



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

Date: 16 October 2025

Language: English

Classification: Public

**Decision on First Krasniqi Defence Application for Admission of Material
Through the Bar Table and Related Request**

Specialist Prosecutor

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TRIAL PANEL II ("Panel"), pursuant to Articles 21, 37(1), and (3)(c), and 40(6)(h) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor's Office ("Law") and Rules 119(2) and (5), 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 15 August 2025, the Defence for Mr Jakup Krasniqi ("Krasniqi Defence") filed its revised exhibit list ("Exhibit List").¹
2. On 15 September 2025, in line with an order from the Panel,² the Krasniqi Defence filed a request for admission of documents through the bar table ("Request").³
3. On 26 September 2025, the Specialist Prosecutor's Office ("SPO") responded to the Request ("Response").⁴
4. The Krasniqi Defence did not reply to the Response.

¹ F03403, Specialist Counsel, *Krasniqi Defence Submission of Revised Exhibit List*, 15 August 2025, with Annex 1, confidential. See also F03358, Specialist Counsel, *Krasniqi Defence Submission of Witness and Exhibit Lists*, 21 July 2025, with Annexes 1-2, confidential.

² F03435, Panel, *Further Order on the Scheduling of the Defence Case*, 2 September 2025, paras 21, 35(f).

³ F03474, Specialist Counsel, *First Krasniqi Defence Application for Admission of Material through the Bar Table and Related Request to Amend the Revised Exhibit List*, 15 September 2025, confidential, with Annex 1, confidential. The Panel notes that the filing was initially filed as public and was reclassified to confidential on 23 September 2025. See CRSPD903, *Email from the Panel to the Parties and participants in response to Urgent Request for Reclassification of F03474*, 23 September 2025.

⁴ F03498, Specialist Prosecutor, *Prosecution Response to First Krasniqi Defence Application for Admission of Documents Through the Bar Table and Related Request (F03474)*, 26 September 2025, confidential.

II. SUBMISSIONS

5. The Krasniqi Defence requests the Panel to admit through the bar table the thirty-nine (39) items listed in Annex 1 to the Request (“Proposed Exhibits”).⁵ The Krasniqi Defence submits that the Proposed Exhibits are *prima facie* authentic, relevant, and have probative value that is not outweighed by any prejudice.⁶ Additionally, the Krasniqi Defence also seeks leave to add two items to the Exhibit List.⁷

6. The SPO responds that, while some of the Krasniqi Defence’s submissions on relevance and probative value are misleading, or taken out of context, it does not object to a number of Proposed Exhibits and does not the object to the Defence request to add the two items to the Exhibit List.⁸ The SPO objects to Proposed Exhibits 4, portion of 11, 12, 15, 16, 18, 19, 21, 22, 37, and 38 on the basis that they lack relevance, *prima facie* probative value, and/or are procedurally inadmissible.⁹

III. APPLICABLE LAW

7. Concerning amendments to the exhibit list, pursuant to Rule 119(5), the Panel may permit, upon timely notice and a showing of good cause, the amendment of the lists of witnesses and exhibits filed pursuant to Rule 119(2). The Panel incorporates by reference the applicable law as set out in the Panel’s previous decisions on amending the exhibit list.¹⁰

⁵ Request, paras 2, 23(ii). *See also* Annex 1 to the Request.

⁶ Request, paras 10-20, 22; Annex 1 to the Request.

⁷ Request, paras 21, 23(i).

⁸ Response, para. 1.

⁹ Response, paras 2, 4-18, 20.

¹⁰ *See, in particular*, F01995, Panel, *Decision on Prosecution Request to Amend the Exhibit List*, 8 December 2023, confidential, para. 9 (a public redacted version was issued on the same day, F01995/RED); F02167, Panel, *Decision on Prosecution Request to Amend the Exhibit List (F02099)*,

8. The law regarding the admission of evidence from the bar table is set out in particular in Article 40(6)(h) of the Law and Rule 138(1). The Panel incorporates by reference the law regulating the question of admission of evidence from the bar table laid out extensively in the Panel's prior decisions.¹¹

IV. DISCUSSION

A. AMENDMENT OF THE EXHIBIT LIST

9. The Panel notes that the Krasniqi Defence requests leave to add two items, DJK02000-DJK02015 and DJK02029-DJK02031 ("Requested Addition"), which are English translations of SITF00038933-00038953 and 052170-052181, pp. 052170-052172, respectively, to the Exhibit List.¹²

10. The SPO does not object to the Requested Addition.¹³

11. With regard to the issue of timely notice, the Panel observes that the original language versions of the Requested Addition were included on the Exhibit List as of 15 August 2025¹⁴ and the Requested Addition was disclosed to the Parties and participants on 4 September 2025.¹⁵ The Panel further notes that the Krasniqi Defence requested the addition within a few days following the disclosure. The Panel also considers that the first witnesses to testify as part of the Krasniqi Defence were only expected to start presenting their evidence in November 2025.

7 March 2024, confidential, para. 10 (a public redacted version was issued on the same day, F02167/RED); F02501, Panel, *Decision on Prosecution Request to Amend the Exhibit List* (F02279) and on *Thaçi Defence Motion for Exclusion of Materials in Limine*, 22 August 2024, confidential, para. 23 (a public redacted version was issued on 20 December 2024, F02501/RED); F03457, Panel, *Decision on Thaçi Defence Request to Amend the Exhibit List*, 10 September 2025, para. 11.

¹¹ 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.

¹² Request, para. 21, fns 22-23.

¹³ Response, para. 1.

¹⁴ F03403/A01, Specialist Counsel, *Annex 1 to Krasniqi Defence Submission of Revised Exhibit List*, 15 August 2025, Items 140, 671.

¹⁵ Disclosure Batch 1764.

Accordingly, the Panel is satisfied that the Krasniqi Defence has provided timely notice of the Requested Addition.

12. With regard to the requirement of good case and *prima facie* relevance and sufficient importance of the Requested Addition, the Panel considers that the Requested Addition consists of English translations of two items on the Exhibit List, originally in French and German, which are not official languages of the Specialist Chambers ("SC"). Furthermore, the Panel observes that the Requested Addition relates to Proposed Exhibits 12 and 26 tendered for admission in this Request.¹⁶ Therefore, the Panel considers that the Requested Addition could assist the Panel in understanding Proposed Exhibits 12 and 26 and subsequently, in determining their admission into evidence. Moreover, the Panel notes that the Krasniqi Defence submits that Proposed Exhibits 12 and 26 are relevant, respectively, to countering the alleged KLA policy against opponents¹⁷ and acts of retaliation amongst the Albanian civilian population and responsibility of the KLA for such crimes¹⁸. The Panel is satisfied that there is good cause to amend the Exhibit List to add the Requested Addition and that the Requested Addition is *prima facie* relevant and sufficiently important to justify its late addition to the Exhibit List.

13. With regard to prejudice, the Panel recalls that: (i) the Krasniqi Defence requested the addition within a few weeks of filing the Exhibit List where the two items featured in their original language; (ii) the scope of the Requested Addition is limited to English translations; and (iii) the SPO does not object to the Requested Addition.¹⁹ The Panel therefore finds that no prejudice is caused to the SPO, the other Defence teams and Victims' Counsel by adding the Requested Addition to the Exhibit List.

¹⁶ Annex 1 to the Request, Proposed Exhibits 12, 26.

¹⁷ Annex 1 to the Request, Proposed Exhibit 12. *See also* below, paras 19, 23.

¹⁸ Annex 1 to the Request, Proposed Exhibit 26. *See also* below, paras 19, 28.

¹⁹ Response, para. 1.

14. In light of the above, the Panel grants leave to add the Requested Addition to the Exhibit List. The Panel orders the Krasniqi Defence to file an amended Exhibit List by no later than Thursday, 23 October 2025.

B. ADMISSION OF THE PROPOSED EXHIBITS

15. The Krasniqi Defence submits that: (i) the Proposed Exhibits consist of contemporaneous international reports or material from news outlets;²⁰ (ii) relate to locations relevant to the indictment ("Indictment"),²¹ in particular Gjilan/Gnjilane, Shalë/Sedlare, Rahovec/Orahovac, Prizren, Llapashticë/Lapaštica and related locations, Budakovë/Budakovo and Semetishtë/Semetište, and Drenoc/Drenovac;²² (iii) corroborate and are complementary to testimonies of SPO witnesses and other documents already admitted in the case;²³ (iv) are collectively relevant to contradict Indictment allegations concerning the purported existence of a policy against alleged opponents, and the Accused's alleged knowledge of crimes committed against the civilian population in Kosovo during the Indictment period;²⁴ and (v) are probative of Mr Krasniqi's lack of effective control over any Kosovo Liberation Army ("KLA") members or knowledge of, or intent, crimes committed at local level.²⁵

1. Preliminary Matter

16. The Panel notes the SPO's submission that while it does not object to Proposed Exhibits 8-9, 35 and 36, these items should have been tendered through

²⁰ Request, para. 11.

²¹ F00999/A01, Specialist Prosecutor, *Annex 1 to Submission of Confirmed Amended Indictment*, 30 September 2022, confidential (a public lesser redacted version was filed on 27 February 2023, F01323/A01).

²² Request, paras 2, 10, 12-18.

²³ Request, para. 10.

²⁴ Request, paras 2, 12-13.

²⁵ Request, para. 13.

witnesses who testified in the proceedings.²⁶ The Panel recalls that there is no requirement under the SC legal framework that Proposed Exhibits be authenticated through witnesses.²⁷ However, the failure of a party to put to a witness capable of commenting on a document could be relevant to the weight that the Panel might be prepared to give to that document if admitted.²⁸

2. Proposed Exhibits 1-4, 7-32: Gjilan/Gnjilane, Rahovec/Orahovac, and Prizren

17. Regarding Proposed Exhibits 1-4, 7-32,²⁹ the Panel notes that they consist of: (i) reports or other documents originating from international institutions (“International Institutions Documents”);³⁰ and (ii) articles and video footage from media (“Media Items”).³¹

18. The Panel observes that while the SPO does not object to the admission of Proposed Exhibits 1-3, 5-10, 13-14, 17, 20, and 23-32³² it opposes the admission of Proposed Exhibits 4, 11-12, 15-16, 18-19, 21-22 on the basis of lack of relevance and *prima facie* probative value.³³

²⁶ See Response, paras 3, 15.

²⁷ See Decision on Bar Table Motion, para. 12. See also Rule 138(1).

²⁸ F03070, Panel, *Decision on Prosecution Motion for Admission of Pashtrik Zone Documents*, 1 April 2025, para. 16.

²⁹ In relation to Proposed Exhibit 1, the Panel notes that the Krasniqi Defence only tenders SITF00012325-00012368, pp. SITF00012340-SITF00012341, SITF00012367. In relation to Proposed Exhibit 7, the Panel notes that the Krasniqi Defence only tenders 7006240-7006243, p. 7006240. In relation to Proposed Exhibit 8, the Panel notes that the Krasniqi Defence only tenders SPOE00304736-00304739, pp. SPOE00304736-SPOE00304738. In relation to Proposed Exhibit 9, the Panel notes that the Krasniqi Defence only tenders SPOE00304680-00304682, pp. SPOE00304680-SPOE00304681. In relation to Proposed Exhibit 12, the Panel notes that the Krasniqi Defence only tenders SITF00038933-00038953, pp. SITF00038933-SITF00038937 and pp. SITF00038949-SITF00038953 (DJK02000-DJK02002 and DJK02011-DJK02015). In relation to Proposed Exhibit 26, the Panel notes that the Krasniqi Defence only tenders 052170-052181, pp. 052170-052172. In relation to Proposed Exhibit 29, the Panel notes that the Krasniqi Defence only tenders pages that have not yet been admitted. In this regard, pp. 16-17 have been admitted as P00513 and pp. 31-32 have been admitted as P01039. The video footage has been admitted as P00513.

³⁰ Annex 1 to the Request, Proposed Exhibits 1, 4, 7-10, 12-16, 18-26, 30-32.

³¹ Annex 1 to the Request, Proposed Exhibits 2-3, 11, 17, 27-29.

³² Response, para. 1.

³³ Response, paras 1, 4-16, 20.

(a) Relevance

19. Regarding the relevance of Proposed Exhibits 1-4, 7-32, the Panel notes the Krasniqi Defence's submissions that they are said to be relevant to, *inter alia*: (i) showing the disorganisation of the KLA and its inability to control its members in the period following the signing of the Kumanovo Agreement on 9 June 1999;³⁴ (ii) chaotic circumstances in Rahovec/Orahovac and Prizren caused by the mass returns of refugees; and (iii) showing that as a result of such chaotic circumstances, crimes in Rahovec/Orahovac and Prizren were committed by individuals and groups acting outside the Accused's control, knowledge or intent.³⁵ The Panel further observes that Proposed Exhibits 1-4, 7-32 also purportedly relate to: (i) security situation in Gjilan/Gnjilane and the activity of the KLA there;³⁶ (ii) the existence and status of the Democratic League of Kosovo ("LDK") and its relationship with the KLA;³⁷ and (iii) credibility of a witness.³⁸

20. The Panel notes the SPO's objections regarding Proposed Exhibits 4, 11-12, 15, 16, 18, 19, 21, and 22 are based on their alleged lack of relevance. The Panel recalls in this regard that the burden to establish relevance, as with other conditions for admission, is with the tendering party.³⁹

21. The Panel will proceed to assess these items in turn. Regarding Proposed Exhibit 4, the Panel notes that, according to the Krasniqi Defence, it purports to show that the Albanian population was in a disadvantageous and dangerous position compared to the Serbian population in the village described.⁴⁰ The Panel also notes that the Krasniqi Defence, in general, seeks to tender Proposed Exhibits

³⁴ Request, para. 14; Annex 1 to the Request, Proposed Exhibits 8, 13, 17, 32.

³⁵ Request, para. 14; Annex 1 to the Request, Proposed Exhibits 7, 9-14, 16-29, 31.

³⁶ Annex 1 to the Request, Proposed Exhibits 1-4.

³⁷ Annex 1 to the Request, Proposed Exhibits 15, 23.

³⁸ Annex 1 to the Request, Proposed Exhibit 30.

³⁹ See e.g., F02951, Panel, *Decision on Prosecution Motion for Admission of Llap Zone Documents and Related Request*, 21 February 2025, para. 21.

⁴⁰ Annex 1 to the Request, Proposed Exhibit 4.

related to this location to show disorganisation of the KLA or the situation in the area following the return of refugees.⁴¹ The Panel first notes that it has previously ruled that evidence of alleged crimes committed by Serbian forces is generally irrelevant to the charges against the Accused.⁴² The Krasniqi Defence has also failed to establish that the incidents described in this item are connected to any of the charges or facts in the Indictment, or that they relate to or are probative of the KLA's organisation or activity in the area at a time or location relevant to the charges.⁴³ The Panel notes, in particular, that the facts described in the Proposed Exhibit 4, which refer to 7 February 1999, do not fall within the temporal scope of the charges for Gjilan/Gnjilane.⁴⁴ The Panel therefore considers that the Krasniqi Defence has failed to establish the relevance of Proposed Exhibit 4.

22. Turning to Proposed Exhibit 11, the Panel notes the Krasniqi Defence's submission that the video relates to, *inter alia*, the aftermath of Serb crimes committed against the Albanian population, the defensive nature of the KLA's organisation, allegations of the KLA's involvement in the disappearance and deaths of individuals whose bodies were found in unexplained circumstances and possible acts of vengeance by civilian population.⁴⁵ Having reviewed Proposed Exhibit 11, the Panel observes that the first part of the video largely relates to crimes allegedly committed by Serb forces in and around Rahovec/Orahovac. The Panel recalls its holding that evidence of alleged crimes committed by Serbian forces is generally irrelevant to the charges against the Accused.⁴⁶ The Panel considers that the Krasniqi Defence has failed to establish that the first portion of the video is relevant to this case. Nevertheless, the Panel

⁴¹ Request, para. 14.

⁴² Transcript of Hearing, 12 May 2023, p. 3746, line 14 to p. 3747, line 16.

⁴³ *Contra* Annex 1 to the Request, Proposed Exhibit 4; Indictment, paras 13-31, 92, 133, 172.

⁴⁴ Indictment, paras 92, 133, 172.

⁴⁵ Annex 1 to the Request, Proposed Exhibit 11.

⁴⁶ Transcript of Hearing, 12 May 2023, p. 3746, line 14 to p. 3747, line 16.

notes that ensuing parts of the video which concern, *inter alia*, KLA's claimed willingness to assist in investigations of crimes,⁴⁷ and possible acts of vengeance by Albanian population in case no arrests were made,⁴⁸ could be relevant to the present case.⁴⁹ The Panel considers that only the portion of the video consisting of 17:39-20:15 and 34:25-38:00 have been shown to be relevant. The Krasniqi Defence has failed to establish the relevance of the remaining parts of Proposed Exhibit 11.

23. Regarding Proposed Exhibit 12,⁵⁰ the Panel notes that it, *inter alia*, describes incidents of violence against minorities in the area, which are described as incidental, and this item also relates to reported violence that ensued following the return of refugees.⁵¹ None of these incidents are charged in the Indictment, nor is it alleged that any of the Accused or alleged participants in a joint criminal enterprise were involved. However, some of this information could be relevant to establishing the level of violence directed at certain members of minorities and the rule of law challenge that this might pose for those involved. It also contains some evidence considered relevant to the Defence case regarding the identity of those involved in such violence. On that basis, the Panel is prepared to regard Proposed Exhibit 12 as relevant on this limited basis.

24. Regarding Proposed Exhibit 15, the Panel notes the Krasniqi Defence's submission that it relates to the relationship between the LDK and the KLA, and the suggestion that they were not in opposition and had common goals.⁵² Having reviewed Proposed Exhibit 15, the Panel does not consider its content, as described therein, to be relevant to the claimed common goals of the KLA and LDK in any way relevant to this case. The Panel notes that while a portion of Proposed Exhibit

⁴⁷ See V000-1847-V000-1847, 17:39-20:15; 36:33-36:35.

⁴⁸ See V000-1847-V000-1847, 34:25-38:00.

⁴⁹ See e.g., Indictment, paras 16-19, 22, 23, 32, 36, 37-39, 55-57.

⁵⁰ See *above*, fn. 29.

⁵¹ See e.g., DJK02000-DJK02015, pp. DJK02002, DJK02011, DJK02013.

⁵² Annex 1 to the Request, Proposed Exhibit 15.

15 mentions the LDK denouncing crimes committed by Serb forces, this item is largely relevant to crimes committed by Serb forces, which are irrelevant unless otherwise connected to the charges against the Accused.⁵³ The Panel therefore finds that the Krasniqi Defence has failed to establish that Proposed Exhibit 15 is relevant to this case.

25. Regarding Proposed Exhibit 16, the Panel notes the Krasniqi Defence's submission that it relates to crimes committed by the Serb forces and to showing that the KLA was not in control of all individuals committing crimes after the formal end of the conflict.⁵⁴ Having reviewed Proposed Exhibit 16, the Panel notes that part of this item refers to crimes allegedly being blamed on the KLA⁵⁵ and acts of violence allegedly being committed sporadically by the Albanian population in Orahovac/Rahovec.⁵⁶ Considering that these events do not relate to any of the charged crimes and are only remotely related to circumstances relevant to this case, the Panel finds the claim of relevance to this case to be tenuous. The Panel also considers that the adjudicated facts referred to by the SPO do not factually cover the topics that the Panel considers to be relevant in the present context.⁵⁷ The Panel further considers that Proposed Exhibit 16 might be tenuously relevant to certain inferences which the Panel is invited to draw in respect of the KLA's policy to target certain categories of individuals and attributability of such conduct to the Accused or those associated with them.⁵⁸

26. Regarding Proposed Exhibits 18 and 19, the Panel notes the Krasniqi Defence's submission that they relate to, *inter alia*, crimes committed in August 1999, the presence of North Atlantic Treaty Organization's Kosovo Force

⁵³ See Transcript of Hearing, 12 May 2023, p. 3746, line 14 to p. 3747, line 16.

⁵⁴ Annex 1 to the Request, Proposed Exhibit 16.

⁵⁵ See SITF00039166-00039169, p. SITF00039167.

⁵⁶ See SITF00039166-00039169, p. SITF00039167.

⁵⁷ Response, para. 10, fn. 21.

⁵⁸ Indictment, paras 16-19, 22, 23, 32, 36, 37-39, 55-57.

("KFOR") in the area,⁵⁹ and the post-war situation in Orahovac/Rahovec.⁶⁰ The Krasniqi Defence has failed to explain how such information relates to the charges or to its case in response to those. Having reviewed Proposed Exhibit 19, the Panel is not satisfied that it is relevant to the present case. In relation to Proposed Exhibit 18, the Panel notes that it relates to KFOR's presence and control over Orahovac/Rahovec in August 1999. The Krasniqi Defence has failed to establish how this fact would be relevant to the case. The Krasniqi Defence has thus failed to establish that Proposed Exhibits 18 and 19 are relevant.

27. Regarding Proposed Exhibits 21 and 22, the Panel notes the Krasniqi Defence's submission that they relate to criminal investigation against a dropped SPO witness and that these crimes relate to the area named in the Indictment and are within its temporal scope.⁶¹ The Krasniqi Defence also submits that both Proposed Exhibits contradict the SPO's allegation of the targeting of opponents by members of the KLA.⁶² The Panel first considers that the victims identified in the criminal investigations reports are not victims named in the Indictment. The Panel further considers, in relation to Proposed Exhibit 21, that the crimes described in the criminal report do not appear to be connected to the present case.⁶³ While Proposed Exhibit 22 indicates a potential nexus to the conflict of 1998-1999,⁶⁴ the factual information provided therein indicates no connection to the present case. The Krasniqi Defence has failed to establish the relevance of these proposed items to this case. The Panel therefore does not consider that Proposed Exhibits 21 and 22 are relevant to the present case.

⁵⁹ Annex 1 to the Request, Proposed Exhibit 18.

⁶⁰ Annex 1 to the Request, Proposed Exhibit 19.

⁶¹ Annex 1 to the Request, Proposed Exhibits 21-22.

⁶² Annex 1 to the Request, Proposed Exhibits 21-22.

⁶³ See SPOE00144738-00144742, pp. SPOE00144739, SPOE00144741.

⁶⁴ See SITF00193805-SITF00193806, p. SITF00193806.

28. Having reviewed Proposed Exhibits 1-3, 7-14, 16-17, 20, 23-32, the Panel is satisfied that they are relevant to allegations, charges and modes of liability in the Indictment, as well as to other material facts relevant to the case.⁶⁵ In relation to Proposed Exhibit 11, the Panel is satisfied that only the portion consisting of 17:39-20:15; 34:25-38:00 is relevant.⁶⁶ The Panel does not find Proposed Exhibits 4, 11 in part,⁶⁷ 15, 18, 19, 21, and 22 relevant.

(b) Authenticity

29. Regarding the authenticity of the International Institutions Documents,⁶⁸ the Panel observes that they clearly originate from the institutions they are purported to originate from since for all items, except Proposed Exhibits 7 and 31, the name of the institution is written on the front page of the respective item, or included in the header, or in the address line.⁶⁹ In relation to Proposed Exhibit 7, the Panel notes that while the name of the institution is redacted, the item bears marking of a security classification of that institution. Similarly, while Proposed Exhibit 31 does not include the name of the institution, its provenance can be derived from the content and authorship of the report. The Panel further notes that the majority of the International Institutions Documents include names of their authors,⁷⁰ and some of them are also signed.⁷¹ Moreover, all the International Institutions Documents are dated.

30. Turning to the Media Items,⁷² the Panel notes that Proposed Exhibits 2, 17, 27, and 28 are dated, contain the name of the media outlet and where relevant, the web address of the website is provided. Concerning Proposed Exhibit 29, the

⁶⁵ See e.g., Indictment, paras 16-19, 22-23, 28, 31-39, 44, 50-55.

⁶⁶ See above, para. 22.

⁶⁷ See above, para. 22.

⁶⁸ Annex 1 to the Request, Proposed Exhibits 1, 7-10, 12-14, 16, 20, 23-26, 30-32.

⁶⁹ Proposed Exhibits 1, 8-10, 12-14, 16, 20, 23-26, 30, 32.

⁷⁰ Proposed Exhibits 1, 12, 13, 20, 23, 24, 26, 30-32.

⁷¹ Proposed Exhibits 13, 20, 24, 26, 30, 31.

⁷² Annex 1 to the Request, Proposed Exhibits 2-3, 11, 17, 27-29.

Panel notes that it consists of a transcript of video footage that has been previously admitted into evidence,⁷³ as have certain portions of the same transcript.⁷⁴ The Panel further notes that the transcript contains name of the broadcaster and names of the journalists authoring the video footage.

31. Regarding Proposed Exhibits 3 and part of 11, the Panel notes that they consist of video footage relating to contemporaneous events in Kosovo in June 1999 or following the withdrawal of Serb forces. The Panel recalls that the admissibility of videos generally requires information regarding their origin and integrity.⁷⁵ The Panel notes in this regard that the logo of the broadcaster is included on both videos and that events to which the videos relate, including the dates, are discernible from the videos' content. Moreover, in relation to Proposed Exhibit 3, the Krasniqi Defence provided a transcript of the video.⁷⁶ In relation to the assessed Proposed Exhibit 11,⁷⁷ the Panel notes that while a transcript of the video is not provided, the Krasniqi Defence has provided an annotated time-stamped summary of its content.⁷⁸

32. In light of the above, the Panel finds that the Defence has established that Proposed Exhibits 1-3, 7-14, 16-17, 20, 23-32 are *prima facie* authentic.

(c) Probative value not outweighed by prejudicial effect

33. Having found Proposed Exhibits 1-3, 7-14, 16-17, 20, 23-32 to be relevant and *prima facie* authentic,⁷⁹ the Panel is also satisfied that these items also bear *prima facie* probative value regarding facts and circumstances relevant to this case as outlined above at paragraphs 19, 22, 23, 25 and 28.⁸⁰

⁷³ See above, fn. 29.

⁷⁴ See above, fn. 29.

⁷⁵ Decision on Bar Table Motion, para. 26.

⁷⁶ Annex 1 to the Request, Proposed Exhibit 3.

⁷⁷ See above, para. 22.

⁷⁸ Annex 1 to the Request, Proposed Exhibit 11.

⁷⁹ See above, paras 28, 32.

⁸⁰ See also Request, para 14; Annex 1 to the Request, Proposed Exhibits 1-3, 7-17, 20, 23-32.

34. The Panel further considers that the SPO, the other Defence teams and Victims' Counsel will have an opportunity to make submissions in respect of the weight and probative value of these items and may, if they so choose, challenge the content of any of these items. The Panel is therefore satisfied that the *prima facie* probative value of Proposed Exhibits 1-3, 7-14, 16-17, 20, 23-32, and 11⁸¹ in part, is not outweighed by any prejudicial effect.

(d) Conclusion

35. In light of the above, the Panel is satisfied that Proposed Exhibits 1-3, 7-14, 16-17, 20, 23-32 should be admitted pursuant to Rule 138(1). In relation to Proposed Exhibit 11, the Panel recalls it only assessed the video as consisting of 17:39-20:15; 34:25-38:00 as relevant⁸² and, therefore, only this part is admitted. The Panel denies, without prejudice, admission of Proposed Exhibits 4, 15, 18-19, 21-22 and the remainder of Proposed Exhibit 11.

3. Proposed Exhibits 5 and 6: Shalë/Sedlare

36. Regarding Proposed Exhibits 5 and 6, the Panel notes that they consist of a video footage published by Associated Press and a report from an international institution.

37. The Panel also notes that the SPO does not object the admission of Proposed Exhibits 5 and 6.⁸³

(a) Relevance

38. Regarding the relevance of Proposed Exhibits 5 and 6, the Panel notes the Krasniqi Defence's submissions that they are relevant to demonstrating instances where persons captured by the KLA during the war reported that they had been treated fairly, thereby contradicting the allegations that detentions and

⁸¹ See above, para. 22.

⁸² See above, para. 22.

⁸³ Response, para. 1.

mistreatments attributed to the KLA were part of a common policy.⁸⁴ The Panel further notes that Proposed Exhibits 5 and 6 relate to the KLA's treatment of detainees.⁸⁵

39. Having reviewed Proposed Exhibits 5 and 6, the Panel observes that they refer to events in January 1999⁸⁶ while charges in the Indictment concerning Shalë/Sedlare relate to October and November 1998.⁸⁷ However, the Panel considers that these Proposed Exhibits relate to an incident that is relevant to establishing the KLA's ability to arrest and release detainees, and might be relevant to certain inferences that are being sought by the Parties in respect of the KLA detentions. The Panel notes that evidence pertaining to this matter has already been led by both Parties⁸⁸ and the Panel will consider Proposed Exhibits 5 and 6 in that context. The Panel is therefore satisfied that the Krasniqi Defence has established that Proposed Exhibits 5 and 6 are relevant to the case.⁸⁹

(b) Authenticity

40. With regard to Proposed Exhibit 5, the Panel notes that it consists of a video footage published by Associated Press. The Panel recalls its consideration of videos for the purposes of their admission through bar table⁹⁰ and notes that the video contains the name of the broadcaster, it is supplemented by a transcript,⁹¹ and based on its content, it refers to location relevant to this case. Regarding Proposed Exhibit 6, the Panel observes that it originates from an international

⁸⁴ Request, para. 15.

⁸⁵ Annex 1 to the Request, Proposed Exhibits 5-6.

⁸⁶ See e.g., IT-05-87.1 P01075, p. K0222985.

⁸⁷ See Indictment, paras 48, 77, 112-114. See also Indictment, Schedule A, 6.1.

⁸⁸ See e.g., F03070, Panel, *Decision on Prosecution Motion for Admission of Pashtrik Zone Documents*, 1 April 2025, paras 40, 130.

⁸⁹ See Indictment, paras 16-17, 32.

⁹⁰ See above, para. 22.

⁹¹ See Annex 1 to the Request, Proposed Exhibit 5.

institution whose name is stated in the header of the document, it is dated and includes a reference number.

41. In light of the above, the Panel finds that the Defence has established that Proposed Exhibits 5 and 6 are *prima facie* authentic.

(c) Probative value not outweighed by prejudicial effect

42. Having found Proposed Exhibits 5 and 6 to be relevant and *prima facie* authentic,⁹² 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 paragraphs 38 and 39.⁹³

43. The Panel further considers that the SPO does not object to their admission,⁹⁴ and that the SPO, the other Defence teams and Victims' Counsel will have an opportunity to make submissions in respect of the weight and probative value of these items and may, if they so choose, challenge the content of any of these items. The Panel is therefore satisfied that the *prima facie* probative value of Proposed Exhibits 5 and 6 is not outweighed by any prejudicial effect.

(d) Conclusion

44. In light of the above, the Panel is satisfied that Proposed Exhibits 5 and 6 should be admitted pursuant to Rule 138(1).

4. Proposed Exhibits 33 and 34: Llapashticë/Lapaštica

45. The Panel notes that Proposed Exhibits 33 and 34 consist of articles published in two different news outlets.

⁹² See above, paras 39, 41.

⁹³ See also Request, para 15; Annex 1 to the Request, Proposed Exhibits 5-6.

⁹⁴ Response, para. 1.

46. The Panel also notes that the SPO does not object to the admission of Proposed Exhibits 33 and 34.⁹⁵

(a) Relevance

47. Regarding the relevance of Proposed Exhibits 33 and 34, the Panel notes the Krasniqi Defence's submissions that they are said to be relevant to: (i) relations between the KLA and the LDK, thereby contradicting the alleged existence of KLA policy against political opponents; and (ii) showing that information supplied by the media had not originated from the KLA General Staff, but individual units in the field, thereby contradicting the allegation that the Accused were involved in formulating and disseminating all information received by the media.⁹⁶

48. Having reviewed Proposed Exhibits 33 and 34, the Panel does not view that these items are related to the charged crimes in Llapashticë/Lapaštica.⁹⁷ The Panel considers, however, that Proposed Exhibit 33 may be relevant to the question of the relationship between the KLA leadership in Llap Operative Zone and the LDK (and other local organisations). The Panel further considers that Proposed Exhibit 34 is relevant insofar as it might show that the Llap Operative Zone command issued public notices through the media. This item also contains general information which might be relevant to establishing the existence of a non-international armed conflict at the time. On that basis, the Panel is satisfied that these two items are relevant.

(b) Authenticity

49. Regarding Proposed Exhibits 33 and 34,⁹⁸ the Panel observes that both articles are dated and provide the name of the respective news outlet. The Panel further

⁹⁵ Response, para. 1.

⁹⁶ Request, para. 16; Annex 1 to the Request, Proposed Exhibits 33-34.

⁹⁷ Indictment, paras 71-73, 107-108.

⁹⁸ In relation to Proposed Exhibit 34, the Panel notes that the original Albanian version, ERN SPOE00349096-00349251, p. SPOE00349145 is not tendered by the Krasniqi Defence and has not been admitted into evidence.

notes that Proposed Exhibit 33 also includes a web address. In light of this, the Panel finds that the Defence has established that Proposed Exhibits 33 and 34 are *prima facie* authentic.

(c) Probative value not outweighed by prejudicial effect

50. Having found Proposed Exhibits 33 and 34 to be relevant and *prima facie* authentic,⁹⁹ 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 paragraphs 47 and 48.¹⁰⁰ The Panel notes, however, that neither Exhibit 33, nor Exhibit 34, were presented to the relevant witness by the Krasniqi Defence when he testified in this case. This might bear upon the weight and/or probative value which the Panel might be prepared to give to these items.

51. The Panel further considers that the SPO does not object to their admissions¹⁰¹ and the SPO, the other Defence teams and Victims' Counsel will have an opportunity to make submissions in respect of the weight and probative value of these items and may, if they so choose, challenge the content of any of these items. The Panel is therefore satisfied that the *prima facie* probative value of Proposed Exhibits 33 and 34 is not outweighed by any prejudicial effect.

(d) Conclusion

52. In light of the above, the Panel is satisfied that Proposed Exhibits 33 and 34 should be admitted pursuant to Rule 138(1).

⁹⁹ See above, paras 48, 49.

¹⁰⁰ See also Request, para 16; Annex 1 to the Request.

¹⁰¹ Response, para. 1.

5. Proposed Exhibits 35 and 36: Budakovë/Budakovo and Semetishtë/Semetište

53. The Panel notes that Proposed Exhibits 35¹⁰² and 36 consist of compilations of documents related to criminal investigations of two alleged victims of murder, provided by an international institution.

54. The Panel further notes that the SPO does not dispute admission of Proposed Exhibits 35 and 36.¹⁰³

(a) Relevance

55. Regarding the relevance of Proposed Exhibits 35 and 36, the Panel notes the Krasniqi Defence's submissions that they are relevant to the alleged disappearance of two victims named in the Indictment and purport to show that the alleged perpetrator was a simple soldier who reportedly had not acted pursuant to the order of a superior.¹⁰⁴

56. Having reviewed Proposed Exhibits 35 and 36, and taking note of the absence of objection on grounds of relevance, the Panel is satisfied that they are relevant to facts and circumstances relevant to the case, in particular to the attributability of certain alleged incidents.¹⁰⁵

(b) Authenticity

57. Having reviewed Proposed Exhibits 35 and 36, the Panel observes that both are collections of documents that originate from criminal investigations by an international and domestic institution, documents therein are dated, include the name and emblem of the institution from which they originate, and include

¹⁰² In relation to Proposed Exhibit 35, the Panel notes that the Krasniqi Defence only tenders SITF00032949-SITF00032968, pp. SITF00032949, SITF00032963-SITF00032964.

¹⁰³ Response, para. 1. *See also* Annex 1 to the Request, fn. 1 wherein the Krasniqi Defence outlines that the SPO was initially informed of its intention to only tender SITF00032949-SITF00032968, pp. SITF00032963-SITF00032964. The Krasniqi Defence explains that it seeks to tender SITF00032949-SITF00032968, p. SITF00032949 to demonstrate the chain of custody.

¹⁰⁴ Request, para. 17.

¹⁰⁵ Indictment, paras 68, 104, 155.

signatures of designated officers. The Panel also notes that Proposed Exhibit 35 includes the address line of the addressee and information about the chain of custody.¹⁰⁶ In light of this, the Panel finds that the Defence has established that Proposed Exhibits 35 and 36 are *prima facie* authentic.

(c) Probative value not outweighed by prejudicial effect

58. Having found Proposed Exhibits 35 and 36 to be relevant and *prima facie* authentic,¹⁰⁷ the Panel is also satisfied that these items also bear *prima facie* probative value regarding facts and circumstances relevant to this case as outlined above at paragraphs 55 and 56.¹⁰⁸

59. The Panel further considers that the SPO does not object to their admissions and the SPO, the other Defence teams and Victims' Counsel will have an opportunity to make submissions in respect of the weight and probative value of these items and may, if they so choose, challenge the content of any of these items. The Panel is therefore satisfied that the *prima facie* probative value of Proposed Exhibits 35 and 36 is not outweighed by any prejudicial effect.

(d) Conclusion

60. In light of the above, the Panel is satisfied that Proposed Exhibits 35 and 36 should be admitted pursuant to Rule 138(1).

6. Proposed Exhibits 37-39: Drenoc/Drenovac

61. The Panel notes that Proposed Exhibits 37-39 consist of: (i) a video still image; and (ii) reports originating from an international institution regarding abduction of two victims.

¹⁰⁶ See SITF00032949-SITF00032968, p. SITF00032949.

¹⁰⁷ See *above*, paras 56, 57.

¹⁰⁸ See *also* Request, para. 17; Annex 1 to the Request, Proposed Exhibits 35-36.

62. The Panel further observes that the SPO does not object to the admission of Proposed Exhibit 39, but object to the admission of the remaining two.¹⁰⁹

(a) Relevance

63. Regarding the relevance of Proposed Exhibits 37-39, the Panel notes the Krasniqi Defence's submissions that they are said to be relevant to the death of a victim and that the Proposed Exhibits corroborate the existence of blood feuds in Kosovo.¹¹⁰

64. The Panel notes that the SPO objects to the admission of Proposed Exhibits 37-38. In relation to Proposed Exhibit 37, which consists of a video still image of a purported reconciliation of an alleged blood feud relevant to these proceedings, the Panel notes that, according to the information provided by the Krasniqi Defence, the still image dates from 2015.¹¹¹ On the basis of such limited information, the Panel cannot discern its relevance to the Indictment, even only for the purposes of contextual elements. Moreover, the reported blood feud appears to relate to an individual who is not a named victim in these proceedings.¹¹² The Panel is therefore not satisfied that Proposed Exhibit 37 is relevant to these proceedings.

65. Concerning Proposed Exhibit 38, the Panel notes that pages SITF00318592 to SITF00318594 are summaries of recorded witness statements that two witnesses gave in the course of a criminal investigation and p. SITF00318595 consists of a conclusion made by an investigator on the basis of those summaries. The Panel observes that these summary records of interviews were prepared in the context of criminal investigations and appear to be verbatim transcriptions of the

¹⁰⁹ Response, paras 17-18, 20.

¹¹⁰ Request, para. 18.

¹¹¹ Annex 1 to the Request, Proposed Exhibit 37.

¹¹² Compare Proposed Exhibit 37 with P00250, pp. SPOE00208913-00208914. See also Indictment, para. 154.

witnesses' accounts provided to the investigators. The Panel recalls its previous decision wherein it held that notes that in essence assist in planning future investigations, that reproduce information provided by a witness in the course of a formal investigation constitute witness statements whose admission is subject to Rules 153-155.¹¹³ The Panel considers that material contained in Proposed Exhibit 38 falls in this category and its admission is therefore subject to Rules 153-155. The Panel therefore considers the Proposed Exhibit 38 cannot be admitted through bar table pursuant to Rule 138.

66. Having reviewed 39, the Panel is satisfied that it is relevant to allegations, charges and modes of liability in the Indictment, as well as to other material facts relevant to the case, including a charged victim in this case.¹¹⁴ The Panel is not satisfied that Proposed Exhibit 37 is relevant. The Panel is further not satisfied that Proposed Exhibit 38 is suitable for admission.

(b) Authenticity

67. Having reviewed Proposed 39, the Panel observes that it originates from criminal investigations conducted by an international institution, it is dated it include the name of the institution from which it originates. In light of this, the Panel finds that the Defence has established that Proposed Exhibit 39 is *prima facie* authentic.

(c) Probative value not outweighed by prejudicial effect

68. Having found Proposed Exhibit 39 to be relevant and *prima facie* authentic,¹¹⁵ the Panel is satisfied that it also bears *prima facie* probative value regarding facts and circumstances relevant to this case as outlined above at paragraph 66.¹¹⁶

¹¹³ See F02580, Panel, *Reasons for Admission of W03780's Statement and Related Order*, 17 September 2025, confidential, para. 10 (a public redacted version of the filing was filed on the same day, F02580/RED).

¹¹⁴ See e.g. Indictment, paras 16, 17, 32-57, 102.

¹¹⁵ See *above*, paras 66, 67.

¹¹⁶ See *also* Request, para. 18; Annex 1 to the Request, Proposed Exhibit 39.

69. The Panel further considers that the SPO, the other Defence teams and Victims' Counsel will have an opportunity to make submissions in respect of the weight and probative value of these items and may, if they so choose, challenge the content of any of these items. The Panel is therefore satisfied that the *prima facie* probative value of Proposed Exhibit 39 is not outweighed by any prejudicial effect.

(d) Conclusion

70. In light of the above, the Panel is satisfied that Proposed Exhibit 39 should be admitted pursuant to Rule 138(1). The Panel rejects, without prejudice, the admission of Proposed Exhibit 37 and 38 pursuant to Rule 138(1).

V. CLASSIFICATION

71. The Panel notes that the Request, that was initially classified as public, was, with the Panel's approval reclassified as confidential.¹¹⁷ The Panel also notes that the Response is confidential giving effect to existing protective measures.¹¹⁸ The Panel orders the Krasniqi Defence and the SPO to file public redacted versions of the Request and the Response by Thursday, 23 October 2025. Annex 1 to the Request may remain classified as confidential.

VI. DISPOSITION

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

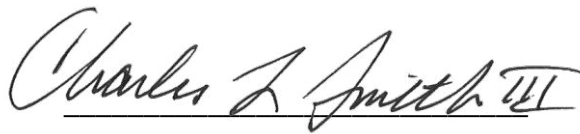
- a) **GRANTS** the Request, in part;
- b) **GRANTS** the Krasniqi Defence leave to make the Requested Addition to the Exhibit List;
- c) **ORDERS** the Krasniqi Defence to file its amended Exhibit List no later

¹¹⁷ See above, fn. 3.

¹¹⁸ Response, para. 19.

than Thursday, 23 October 2025;

- d) **ADMITS** into evidence Proposed Exhibits 1-3, 5-10, 12-14, 16, 17, 20, 23-36, and 39 and, in part, Proposed Exhibit 11 (17:39-20:15; 34:25-38:00);
- e) **DENIES**, without prejudice, admission of Proposed Exhibits: 4, 15, 18-19, 21-22, 37, 38 and the remainder of Proposed Exhibit 11;
- f) **DIRECTS** the Registry to assign to the admitted items:
(i) exhibit numbers; and (ii) the classification indicated in Annex 1 to the Request; and
- g) **ORDERS** the Krasniqi Defence and the SPO to file public redacted versions of the Request and the Response by Thursday, 23 October 2025.



Judge Charles L. Smith, III

Presiding Judge

Dated this Thursday, 16 October 2025

At The Hague, the Netherlands.