes that it bears a KLA header and indicates a place and year of issuance. Lastly, the Panel notes that Proposed Exhibit 227 indicates a date and place of issuance and identifies the Sector of Public Order of the Dukagjini Operational Zone of the Provisional Government of Kosovo as the

source of the document. For these reasons, the Panel is satisfied that the Other Documents bear sufficient indicia of authenticity to meet the *prima facie* threshold.

82. Lastly, in relation to Proposed Exhibit 226, the Panel notes that: (i) p. U008-3533 is stamped, dated, signed and bears the header of the United Nations Interim Administration Mission in Kosovo; (ii) pp. U008-3534-U008-3535 contain a KLA identity card which is stamped, dated, signed by Commander Ramush Haradinaj and bears a KLA header and emblem as well as a serial number; and (iii) pp. U008-3536-U008-3585 contain handwritten notes, some of which are dated and/or identify their author, providing details about persons, dates and locations relating to the work and activities of the KLA and the Special Unit “Black Eagles” in the Dukagjin OZ. The Panel further considers the SPO’s submissions that: (i) these documents were collected during the criminal proceedings against Idriz Balaj and were provided to the ICTY; and (ii) information contained in Proposed Exhibit 226 overlaps with information recorded in Proposed Exhibits 119, 203, 229 and 232.²⁰¹ For these reasons, the Panel is satisfied that Proposed Exhibit 226 bears sufficient indicia of authenticity to meet the *prima facie* threshold.

(c) Probative value not outweighed by prejudicial effect

83. Having found Proposed Exhibits 193-195, 197-201, 203-208, 210-215, 217, 218 and 220-237 to be relevant and *prima facie* authentic,²⁰² the Panel is satisfied that these items also bear *prima facie* probative value regarding facts and circumstances relevant to this case as outlined above at paragraph 68.²⁰³

84. The Panel finds that the probative value of Proposed Exhibits 193-195, 197-201, 203-208, 210-215, 217, 218 and 220-237 is not outweighed by any

²⁰¹ Annex 1 to the Motion, Proposed Exhibit 226.

²⁰² The Panel recalls that it has found relevant and *prima facie* authentic only pp. U009-2010-U009-2016, U009-2025, U009-2031-U009-2034 of Proposed Exhibit 200 (*see above* footnote 180 and para. 73).

²⁰³ *Contra* Annex 1 to the Response, PV.1 Objections.

prejudicial effect, considering that the Defence will be able to make submissions in respect of the weight and probative value of these items and may, if it so chooses, challenge the content of any of these items through the presentation of evidence, although it bears no onus to do so.

(d) Conclusion

85. In light of the above, the Panel is satisfied that Proposed Exhibits 193-195, 197-201, 203-208, 210-215, 217, 218 and 220-237 are admissible pursuant to Rule 138(1).²⁰⁴ The Panel denies admission of Proposed Exhibits 196, pp. U009-2017-U009-2024 and U009-2035-U009-2060 of Proposed Exhibit 200, and Proposed Exhibits 219 and 238-240.

5. Proposed Exhibits 241-258 and 260-294: Brigades, Post-Offensive

86. At the outset, the Panel notes that, for the purpose of its assessment under Rule 138, it has considered the revised translations of Proposed Exhibits 251,²⁰⁵ 254,²⁰⁶ 256,²⁰⁷ 257,²⁰⁸ 260,²⁰⁹ 261,²¹⁰ 270,²¹¹ 280²¹² and 287²¹³ contained in Disclosure Package 1684.

(a) Relevance

87. Regarding the relevance of Proposed Exhibits 241-258 and 260-294, the Panel notes the SPO's submissions that they relate to the work and activities of

²⁰⁴ The Panel recalls that it admits only pp. U009-2010-U009-2016, U009-2025, U009-2031-U009-2034 of Proposed Exhibit 200 (*see above* footnote 180 and para. 73).

²⁰⁵ U001-7756-U001-7759-ET.

²⁰⁶ U001-7273-U001-7275-ET.

²⁰⁷ U001-7357-U001-7358-ET.

²⁰⁸ U001-7359-U001-7360-ET.

²⁰⁹ U001-7278-U001-7296-ET.

²¹⁰ SPOE00012857-SPOE00013002-ET Revised.

²¹¹ U002-1371-U002-1392-ET.

²¹² U001-7773-U001-7779-ET.

²¹³ U002-2652-U002-2663-ET.

Brigades 131-137 that were operational in the Dukagjin OZ during the Indictment period.²¹⁴ More specifically, the Panel observes that: (i) Proposed Exhibits 241 and 242 consist of handwritten notes relating to Brigade 131 (“Brigade 131 Documents”); (ii) Proposed Exhibits 243-251 consist of various documents relating to Brigade 132, such as notebooks, minutes of meetings, finance plans and a travel permit (“Brigade 132 Documents”); (iii) Proposed Exhibits 252-258²¹⁵ and 260-263 consist of various documents, such as logbooks, notes, an identification card and a template, relating to Brigade 133 (“Brigade 133 Documents”); (iv) Proposed Exhibits 264-269 consist of various documents relating to Brigade 135, including orders, reports, a receipt and an organisational plan (“Brigade 135 Documents”); (v) Proposed Exhibits 270-292 consist of various documents relating to Brigade 136, including orders, travel permits, lists and notebooks (“Brigade 136 Documents”); and (vi) Proposed Exhibits 293 and 294 consist of an order and an attestation relating to Brigade 137 (“Brigade 137 Documents”).

88. The Panel notes that the SPO relies on Proposed Exhibits 241-258 and 260-294 to demonstrate, *inter alia*, that brigade and subordinate commands: (i) reported and made requests to the Dukagjin OZ Command concerning logistics, military operations, weapons, movement control, training and military police;²¹⁶ (ii) executed orders from the General Staff and Dukagjin OZ Command, and applied KLA regulations;²¹⁷ (iii) kept logs of authorised persons and exercised strict control over the movement of KLA soldiers;²¹⁸ (iv) maintained records of training, daily activities, soldiers, weapons, and guard/duty schedules;²¹⁹

²¹⁴ Motion, para. 13; Annex 1 to the Motion, Proposed Exhibits 241-258, 260-294.

²¹⁵ The Panel notes that, upon the Defence’s request, it has assessed Proposed Exhibit 254 in its entirety, including p. U001-7275 which contains text written in Serbian, although said page is not tendered by the SPO. See Response, paras 19-20, and Annex 1 to the Response, Proposed Exhibit 254. See also Annex 1 to the Motion, Proposed Exhibit 254.

²¹⁶ See e.g. Proposed Exhibits 241, 243, 245, 267, 283.

²¹⁷ See e.g. Proposed Exhibits 243, 244, 246-248, 251, 266, 273, 278, 288 and 289.

²¹⁸ See e.g. Proposed Exhibits 250, 266, 279, 281, 284.

²¹⁹ See e.g. Proposed Exhibits 241-243, 245, 247, 248, 253, 257, 264, 270, 272-277, 280, 282, 287, 289 and 290.

(v) registered and requisitioned property, and recorded support provided to the KLA;²²⁰ and (vi) investigated, summonsed, and interrogated persons.²²¹ In addition, the SPO relies on Proposed Exhibits 241-258 and 260-294 to demonstrate that under the direction of the Dukagjin OZ Command, intelligence and military police units were established in local staffs and brigades.²²²

89. As regards the Defence's objections regarding the relevance of Proposed Exhibit 249,²²³ the Panel observes that this document is signed by a KLA commander and relates to a contribution made to the KLA. The Panel finds that the document is, thus, relevant to the organisation of the KLA in the Dukagjin OZ and its control over supplies.

90. Having carefully reviewed Proposed Exhibits 241-258 and 260-294, the Panel is satisfied that they are relevant to allegations in the Indictment.²²⁴

(b) Authenticity

91. Regarding the authenticity of the Brigade 131 Documents, the Panel notes that: (i) Proposed Exhibit 241 provides details about the work of Brigade 131, refers to specific persons, dates and locations, and some of the notebook's entries are dated; (ii) Proposed Exhibit 242 identifies its author and indicates a date and place of issuance. The Panel additionally notes the SPO's submissions that Proposed Exhibits 241 and 242 overlap, in part, in substance, and information contained in said exhibits also overlaps with information in Proposed Exhibit 193.²²⁵ For these reasons, the Panel is satisfied that the Brigade 131 Documents bear sufficient indicia of authenticity to meet the *prima facie* threshold.

²²⁰ See e.g. Proposed Exhibits 249, 262, 263, 268, 280, 285.

²²¹ See e.g. Proposed Exhibits 247, 269, 282 and 283.

²²² See e.g. Proposed Exhibits 243, 247, 248, 252, 253, 256-258, 277, 282 and 283.

²²³ Response, para. 11.

²²⁴ Indictment, paras 16-55, 63, 100, 142-144. *Contra* Response, para. 11; Annex 1 to the Response, R.1 and R.2 Objections.

²²⁵ Annex 1 to the Motion, Proposed Exhibits 241 and 242.

92. Turning to the Brigade 132 Documents, the Panel notes, in relation to Proposed Exhibit 243, that: (i) pp. U009-1711-U009-1719 and U009-1730 contain training and duty shift plans, work schedules and personal data sheets of soldiers, which indicate a date and place of issuance, are signed and bear a KLA header and a reference number, whereas some of them bear also the KLA emblem²²⁶ and the code "N/O/D-14-05";²²⁷ (ii) pp. U009-1720-U009-1723 refers to the date and place the meeting in question took place, includes the names of the participants to the meeting, and identifies by name the minute-taker; (iii) pp. U009-1724-U009-1726 bear a KLA header and emblem, indicate a date and place of issuance, and provide a detailed development plan for the first battalion of Brigade 132; (iv) pp. U009-1727-U009-1729, U009-1731, U009-1733-U009-1734 and U009-1736 contain, *inter alia*, handwritten and typewritten action plans, appointments, requests, proposals and orders which are dated, signed and bear a KLA header and/or emblem, whereas some of them bear also a reference number;²²⁸ (v) p. U009-1735 is signed and bears a KLA header and reference number; and (vi) p. U009-1738 is a signed request to Brigade 132 bearing a KLA header. The Panel is, therefore, satisfied that pp. U009-1711-U009-1731, U009-1733-U009-1736 and U009-1738 of Proposed Exhibit 243 bear sufficient indicia of authenticity to meet the *prima facie* threshold. To the contrary, the Panel notes that p. U009-1737 is a blank page and pp. U009-1732 and U009-1739-U009-1740 contain handwritten notes which are unsigned, undated and it is unknown who authored them or when. The Panel, therefore, finds that the SPO has failed to establish the *prima facie* authenticity of pp. U009-1732, U009-1737 and U009-1739-U009-1740 of Proposed Exhibit 243 and, therefore, denies their admission.

²²⁶ See pp. U009-1711-U009-1713, U009-1717-U009-1719, U009-1730.

²²⁷ See pp. U009-1711-U009-1713, U009-1715-U009-1716.

²²⁸ See pp. U009-1727, U009-1729, U009-1731, U009-1734, U009-1736.

93. As regards Proposed Exhibit 245, the Panel notes that: (i) the requests contained in pp. U009-1926-U009-1927, U009-1929-U009-1930 and U009-1943-U009-1950 are dated and signed and some of them bear a KLA header²²⁹ and/or a variation of the code "N/O/D-14-05";²³⁰ (ii) the lists contained in pp. U009-1931, U009-1933, U009-1936 and U009-1940 are dated, signed and record information of a similar nature; (iii) the list contained in p. U009-1932 is dated, signed and bears a handwritten KLA header. The Panel is, therefore, satisfied that pp. U009-1926-U009-1927, U009-1929-U009-1933, U009-1936, U009-1940 and U009-1943-U009-1950 of Proposed Exhibit 245 bear sufficient indicia of authenticity to meet the *prima facie* threshold. To the contrary, the notes contained in pp. U009-1928, U009-1934-U009-1935, U009-1937-U009-1939 and U009-1941-U009-1942 are undated and/or unsigned, and bear no header or stamp. In addition, they bear no other indication as to who authored them and whether the information contained therein relates to Brigade 132. The Panel, therefore, finds that the SPO has failed to establish the *prima facie* authenticity of pp. U009-1928, U009-1934-U009-1935, U009-1937-U009-1939 and U009-1941-U009-1942 of Proposed Exhibit 245 and, therefore, denies their admission.

94. In relation to Proposed Exhibit 247, the Panel notes that: (i) the documents contained in pp. U009-1821-U009-1825, U009-1829-U009-1832, U009-1836-U009-1839 and U009-1842-U009-1847 indicate a date and/or place, and some of them bear a handwritten KLA header²³¹ and/or a variation of the code "N/O/D-14-05";²³² (ii) the document in pp. U009-1826-U009-1827 bears a KLA header and indicates a date and place; (iii) the document in p. U009-1835 is dated,

²²⁹ See pp. U009-1926, U009-1929-U009-1930, U009-1946-U009-1948.

²³⁰ See pp. U009-1929-U009-1930, U009-1946.

²³¹ See pp. U009-1822, U009-1824, U009-1826-U009-1827, U009-1830-U009-1831, U009-1836-U009-1839, U009-1842, U009-1846-U009-1847.

²³² See pp. U009-1824, U009-1830-U009-1831, U009-1837-U009-1839.

bears a KLA header and a variation of the code “N/O/D-14-05”; and (iv) the document in p. U009-1855 indicates a date and place and identifies its author. The Panel is, therefore, satisfied that pp. U009-1821-U009-1827, U009-1829-U009-1832, U009-1835-U009-1839, U009-1842-U009-1847 and U009-1855 of Proposed Exhibit 247 bear sufficient indicia of authenticity to meet the *prima facie* threshold. To the contrary, the Panel notes that (i) pp. U009-1849 and U009-1856 contain illegible text; (ii) pp. U009-1828, U009-1833-U009-1834, U009-1840-U009-1841, U009-1848 and U009-1850-U009-1854 lack sufficient indicia to establish their *prima facie* authenticity, such as headers,²³³ dates,²³⁴ signatures²³⁵ or other substantive details providing further indication as to when the documents therein were compiled and/or by whom.²³⁶ The Panel, therefore, finds that the SPO has failed to establish the *prima facie* authenticity of pp. U009-1828, U009-1833-U009-1834, U009-1840-U009-1841, U009-1848-U009-1854 and U009-1856 of Proposed Exhibit 247 and, therefore, denies their admission.

95. In relation to Proposed Exhibit 244, the Panel notes that the majority of this notebook’s entries are dated and signed by a KLA commander and that, according to the SPO, the information recorded therein overlaps, in part, with information provided in Proposed Exhibits 193 and 243.²³⁷ As regards Proposed Exhibit 246, the Panel notes that it is dated and records the minutes of a meeting with platoon commanders, listing the names of the participants. In addition, the Panel notes the SPO’s submissions that Proposed Exhibit 246 overlaps, in part, in substance with Proposed Exhibit 194.²³⁸ The Panel further notes that Proposed Exhibits 248-250

²³³ See pp. U009-1828, U009-1833-U009-1834, U009-1840-U009-1841, U009-1848, U009-1850-U009-1854.

²³⁴ See pp. U009-1828, U009-1841, U009-1848, U009-1850-U009-1854.

²³⁵ See pp. U009-1833-U009-1834, U009-1840, U009-1848, U009-1852-U009-1854.

²³⁶ For example, the Panel notes that the regulations contained in p. U009-1848 bear no header, stamp or date of issuance. Similarly, p. U009-1852 includes an undated request by a KLA commander but there is no indication as to whom the request was addressed to or when it was prepared.

²³⁷ Annex 1 to the Motion, Proposed Exhibit 244.

²³⁸ Annex 1 to the Motion, Proposed Exhibit 246.

are dated, they bear a KLA header and/or emblem and are either signed²³⁹ or identify the Brigade 132 commander as the issuing authority.²⁴⁰ Moreover, the Panel notes that Proposed Exhibit 251 bears a KLA header and emblem, and includes a detailed financial plan for Brigade 132.

96. For these reasons, the Panel is satisfied that, except for (i) pp. U009-1732, U009-1737 and U009-1739-U009-1740 of Proposed Exhibit 243; (ii) pp. U009-1928, U009-1934-U009-1935, U009-1937-U009-1939 and U009-1941-U009-1942 of Proposed Exhibit 245; and (iii) pp. U009-1828, U009-1833-U009-1834, U009-1840-U009-1841, U009-1848-U009-1854 and U009-1856 of Proposed Exhibit 247, the Brigade 132 Documents bear sufficient indicia of authenticity to meet the *prima facie* threshold.

97. In relation to the Brigade 133 Documents, the Panel notes that: (i) Proposed Exhibit 252 is signed by Commander Ramush Haradinaj, indicates a date and place of issuance, and bears a KLA header and emblem as well as a reference number; (ii) Proposed Exhibit 253 bears a KLA header and stamp as well as a serial number, and is signed by Commander Ramush Haradinaj; (iii) Proposed Exhibits 255 and 260 contain a detailed account of guard attendance, duty reports and work schedules of KLA military police members and information contained in Proposed Exhibit 255 overlaps with certain information contained in Proposed Exhibits 252 and 261; (iv) Proposed Exhibits 256 and 257 indicate a date and place of issuance, record information of a similar nature, and were issued by the same KLA member; (v) Proposed Exhibit 258 is signed, indicates a place and date of issuance, and bears a KLA header; and (vi) Proposed Exhibits 262 and 263 bear a KLA header and are signed by a KLA commander. As regards the Defence's submissions regarding the signature contained in Proposed Exhibit 258,²⁴¹ the

²³⁹ Proposed Exhibits 248 (pp. U009-1707-U009-1710), 249 and 250.

²⁴⁰ Proposed Exhibit 248, p. U009-1706.

²⁴¹ Annex 1 to the Response, Proposed Exhibit 258.

Panel notes that whether or not this signature belongs to the commander in question is a matter pertaining to the evidentiary weight to be given to the item, if any, rather than to its admissibility. As such, this issue will be duly assessed by the Panel at the end of trial, having regard to the entire body of evidence admitted, in accordance with Rule 139(2). The Panel further notes that the entries in Proposed Exhibit 261 are dated and record information of a similar nature. In addition, certain of those entries are signed, indicate the place the notes were taken and/or identify the individuals who took the notes.²⁴² The Panel further considers the SPO's submissions that information contained in Proposed Exhibit 261 overlaps with information recorded in Proposed Exhibits 252, 255 and 277.²⁴³ Furthermore, the Panel notes that Proposed Exhibit 254 is signed. In this respect, the Panel also considers the SPO's submissions that the information contained in Proposed Exhibit 254 overlaps with relevant parts of Proposed Exhibit 261.²⁴⁴ For these reasons, the Panel is satisfied that the Brigade 133 Documents bear sufficient indicia of authenticity to meet the *prima facie* threshold.

98. Regarding the authenticity of the Brigade 135 Documents, the Panel notes that: (i) the first page of Proposed Exhibit 264 contains a KLA header and emblem and indicates a date and place of issuance; (ii) the second page bears a handwritten KLA header, a date and a variation of the code "N/O/D-14-05". Furthermore, the Panel notes the SPO's submissions that the content of Proposed Exhibit 264 overlaps with information in Proposed Exhibits 194 and 243.²⁴⁵ Turning to Proposed Exhibits 265-268, the Panel notes that they are dated, signed and bear a KLA header. In addition, the Panel notes that: (i) Proposed Exhibit 265 contains a KLA emblem and a reference number; (ii) Proposed Exhibit 267 bears a variation

²⁴² See e.g. pp. SPOE00012860, SPOE00012866, SPOE00012876, SPOE00012913, SPOE00012919, SPOE00012925, SPOE00012928, SPOE00012937-SPOE00012938, SPQE00012942, SPOE00012946.

²⁴³ Annex 1 to the Motion, Proposed Exhibit 261.

²⁴⁴ Annex 1 to the Motion, Proposed Exhibit 254.

²⁴⁵ Annex 1 to the Motion, Proposed Exhibit 264.

of the code “N/O/D-14-05”, which provides further indication of its origin and source; and (iii) Proposed Exhibit 267 has a serial number. Lastly, regarding Proposed Exhibit 269, the Panel notes that it contains a KLA header and is signed by a KLA commander. For these reasons, the Panel is satisfied that the Brigade 135 Documents bear sufficient indicia of authenticity to meet the *prima facie* threshold .

99. Regarding the authenticity of Brigade 136 Documents, the Panel notes that: (i) Proposed Exhibits 276, 281 and 284 are dated, signed, bear a KLA header and/or emblem, and the travel authorisations contained in Proposed Exhibit 281 also include a reference number; (ii) Proposed Exhibit 289 is signed and stamped, bears a KLA header and emblem, and refers to a date and place of issuance; (iii) Proposed Exhibits 278, 290 and 291 bear a KLA header and are signed by the Commander of Brigade 136²⁴⁶ or refer to him as the issuing authority;²⁴⁷ (iv) Proposed Exhibits 285 and 288 bear a KLA header and/or emblem, are signed by the Commander of Brigade 136, and indicate a place and date of issuance; (v) Proposed Exhibit 292 is signed and indicates a place and date; (vi) Proposed Exhibits 274 and 275 bear a handwritten KLA header and indicate a date and place of issuance; (vii) Proposed Exhibits 271 and 286 are dated and/or refer to specific dates and identify Brigade 136 as the source of the documents; and (viii) Proposed Exhibits 270, 272, 273, 277, 279 and 280 contain references to specific persons, dates and/or locations and include signatures of KLA commanders and/or other KLA members. Further, the Panel notes that Proposed Exhibit 282 and 283 account for contemporaneous events and meetings relating to the work and activities of Brigade 136, and include references to specific persons, dates and/or locations as well as the names of participants to the relevant meetings. The Panel is satisfied

²⁴⁶ Proposed Exhibits 278 and 290.

²⁴⁷ Proposed Exhibit 291.

that, in light of their content, Proposed Exhibits 270 and 271 originate from the KLA,²⁴⁸ and so do Proposed Exhibits 280, 282 and 283. As regards Proposed Exhibit 287, the Panel notes that the notebook accounts for contemporaneous events relating to the work and activities of Brigade 136, it bears a handwritten KLA header and its authors are identified by name. Moreover, the notebook's entries are dated and most of them are also signed. For these reasons, the Panel is satisfied that the Brigade 136 Documents bear sufficient indicia of authenticity to meet the *prima facie* threshold.

100. Lastly, as regards the authenticity of Brigade 137 Documents, the Panel notes that they bear a KLA header, emblem and stamp, they indicate a date and place of issuance and are signed. For these reasons, the Panel is satisfied that the Brigade 137 Documents bear sufficient indicia of authenticity to meet the *prima facie* threshold.

(c) Probative value not outweighed by prejudicial effect

101. Having found Proposed Exhibits 241-258 and 260-294 to be relevant and *prima facie* authentic,²⁴⁹ the Panel is satisfied that these items also bear *prima facie* probative value regarding facts and circumstances relevant to this case as outlined above at paragraph 88.²⁵⁰

102. The Panel finds that the probative value of Proposed Exhibits 241-258 and 260-294 is not outweighed by any prejudicial effect, considering that the Defence will be able to make submissions in respect of the weight and probative value of

²⁴⁸ *Contra* Annex 1 to the Response, Proposed Exhibits 270 and 271.

²⁴⁹ Regarding Proposed Exhibits 243, 245 and 247, the Panel recalls that it has found relevant and *prima facie* authentic the following pages: (i) pp. U009-1711-U009-1731, U009-1733-U009-1736, U009-1738 of Proposed Exhibit 243 (*see above* para. 92); (ii) pp. U009-1926-U009-1927, U009-1929-U009-1933, U009-1936, U009-1940 and U009-1943-U009-1950 of Proposed Exhibit 245 (*see above* para. 93); and (iii) pp. U009-1821-U009-1827, U009-1829-U009-1832, U009-1835-U009-1839, U009-1842-U009-1847 and U009-1855 of Proposed Exhibit 247 (*see above* para. 94).

²⁵⁰ *Contra* Annex 1 to the Response, PV.1 Objections.

these items and may, if it so chooses, challenge the content of any of these items through the presentation of evidence, although it bears no onus to do so.

(d) Conclusion

103. In light of the above, the Panel is satisfied that Proposed Exhibits 241-258 and 260-294 are admissible pursuant to Rule 138(1).²⁵¹ The Panel denies admission of: (i) pp. U009-1732, U009-1737 and U009-1739-U009-1740 of Proposed Exhibit 243; (ii) pp. U009-1928, U009-1934-U009-1935, U009-1937-U009-1939 and U009-1941-U009-1942 of Proposed Exhibit 245; and (iii) pp. U009-1828, U009-1833-U009-1834, U009-1840-U009-1841, U009-1848-U009-1854 and U009-1856 of Proposed Exhibit 247.

6. Proposed Exhibits 295-353: Registration and Placement Forms

104. At the outset, the Panel notes that for the purpose of its assessment under Rule 138, it has considered the revised translation of Proposed Exhibit 312²⁵² contained in Disclosure Package 1684.

(a) Relevance

105. Regarding relevance of Proposed Exhibits 295-353, the Panel notes the SPO's submissions that they relate to the structure and organisation of the KLA, including in the Dukagjin OZ between 1998 and 1999.²⁵³ In this regard, the Panel notes that: (i) Proposed Exhibit 295 consists of a handwritten notebook containing

²⁵¹ The Panel recalls that it admits only: (i) pp. U009-1711-U009-1731, U009-1733-U009-1736, U009-1738 of Proposed Exhibit 243 (*see above* para. 92); (ii) pp. U009-1926-U009-1927, U009-1929-U009-1933, U009-1936, U009-1940 and U009-1943-U009-1950 of Proposed Exhibit 245 (*see above* para. 93); and (iii) pp. U009-1821-U009-1827, U009-1829-U009-1832, U009-1835-U009-1839, U009-1842-U009-1847 and U009-1855 of Proposed Exhibit 247 (*see above* para. 94). The Panel further notes that it admits the revised versions of the English translations of Proposed Exhibits 251, 254, 256, 257, 260, 261, 270, 280 and 287 contained in Disclosure Package 1684 (*see above* para. 86).

²⁵² U001-4567-U001-4568-ET Revised.

²⁵³ *See* Annex 1 to Motion, Proposed Exhibits 295-353.

personal details of KLA members allegedly serving in the Dukagjin OZ as well as their dates of enlistment and the weaponry issued thereto; (ii) Proposed Exhibits 296-308, 311-314, 317-341 and 343-353 consist of registration forms with handwritten and typewritten entries about personal data of several KLA recruits as well as information about their enlistment and deployment and/or transfer;²⁵⁴ and (iii) Proposed Exhibits 309, 310, 315, 316 and 342 consist of handwritten and typewritten placement sheets containing, *inter alia*, information about the deployment of KLA soldiers in Dukagjin OZ.

106. The Panel notes that the SPO relies on Proposed Exhibits 295-353 to demonstrate: (i) the distribution and utilisation of unified templates in the Dukagjin OZ during the Indictment period; (ii) the administration of staff and personnel files in the Dukagjin OZ; and (iii) the KLA's ability to re-deploy.²⁵⁵

107. Having carefully reviewed Proposed Exhibits 295-353, the Panel is satisfied that they are relevant to allegations and charges in the Indictment.²⁵⁶

(b) Authenticity

108. Regarding authenticity, the Panel notes that Proposed Exhibit 295 contains handwritten records of names and personal details of KLA members allegedly serving in the Dukagjin OZ, including their date of birth, place of origin, profession, date of enlistment, and the weapons and ammunition assigned to them. The Panel further considers the SPO's submissions that the content of Proposed Exhibit 295 overlaps with information recorded in Proposed Exhibits 199, 296-298, 305 and 340.²⁵⁷ The Panel is satisfied that, in light of its content, Proposed Exhibit 295 originates from the KLA.²⁵⁸ For these reasons,

²⁵⁴ Regarding the English translations of Proposed Exhibits 312, *see above* para. 104.

²⁵⁵ *See* Annex 1 to Motion, Proposed Exhibits 295-353, SPO submissions under column "Relevant/Probative Value".

²⁵⁶ *See* Indictment, paras 18-55, 63, 100, 142-144. *Contra* Annex 1 to the Response, R.1 and R.2 Objections.

²⁵⁷ Annex 1 to the Motion, Proposed Exhibit 295.

²⁵⁸ *Contra* Annex 1 to the Response, Proposed Exhibit 295.

the Panel is satisfied that Proposed Exhibit 295 bears sufficient indicia of authenticity to meet the *prima facie* threshold.

109. Turning to Proposed Exhibits 296-308, 311-314, 317-341 and 343-353, the Panel notes that they: (i) bear a KLA header and/or logo; and (ii) are in similar and/or identical typewritten layouts, with entry blocks for the identifying details of the enrolled KLA soldier, and signatures blocks for the enrolled soldier and the signing KLA commander. Moreover, the Panel notes that Proposed Exhibits 296-308, 311-314, 317-341 and 343-353: (i) indicate the date of their compilation, and (ii) are signed by the enrolled soldier and/or a KLA commander. For these reasons, the Panel is satisfied that Proposed Exhibits 296-308, 311-314, 317-341 and 343-353 bear sufficient indicia of authenticity to meet the *prima facie* threshold.

110. In relation to Proposed Exhibits 309, 310, 315, 316 and 342, the Panel notes that Proposed Exhibits 310, 315, 316 and 342: (i) bear a KLA header and/or logo; and (ii) are in similar and/or identical typewritten layout, with similar and/or identical entry blocks. Accordingly, the Panel considers that Proposed Exhibits 310, 315, 316 and 342 originate from the KLA. Furthermore, the Panel notes that Proposed Exhibits 310, 315, 316 and 342 are dated and signed. The Panel is therefore satisfied that Proposed Exhibits 310, 315, 316 and 342 bear sufficient indicia of authenticity to meet the *prima facie* threshold.

111. Regarding Proposed Exhibit 309, the Panel notes that this handwritten placement sheet is dated, signed by a KLA commander, and bears a handwritten KLA header. The Panel further notes that it records similar information to Proposed Exhibits 310, 315, 316 and 342. The Panel is therefore satisfied that Proposed Exhibit 309 bears sufficient indicia of authenticity to meet the *prima facie* threshold

112. For these reasons, the Panel is satisfied that Proposed Exhibits 295-353 bear sufficient indicia of authenticity to meet the *prima facie* threshold.²⁵⁹

(c) Probative value not outweighed by prejudicial effect

113. Having found Proposed Exhibits 295-353 to be relevant and *prima facie* authentic, the Panel is satisfied that these items also bear *prima facie* probative value regarding facts and circumstances relevant to this case as outlined above at paragraph 106.²⁶⁰

114. The Panel finds that the probative value of Proposed Exhibits 295-353 is not outweighed by any prejudicial effect, considering that the Defence will be able to make submissions in respect of the weight and probative value of these items and may, if it so chooses, challenge the content of any of these items through the presentation of evidence, although it bears no onus to do so.

(d) Conclusion

115. In light of the above, the Panel is satisfied that Proposed Exhibits 295-353 are admissible pursuant to Rule 138(1).

V. CLASSIFICATION

116. Noting that the Response was filed confidentially pursuant to Rule 82(3),²⁶¹ the Panel instructs the Defence to request its reclassification or file a public redacted version thereof within 7 days of the filing of the present decision. Noting that the Reply was filed confidentially pursuant to Rule 82(4) and the SPO requests its reclassification as public,²⁶² the Panel also instructs the Registry to reclassify the Reply as public within 3 days of the filing of the present decision.

²⁵⁹ *Contra* Annex 1 to the Response, Objections A.1, A.1.1, A.1.2, A.1.3, A.1.4, A.2, A.3, A.3.3, A.3.3.1.

²⁶⁰ *Contra* Annex 1 to the Response, Objections PV.1, PV.2.

²⁶¹ Response, para. 25.

²⁶² Reply, para. 8.

117. Further, the Panel directs the Registry to assign to the admitted items the classification indicated in Annex 1 to the Motion.

VI. DISPOSITION

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

- (a) **GRANTS**, in part, the Motion;
- (b) **ADMITS** into evidence the following items, or identified portions thereof, and any related translations: Proposed Exhibits 1-14, 16-113, 116, 117, 119, 121-127, 129-166, 168-182, 184-195, 197-201, 203-208, 210-215, 217, 218, 220-237, 241-258 and 260-353;²⁶³
- (c) **DENIES** the admission of the following items or identified portions thereof: Proposed Exhibits 114-115, 118, 120-120A, 144 (p. U001-5871), 167, 183, 196, 200 (pp. U009-2017-U009-2024 and U009-2035-U009-2060), 219, 238-240, 243 (pp. U009-1732, U009-1737 and U009-1739-U009-1740), 245 (pp. U009-1928, U009-1934-U009-1935, U009-1937-U009-1939 and U009-1941-U009-1942), and 247 (pp. U009-1828, U009-1833-U009-1834,

²⁶³ The Panel notes that it admits only: (i) pp. 1-5 of the English translation of Proposed Exhibit 3 (*see above* footnote 64); (ii) pp. 1-2 of the English translation of Proposed Exhibit 35 (*see above* footnote 66); (iii) p. 1 of Proposed Exhibit 144 and related translation (*see above* para. 53); (iv) pp. U001-6417-U001-6437 of Proposed Exhibit 129 and related translation (*see above* footnote 135); (v) pp. 1-3, 25, 30-75 of Proposed Exhibit 190 and related translation (*see above* footnote 136); (vi) pp. U009-2010-U009-2016, U009-2025, U009-2031-U009-2034 of Proposed Exhibit 200 (*see above* footnote 180 and para. 73); (vii) pp. U009-1711-U009-1731, U009-1733-U009-1736, U009-1738 of Proposed Exhibit 243 (*see above* para. 92); (viii) pp. U009-1926-U009-1927, U009-1929-U009-1933, U009-1936, U009-1940 and U009-1943-U009-1950 of Proposed Exhibit 245 (*see above* para. 93); and (ix) pp. U009-1821-U009-1827, U009-1829-U009-1832, U009-1835-U009-1839, U009-1842-U009-1847 and U009-1855 of Proposed Exhibit 247 (*see above* para. 94). The Panel further recalls that it admits the correct and revised versions of the English translations of Proposed Exhibits 18, 22, 95, 123, 124, 126, 127, 130, 131, 134, 149, 179-182, 251, 254, 256, 257, 260, 261, 270, 280, 287 and 312 contained in Disclosure Packages 1654, 1678 and 1684 (*see above* paras 24, 48, 86, 104). Lastly, the Panel recalls that the correct ERN of the English translation of Proposed Exhibit 344 is U001-7035-U001-7035-ET (*see* Reply, para. 7, footnote 29).

U009-1840-U009-1841, U009-1848-U009-1854 and U009-1856);

- (d) **AUTHORISES** the SPO to substitute the translation tendered in the Motion for Proposed Exhibit 95 with the revised translation disclosed in Disclosure Package 1654;
- (e) **DIRECTS** the SPO to provide to the Panel, and disclose to the Parties and participants revised translations of Proposed Exhibits 3, 7, 12-14, 19-21, 29, 48, 49, 51, 53, 54, 57, 58, 62, 66, 67, 80, 117, 138 and 139 by Friday, 23 May 2025;
- (f) **DIRECTS** the Registry to assign to the admitted items: (i) exhibit numbers; and (ii) the classification indicated in Annex 1 to the Motion;
- (g) **ORDERS** the Defence to request the reclassification of the Response or file a public redacted version thereof within 7 days of the filing of the present decision; and
- (h) **DIRECTS** the Registry to reclassify the Reply as public within 3 days of the filing of the present decision.



Judge Charles L. Smith, III

Presiding Judge

Dated this Tuesday, 13 May 2025

At The Hague, the Netherlands.