

**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:** Dr Fidelma Donlon

**Filing Participant:** Victims' Counsel

**Date:** 28 May 2025

**Language:** English

**Classification:** Public

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**Public Redacted Version of Victims' Counsel's Request for admission of  
documents through the bar table with confidential annex 1**

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## I. INTRODUCTION

1. Pursuant to Article 22(3)(6) and (7) and Articles 37(1) and (3)(c) and 40(6)(e) and (h) of the Law on Specialist Chambers and Specialist Prosecutor's Office ("Law"), Rules 114(4)(a) and (5), and 138(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers ("Rules"), the Order on the Conduct of Proceedings,<sup>1</sup> and the Trial Panel's Oral Order of 23 April 2025,<sup>2</sup> Victims' Counsel files this request for admission of documentary evidence as itemised in the annex to this request.
2. Each of the proposed documents meet the criteria of Rule 138 of the Rules. Specifically, they are relevant, have probative value and sufficient indicia of authenticity, and their probative value is not outweighed by any prejudicial effects.

## II. CLASSIFICATION

3. This submission is classified as confidential pursuant to Rule 82(3) of the Rules as it contains information that could identify victims participating in this case who have been granted anonymity.

## III. PROCEDURAL HISTORY

4. On 23 April 2025, the Trial Panel ordered Victims' Counsel to submit "any motions under Rule 153 to 155, bar table motions and any other related filings pursuant to the Rules and the Panel's Order on Conduct of Proceedings" by 28 May 2025.<sup>3</sup>
5. On 20 May 2025, Victims' Counsel sought by email an indication from the Parties whether they would have any objection to the admission of the proposed exhibits through the bar table. On 26 May 2025, the Defence indicated by email that they

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<sup>1</sup> F01226/A01, Annex 1 to the Order on the Conduct of Proceedings, 16 January 2023, paras 60-62.

<sup>2</sup> *Specialist Prosecutor v. Thaci et al*, KSC-BC-2020-06, In Court – Oral Order, 23 April 2025, page 26177 line 1 to page 26177 line 21 ("Oral Order").

<sup>3</sup> Oral Order.

did not agree to the admission of the proposed evidence, and the Specialist Prosecutor's Office indicated by email that they did not object to its admission.

#### IV. APPLICABLE LAW

6. Article 40(6)(h) provides that the Trial Panel may rule on matters including the admissibility of evidence prior to or during the course of trial.
7. Rule 138(1) provides that "[u]nless challenged or *proprio motu* excluded, evidence submitted to the Panel shall be admitted if it is relevant, authentic, has probative value and its probative value is not outweighed by its prejudicial effect..."
8. Rule 114(5) provides,

Where evidence was not produced by the Parties or the produced evidence does not adequately address the impact the alleged crimes have on the personal interests of victims participating in the proceedings, Victims' Counsel may request the Panel to order the submission of relevant evidence or call witnesses to testify. In such cases, the Panel may order Victims' Counsel to disclose relevant material to the Parties, if this material is in his or her custody or control.

9. The Trial Panel in its Decision on Bar Table Motion held that,

In order to be admitted through a witness or through the bar table, evidence must meet the four cumulative requirements of Rule 138(1). The purpose of this rule is to ensure that the Panel is not burdened by evidence that is irrelevant, lacks indicia of authenticity or probative value, or is overly prejudicial. It is for the tendering party to demonstrate, with clarity and specificity, that each proposed exhibit meets the aforementioned requirements and how it fits into its case.<sup>4</sup>

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<sup>4</sup> F01409, Decision on Specialist Prosecutor's Bar Table Motion, 31 March 2023, para. 9. See also paras 10-13 of the same decision elaborating on the requirements of relevance, authenticity, probative value, and prejudice.

## V. SUBMISSIONS

10. The material sought for admission consists of (a) medical records of six VPPs,<sup>5</sup> (b) one EULEX document,<sup>6</sup> and (c) extracts of a book entitled *Abducted Truth*, published by the Association of Families of Kidnapped and Missing Persons in Kosovo and Metohija.<sup>7</sup> For the reasons set out below, Victims' Counsel submits that the documents are relevant, probative, authentic, and will not cause prejudice to the Accused that is outweighed by their probative value.

### A. Medical records of six VPPs

11. Victims' Counsel requests the admission of medical records concerning six VPPs as proof of the mental and/or physical harm they suffered. These documents were first disclosed in English in redacted form in F03160, and were further disclosed with ERNs on 20 May 2025 (Disclosure 1693). Each of the documents addresses the impact the alleged crimes have on the personal interests of VPPs. Victims' Counsel has made unredacted versions of the documents available to the Trial Panel where identifying information was redacted to comply with protective measures.

12. Victims' Counsel seeks to admit four records concerning Victim 07/06<sup>8</sup> ("V007") from his clinical psychologist, dated [REDACTED]2021, [REDACTED]2021, [REDACTED]2022, and [REDACTED]2024.<sup>9</sup> The documents describe the long-term psychological consequences of V007's mistreatment, including stress,

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<sup>5</sup> English redacted versions previously disclosed to the Panel and the Parties in Annex 5 of F03160. Redacted versions with ERNs are now disclosed to the Panel and the Parties (Disclosure 1693).

Unredacted versions have been disclosed to the Trial Panel only (Disclosure 1694). Victims' Counsel notes that it disclosed only the English language versions of V0210001-V0210008 RED and V2150004-V2150008RED to the Parties as the language of the original documents reveals the location of the VPPs concerned.

<sup>6</sup> [REDACTED] contained in KSC-BC-2020-06/F00149/A02, Annex 2.8: [REDACTED], p. 176. Because this document has previously assigned ERNs, Victims' Counsel has not assigned new ERN numbers.

<sup>7</sup> Victims' Counsel seeks to rely only on pages 18, 33, 48, 55-56, 79, 97, included in Extracts from *Abducted Truth*, Association of Families of Kidnapped and Missing Persons in Kosovo and Metohija, 2017 (pp. 18, 33, 48, 55-56, 79, 97), V0000323-V0000331.

<sup>8</sup> F00257, First Decision on Victims' Participation, 21 April 2021, paras 56, 58.

<sup>9</sup> V007 Medical Records RED, V0070029-V0070033 RED.

anxiety, impaired sleep, flashbacks, fainting, and depressed mood which are consistent with a diagnosis of post-traumatic stress disorder.<sup>10</sup> Each medical record demonstrates that V007's symptoms are connected to the trauma that he endured in [REDACTED].<sup>11</sup> The documents are signed and contain the contact information and credentials of the clinical psychologist.<sup>12</sup>

13. Victims' Counsel requests the admission of two records concerning Victim 20/06<sup>13</sup> ("V020") regarding the VPP's psychological consequences of a crime alleged in the indictment.<sup>14</sup> V020 has required psychiatric treatment for an extended period of time and was hospitalized due to a mental health crisis.<sup>15</sup> The VPP has also suffered from depression and panic attacks.<sup>16</sup> The documents are signed, stamped, and contain the contact information of the treating doctors.<sup>17</sup>

14. Victims' Counsel seeks to admit one medical certificate provided by Victim 21/06<sup>18</sup> ("V021"). The medical certificate, dated [REDACTED] describes V021's physical scars and psychological symptoms of trauma, concluding that "he suffers a post-traumatic neurosis, characterized by: insomnia, amnesia nightmares, obsessive-compulsive disorder, panic attacks."<sup>19</sup> Photographs of his injuries are appended to the certificate.<sup>20</sup> These symptoms of psychological and physical harm arise, in part, out of V021's [REDACTED] detention and

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<sup>10</sup> V007 Medical Records RED, V0070029-V0070033 RED.

<sup>11</sup> V007 Medical Records RED, V0070029-V0070033 RED; F00999/A01, ANNEX 1 to Submission of confirmed amended Indictment, 30 September 2022, paras 71, 107, Schedule A.9.3 ("Confirmed Amended Indictment").

<sup>12</sup> V007 Medical Records – unredacted version, V0070029-V0070033.

<sup>13</sup> F00611, Second Decision on Victims' Participation, 10 December 2021, paras 44(a), 45(b), 47.

<sup>14</sup> Confirmed Amended Indictment, paras 161-165, Schedule B.12-17; V020 Medical Records RED, V0200001-V0200004 RED; V020 Medical Records – unredacted version, V0200001-V0200004. The document contains the Serbian original together with its English translation.

<sup>15</sup> V020 Medical Records RED, V0200003 RED.

<sup>16</sup> V020 Medical Records RED, V0200004 RED.

<sup>17</sup> V020 Medical Records – unredacted version, V0200001-V0200002.

<sup>18</sup> F00817, Third Decision on Victims' Participation, 25 May 2022, paras 30(a), 31(a)

<sup>19</sup> V021 Medical Certificate RED, [REDACTED], V0210004 RED; V021 Medical Certificate – unredacted version, [REDACTED], V0210011. The redacted version of the document does not contain the original language version as it identifies the location of the VPP. The original version, together with the English translation is contained in the unredacted version.

<sup>20</sup> V021 Medical Certificate RED, [REDACTED], V0210005 RED-V021008 RED.

mistreatment.<sup>21</sup> The medical certificate was issued after an interview and physical examination and has been signed and stamped.<sup>22</sup>

15. Victims' Counsel requests the admission of one medical record concerning Victim 82/06<sup>23</sup> ("V082") describing his psychiatric condition, which began after his mistreatment in [REDACTED].<sup>24</sup> The record describes that:

[V082] was part of events that included death threats and was a witness to great bodily harm to other persons. This has caused him to have constant fear and feeling of horror. He often has obtrusive memories of traumatic events against his will. Has repeating dreams (nightmares), and during daydreams he suffers trauma again.<sup>25</sup>

16. The document has been signed and stamped.<sup>26</sup>

17. Victim 130/06<sup>27</sup> ("V130") provided one medical report that Victims' Counsel seeks to admit into evidence.<sup>28</sup> The specialist physician's report indicates that V130 sought treatment for her constant mourning and stress as a result of the death of her son in [REDACTED], and having received his remains in [REDACTED].<sup>29</sup> The document provides the name and location of the specialist and is stamped.<sup>30</sup>

18. Victim 215/06<sup>31</sup> ("V215") provided three documents describing his mental and physical harm that Victims' Counsel seeks to admit into evidence. Each is related

<sup>21</sup> V021 Medical Certificate RED, [REDACTED], V0210002 RED-V0210004 RED; Confirmed Amended Indictment, paras 161-165, Schedule B.12-17.

<sup>22</sup> V021 Medical Certificate – unredacted version, [REDACTED], V0210001-V0210011.

<sup>23</sup> F01152, Fourth Decision on Victims' Participation, 12 December 2022, paras 41(j), 44(b), 46.

<sup>24</sup> V082 Medical Record RED, [REDACTED], V0820001-V0820004RED; V082 Medical Record[REDACTED], V0820001-V0820004. The document contains the Serbian original and an English translation. See also Confirmed Amended Indictment paras 60, 70, 106, 137, Schedule A.9.1 For example, at V0820004RED, "He was part of events that included death threats and was a witness to great bodily harm to other persons. This has caused him to have constant fear and feeling of horror. He often has obtrusive memories of traumatic events against his will. Has repeating dreams (nightmares), and during daydreams he suffers trauma again."

<sup>25</sup> V082 Medical Record RED, [REDACTED], V0820004 RED.

<sup>26</sup> V082 Medical Record – unredacted version, [REDACTED], V0820001-V0820002.

<sup>27</sup> F01293, Fifth Decision on Victims' Participation, 15 February 2023, 16(b), 20(b), 24.

<sup>28</sup> V130 Medical Record RED, [REDACTED], V1300001-V1300002 RED; V130 Medical Record – unredacted version, [REDACTED], V1300001-V1300002. The document contains the Serbian original and an English translation.

<sup>29</sup> V130 Medical Record RED, [REDACTED], V1300002 RED.

<sup>30</sup> V130 Medical Record – unredacted version, [REDACTED], V1300001.

<sup>31</sup> F01293, Fifth Decision on Victims' Participation, 15 February 2023, 16(a), 20(a), 24

to his mistreatment in Kosovo during the war.<sup>32</sup> The first document certifies that V215 was mistreated in his home country 20 years ago and has since suffered chronic back, chest, and wrist pain such that he cannot perform hard work or work involving lifting heavy objects.<sup>33</sup> The second document is a medical report that says that V215 is suspected to suffer from post-traumatic stress disorder and describes his chest and spinal pain.<sup>34</sup> The third document contains a referral to outpatient psychiatric care for probable post-traumatic stress disorder, and describes his sleep disorders since [REDACTED].<sup>35</sup> The documents contain letterheads, contact information, and clearly present as official medical records.<sup>36</sup>

19. Victims' Counsel submits that the admission of each of these documents is not prejudicial to the Accused as they are offered as proof of the individual harm of these VPPs and do not speak to the culpability of any of the Accused for the crimes for which they are charged.

#### **B. One EULEX document**

20. [REDACTED] consists of EULEX records containing [REDACTED]. Victims' Counsel seeks to introduce one page ([REDACTED]) into evidence related to [REDACTED], in which he was reported as saying on [REDACTED]:

[REDACTED]<sup>37</sup>

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<sup>32</sup> V215 Medical Records RED, V2150004-V2150008 RED; V215 Medical Records – unredacted version V2150001-V2150008; Confirmed Amended Indictment, paras 80, 117, Schedule A.5.2. Victims' Counsel did not disclose to the Parties the original documents as the language would identify the location of the VPP.

<sup>33</sup> V215 Medical Records RED, V2150004 RED.

<sup>34</sup> V215 Medical Records RED, V2150005 RED- V2150006 RED.

<sup>35</sup> V215 Medical Records RED, V2150007 RED- V2150008 RED.

<sup>36</sup> V215 Medical Records – unredacted version, V2150001-V2150003.

<sup>37</sup> [REDACTED] contained in KSC-BC-2020-06/F00149/A02, Annex 2.8: [REDACTED], p. 176. Because this document has previously assigned ERNs, Victims' Counsel has not assigned new ERN numbers.



21. While this document appears on the case file in Case 04, it was referenced with this passage quoted in full in a Prosecution filing related to provisional release in Case 06 and is contained in Annex 2 to that filing.<sup>38</sup>
22. The document shows that while he [REDACTED].
23. This fact is relevant to the credibility of V070 who [REDACTED]. [REDACTED].<sup>39</sup> This document shows that [REDACTED]. There is no unfair prejudice to the Defence in this additional information being admitted to provide necessary context, and there would be considerable unfairness to V070 if the record were to remain in its current incomplete state.

**C. Extracts from a book entitled Abducted Truth, published by the Association of Families of Kidnapped and Missing Persons in Kosovo and Metohija**

24. Victims' Counsel seeks to admit six extracts from a book entitled Abducted Truth, published by the Association of Kidnapped and Missing Persons in Kosovo and Metohija<sup>40</sup> for the purpose of contextualizing the harm of several indirect victims. The book was published in 2017. Victims' Counsel seeks to rely on pages 18, 33, 48, 55-56, 79, 97 which contain the photos of deceased relatives of dual status VPPs.<sup>41</sup> The photographs and their publication in 2017 are relevant to the mental harm that these VPPs suffered as a result of crimes alleged in the Indictment.<sup>42</sup> The photographs individualise the direct victims and their publication demonstrates the ongoing desire for finding out the truth of what happened to them. Because Victims' Counsel seeks to admit the extracts as proof of harm and not as proof of the crimes for which the Accused are charged, no prejudice is occasioned to the Defence.

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<sup>38</sup> KSC-BC-2020-06/F00149, Prosecution response to Application for Interim Release on behalf of Mr Hashim Thaci with Public Annex 1 and Confidential Annex 2, 16 December 2020, para. 47.

<sup>39</sup> On the detention of [REDACTED], starting at [REDACTED].

<sup>40</sup> Extracts from Abducted Truth, Association of Families of Kidnapped and Missing Persons in Kosovo and Metohija, 2017 (pp. 18, 33, 48, 55-56, 79, 97), V0000323-V0000331.

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

<sup>42</sup> Confirmed Amended Indictment, paras [REDACTED].



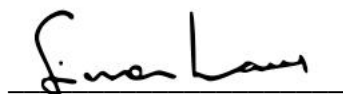
## VI. NEWLY ADMITTED VPPs

25. Four new victims were admitted to participate in the proceedings on 15 May 2025.<sup>43</sup> Victims' Counsel requests the possibility to amend the exhibit list and submit a second bar table request should the new VPPs provide documentation relevant to their harm.

## VII. CONCLUSION

26. For the foregoing reasons, Victims' Counsel respectfully requests the Trial Panel to (i) admit into evidence the documents discussed above and listed in Annex 1 and (ii) allow the possibility to submit an additional bar table request should the newly admitted VPPs produce relevant documents.

**Word count: 2744**



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**Maria Radziejowska**  
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28 May 2025  
At The Hague, the Netherlands.

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<sup>43</sup> F03179, Consolidated Decision on the Eighteenth and Nineteenth Registry Report on Victims' Applications for Participation in the Proceedings, 15 May 2025.