



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

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

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

**Registrar:** Dr Fidelma Donlon

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

**Date:** 26 September 2025

**Language:** English

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**Public redacted version of**

**“Prosecution response to First Krasniqi Defence for Admission of Documents through the Bar Table and Related Request (F03474)”**

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**Specialist Prosecutor's Office**

Kimberly P. West

**Counsel for Victims**

Simon Laws

**Counsel for Hashim Thaçi**

Luka Mišetić

**Counsel for Kadri Veseli**

Rodney Dixon

**Counsel for Rexhep Selimi**

Geoffrey Roberts

**Counsel for Jakup Krasniqi**

Venkateswari Alagendra

## I. INTRODUCTION

1. While certain of the Defence submissions on relevance and probative value are selective, misleading, and/or take material out of context, the Specialist Prosecutor's Office ('SPO') does not object to Items 1-3, 5-10, 13-14, 17, 20, 23-36, and 39 listed in Annex 1<sup>1</sup> to the Motion.<sup>2</sup> The SPO has also no objection to the Defence request to add DJK02000-DJK02015 and DJK02029-DJK02031 to its exhibit list.<sup>3</sup>

2. The SPO objects to the remainder of the Motion. As addressed below, the remaining items lack relevance, *prima facie* probative value, and/or are procedurally inadmissible.<sup>4</sup>

## II. SUBMISSIONS

3. As a preliminary matter, while the SPO is not objecting to Items 8 and 9, it is noted that these items could and should have been tendered through witness W04745, thus allowing contextualization and testing of the reliability of their content.<sup>5</sup> They relate directly to W04745 and were disclosed pursuant to Rule 103 on 22 April 2022, almost three years before W04745's testimony.<sup>6</sup> Similarly, with respect to Items 35 and

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<sup>1</sup> Annex 1 to First Krasniqi Defence Application for Admission of Material through the Bar Table and Related Requests to Amend the Revised Exhibit List, KSC-BC-2020-06/F03474/A01, 15 September 2025 ('Annex 1'). The documents listed in Annex 1 will be henceforth be referred to as 'Item' and 'Items' in this Response.

<sup>2</sup> First Krasniqi Defence Application for Admission of Material through the Bar Table and Related Requests to Amend the Revised Exhibit List, KSC-BC-2020-06/F03474, 15 September 2025 ('Motion').

<sup>3</sup> Motion, KSC-BC-2020-06/F03474, para.21.

<sup>4</sup> Rule 138(1) of the Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). Unless otherwise indicated, all references to 'Rule(s)' are to the Rules.

<sup>5</sup> Second Decision on Specialist Prosecutor's Bar Table Motion, KSC-BC-2020-06/F01596, 9 June 2023, paras 22, 36.

<sup>6</sup> Disclosure Package 220.

36, disclosed on 11 August 2021,<sup>7</sup> the Defence again could and should have used these items with relevant witnesses, in particular W01602 and W03811.<sup>8</sup>

4. None of the remaining Items discussed below meet the four cumulative requirements of Rule 138(1),<sup>9</sup> and accordingly the SPO objects to their admission. Item 38 amounts to a compilation of witness statements and, as such, is not admissible through the bar table.

GJILAN/GNJILANE

**1) Item 4 (045671-045674)**

5. Item 4 is a report of [REDACTED]. Its admission should be denied for lack of relevance. The report, in the part indicated as relevant by the Defence, discusses the presence of armed Serb civilians in Gjilan/Gnjilane in February 1999, and occasional heavy shooting which created fear in the Albanian population. These circumstances, the Defence argues, are relevant to show that ‘Albanian civilians were in a disadvantageous and dangerous position contrary to the Serbian civilians.’<sup>10</sup> Evidence is deemed to be relevant if it is connected, directly or indirectly, to elements of the offences or modes of liability charged in a case, or to other material facts and circumstances.<sup>11</sup> The Defence submissions fail to meet this standard. The events recorded in the report are also temporally disconnected with the crimes charged in Gjilan/Gnjilane, which are alleged to have been committed in June and July 1999.<sup>12</sup>

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<sup>7</sup> Disclosure Package 64.

<sup>8</sup> As a result, the SPO reserves its right to make submissions, at the relevant time, regarding the probative value of such items.

<sup>9</sup> Decision on Specialist Prosecutor’s Bar Table Motion, KSC-BC-2020-06/F01409, 31 March 2023 (‘First Bar Table Decision’), para.9.

<sup>10</sup> Annex 1, KSC-BC-2020-06/F03474/A01, p.6.

<sup>11</sup> First Bar Table Decision, KSC-BC-2020-06/F01409, para.10.

<sup>12</sup> Annex 1 to Prosecution submissions pursuant to Decision F01229, Lesser Redacted Version of ‘Confidential Redacted Version of Corrected Version of Prosecution Pre-Trial Brief’, KSC-BC-2020-06/F01296/A01, dated 15 February 2023, paras 256, 667.

RAHOVEC/ORAHOVAC

**2) Item 11 (V000-1847-V000-1847)**

6. Item 11 should be denied admission because of lack of relevance. The Panel has made it clear that crimes or violence perpetrated by Serb forces is generally irrelevant.<sup>13</sup> Item 11 is a BBC documentary entirely about Serb crimes committed against Kosovar Albanians around Rahovec/Orahovac in 1998. The video contains graphic images of the victims of these crimes, and no information that could be relevant to any aspect of the case,<sup>14</sup> with the exception of one short excerpt, to which the SPO does not object.

7. This excerpt runs from 18'10" to 20'15", and demonstrates the KLA's willingness and ability to assist in the investigation of Serb crimes during the conflict. This evidence is relevant to the allegations that the Accused failed to prevent and punish the crimes charged in the Indictment.<sup>15</sup>

**3) Item 12 (SITF00038933-00038953, pp. SITF00038933-SITF00038937 and SITF00038949-SITF00038953)**

8. Demonstration of relevance requires more than a tenuous or remote connection to the facts and circumstances of a case.<sup>16</sup> Item 12, a report by [REDACTED], discusses events taking place at the end of August 1999, with no specific connection with any charged crime. The Panel should deny its admission for lack of relevance, which the Defence has failed to demonstrate with any degree of clarity and specificity.<sup>17</sup> The document also lacks any *prima facie* probative value.<sup>18</sup>

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<sup>13</sup> 12 May 2023, T.3746-3748.

<sup>14</sup> See Status Conference, 16 December 2022, pp.1725-1726.

<sup>15</sup> Annex 1 to Submission of confirmed amended Indictment, KSC-BC-2020-06/F00999/A01, Confidential, 30 September 2022, para.176.

<sup>16</sup> First Bar Table Decision, KSC-BC-2020-06/F01409, para.10.

<sup>17</sup> First Bar Table Decision, KSC-BC-2020-06/F01409, para.9.

<sup>18</sup> First Bar Table Decision, KSC-BC-2020-06/F01409, para.12.

**4) Item 15 (IT-03-66 P241)**

9. Item 15, [REDACTED], should be denied admission for lack of relevance as it again solely concerns Serb crimes in Rahovec/Orahovac in July 1998.<sup>19</sup> The fact that the LDK denounced these crimes (or indeed other crimes being committed against Albanian civilians) has no relevance to the charges or material facts in the case.<sup>20</sup> The Defence claim that such denunciation 'contradicts that the LDK was the KLA opponent' is plainly disingenuous, misinterprets both the charges and the item, and should be rejected.

**5) Item 16 (SITF00039166-00039169)**

10. Item 16 is a report on the murder of a Kosovar Albanian by alleged Serb perpetrators in March 1999. Its admission should be denied as it duplicates adjudicated facts,<sup>21</sup> and otherwise solely concerns Serb crimes.<sup>22</sup> Contrary to the Defence submission, the document contains no information about KLA control over perpetrators of crimes after the conflict.<sup>23</sup>

**6) Item 18 (SPOE00059501-00059503)**

11. Item 18, an [REDACTED], should be denied for lack of relevance. The Defence identifies three issues in the report as relevant, namely the arrest [REDACTED] of three alleged war criminals [REDACTED], the Albanian population's belief about the presence of more war criminals, and [REDACTED] request to the Serb population to

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<sup>19</sup> 12 May 2023, T.3746-3748.

<sup>20</sup> *Contra*, Annex 1, KSC-BC-2020-06/F03474/A01, p.31.

<sup>21</sup> Decision on Defence Motion for Judicial Notice of Adjudicated Facts, KSC-BC-2020-06/F01536/A01, 18 May 2023, Facts 748-749 (regarding the involvement of paramilitary forces).

<sup>22</sup> 12 May 2023, T.3746-3748.

<sup>23</sup> Annex 1, KSC-BC-2020-06/F03474/A01, pp.33-34.

hand in their weapons.<sup>24</sup> These issues lack any specific relevance to the charges or other relevant circumstance of the case.<sup>25</sup>

**7) Item 19 (SPOE00320932-00320933)**

12. Admission of Item 19, [REDACTED], should be denied for lack of relevance. The fact that Kosovar Albanian civilians could not return to their houses, in or around Rahovec/Orahovac, in July 1999 is not relevant to any charge or material fact, nor has the Defence argued that it is. Contrary to the Defence submission, the information in the document has no apparent link to either KLA policy or any charged crime.<sup>26</sup>

**8) Item 21 (SPOE00144738-00144742)**

13. Admission of Item 21 should be denied for lack of relevance. The document is a notice of dismissal of a criminal report against [REDACTED] a former KLA member,<sup>27</sup> in relation to a murder not charged in the Indictment.

14. A EULEX prosecutor dismissed the criminal report as there was no grounded suspicion that [REDACTED] was responsible for the crime. This circumstance, contrary to the Defence contention,<sup>28</sup> is wholly unsuitable and irrelevant to rebutting any evidence presented by the SPO concerning the Accused's responsibility for other crimes committed by KLA members against Serbs. Item 21 plainly lacks *prima facie* probative value with respect to any charge, material fact, or circumstance of the Indictment.<sup>29</sup>

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<sup>24</sup> Annex 1, KSC-BC-2020-06/F03474/A01, pp.35-37.

<sup>25</sup> A tenuous or remote connection to the facts and circumstances of a case is insufficient to satisfy the relevance requirement set forth in Rule 138(1), *see* First Bar Table Decision, KSC-BC-2020-06/F01409, para.10.

<sup>26</sup> Annex 1, KSC-BC-2020-06/F03474/A01, pp.37-39.

<sup>27</sup> [REDACTED].

<sup>28</sup> Annex 1, KSC-BC-2020-06/F03474/A01, pp.41-42.

<sup>29</sup> First Bar Table Decision, KSC-BC-2020-06/F01409, para.12.

15. Finally, Item 21 was disclosed to the Krasniqi Defence on 1 July 2022.<sup>30</sup> If the Defence considered it relevant, it should have put it to [REDACTED], who testified [REDACTED].

**9) Item 22 (SITF00193805-00193806)**

16. Admission of Item 22 should be denied for lack of relevance. It concerns the murder of a Serb man by unidentified individuals on [REDACTED] August 1999, with there being 'no indications' as to the identity(ies) of the perpetrator(s). Contrary to what argued by the Defence,<sup>31</sup> this incident has no bearing on the Accused's responsibility for crimes committed against Serbs during the Indictment period, let alone the charged crimes.

**10) Item 37 (DJK00238-DJK00238)**

17. Admission of Item 37 should be denied for lack of relevance. [REDACTED].<sup>32</sup> There is no indication that the reconciliation purportedly shown in the video still is related to the charged incident or the KLA war generally.

**11) Item 38 (SITF00318590-00318595 RED)**

18. Item 38 is inadmissible through the bar table. The document contains the summaries of two witness interviews recorded during a criminal investigation. They amount to witness statements, and their admission is regulated by Rules 153-155.<sup>33</sup>

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<sup>30</sup> Disclosure Package 331.

<sup>31</sup> Annex 1, KSC-BC-2020-06/F03474/A01, pp.42-43.

<sup>32</sup> P00250, pp.SPOE00208913-SPOE00208914.

<sup>33</sup> See Decision on the Admission of Documents Shown to W04769, KSC-BC-2020-06/F01963, 27 November 2023, para.15; *Specialist Prosecutor v. Gucati and Haradinaj*, Decision on the Prosecution Request for Admission of Items Through the Bar Table, KSC-BC-2020-07/F00334, 29 September 2021, paras 84, 86.

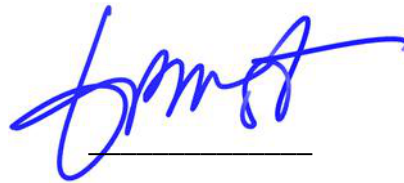
III. CLASSIFICATION

19. This filing is confidential to give effect to existing protective measures.

IV. RELIEF REQUESTED

20. For the foregoing reasons, the Panel should deny admission of Items 4, 11<sup>34</sup>-12, 15-16, 18-19, 21-22, and 37-38.

**Word Count: 1725**



**Kimberly P. West**

**Specialist Prosecutor**

Friday, 26 September 2025

At The Hague, the Netherlands.

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<sup>34</sup> With the exception of the portion running from 18'10" to 20'15".