

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 Christoph Barthe
Judge Guénaél Mettraux
Judge Fergal Gaynor, Reserve Judge

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 3 November 2025

Language: English

Classification: Public

**Thaçi Defence Second Request for Admission of Documents through the Bar
Table**

With Confidential Annexes 1 to 5

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I. INTRODUCTION

1. In accordance with Rule 138 of the Rules,¹ the Defence for Mr Hashim Thaçi (“Defence”) requests the admission of the items listed in Annexes 1 to 5 (“Proposed Exhibits”) through the bar table.

2. All the Proposed Exhibits are *prima facie* authentic, relevant, and have probative value that is not outweighed by any prejudice.

3. Within each Annex, the Defence has included information showing that each item contains sufficient indicia of authenticity, is *prima facie* relevant and has probative value.²

4. The Defence has also listed in both annexes the classification that it proposes to assign to each item if admitted. Where applicable, the Defence has indicated in a footnote the different classification as currently assigned to the item by the SPO on Legal Workflow.

5. The Proposed Exhibits are grouped thematically as far as possible; on that basis, Annex 1 contains items related to the armed conflict; Annex 2 contains items related to statements made by or attributed to Mr Thaçi; Annex 3 contains items relevant to actions or statements attributed to the KLA or individual KLA members; Annex 4 contains items related to the level of organisation and command structure of the KLA; Annex 5 contains items related to various relevant issues, and is therefore a residual, miscellaneous category. Within each annex, the Proposed Exhibits are listed, as far as

¹ KSC-BD-03/Rev3/2020, Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, 2 June 2020 (“Rules”).

² The Defence has included an additional column in each Annex with information indicating to which paragraphs of the Indictment or the Defence Pre-Trial Brief each item primarily relates, where applicable. The acronyms used therein are the same as those first used by the SPO in F01268/07 for the reference to specific paragraphs of the Indictment

possible, in chronological order.

6. The Defence has also included in relevant annexes items that were notified for use with 1DW-008³ and 1DW-007,⁴ with a view to reduce the time for their examination.

II. PROCEDURAL BACKGROUND

7. During the Status Conference of 22 July 2025, the Thaçi Defence communicated that it anticipated filing one or more bar table motions towards the end of the defence case.⁵

8. On 2 September 2025, the Panel ordered the Defence to file any final bar table motion no later than one week after the completion of the testimony of the last witness called by the respective Defence team.⁶

9. On 5 September 2025, the Defence filed its first Bar Table Motion.⁷ The Panel adjudicated on that request on 12 September 2025.⁸

10. On 23 October, the Trial Panel issued the “Order Revising Deadline for the Filing of Bar Table Motions and Providing for Compliance with Paragraph 81 of the Order on the Conduct of Proceedings”,⁹ revising *proprio motu* the time limit previously

³ F03505/A02, Annex 2 to Thaçi Defence Fifth Notification of Additional Witness Information and Related Requests, 3 October 2025.

⁴ F03534/A02, Annex 2 to Thaçi Defence Sixth Notification of Additional Witness Information and Related Requests, 22 October 2025.

⁵ KSC-BC-2020-06, Transcript of 22 July 2025, pages 26390-26391.

⁶ F03435, Panel, Further Order on the Scheduling of the Defence Case, 2 September 2025, para. 35(g).

⁷ F03448, Thaçi Defence Request for Admission of Documents Through the Bar Table with Annexes 1 and 2, 5 September 2025.

⁸ F03467, Decision on Thaçi Defence Request for Admission of Documents Through the Bar Table, 12 September 2025.

⁹ F03535, Order Revising Deadline for the Filing of Bar Table Motions and Providing for

set for the filing of any remaining bar table motions, and ordering the Defence to file any remaining bar table motions no later than Monday, 3 November 2025 at 16:00 hours.¹⁰

11. On 24 October 2025, the Defence provided *inter partes* to the parties and participants a list of 169 proposed items for admission through a bar table motion, including information on the relevance of each of the items. The Defence requested the SPO to indicate any objections to the admission of the proposed exhibits, by 7 PM on 31 October 2025. A limited number of amendments to this list was notified via email to the SPO on 30 October 2025.

12. On 31 October 2025, the SPO communicated its position on some of the proposed exhibits; for the remaining documents, the SPO stated that considering the limited time available for *inter partes* review, it will provide its position in response to the motion once filed.

13. The SPO position is incorporated in a specific column in each Annex where available.

III. SUBMISSIONS

A. APPLICATION FOR ADMISSION OF MATERIAL THROUGH THE BAR TABLE

i. Authenticity

14. The Proposed Exhibits consist of book excerpts, international reports, documents of various nature originating from international organisations, governmental, or non-governmental organisations, documents or reports originating

Compliance with Paragraph 81 of the Order on the Conduct of Proceedings, 23 October 2025.

¹⁰ F03535, Order Revising Deadline for the Filing of Bar Table Motions and Providing for Compliance with Paragraph 81 of the Order on the Conduct of Proceedings, 23 October 2025, para. 26.

from news outlets.

15. Particularised submissions on authenticity are included in the annexes for each of the Proposed Exhibits.

Annex 1 – Documents relevant to the armed conflict

16. The Proposed Exhibits in Annex 1 are relevant to the armed conflict.

17. Some of these Proposed Exhibits relate to the decades of oppression by the Serbian regime suffered by the Kosovo Albanian population, and/or the atrocities committed by the Serb regimes or by armed Serb civilians against the Kosovo Albanian civilian population.¹¹ As developed in the Defence Pre-Trial Brief¹² at paras. 24-67, these items are relevant to place in the correct historical context the creation, formation and functioning of the KLA, as well as the sentiment of ethnic hatred and revenge that grew among the Kosovo Albanian population as a consequence of the decades of oppression from the Serbian regime and the brutal military campaign carried out by the Serb forces in 1998 and 1999.

18. Some other items in this Annex are helpful in providing an overview of key developments of the armed conflict, including the various stages of involvement of the international community in support of the KLA's fight against the Serb campaign.¹³ These include documents related to the circumstances leading up to and subsequent to the Rambouillet conference, the NATO intervention in the conflict, and the conclusion of the conflict with the withdrawal of the Serb troops in June 1999. These documents are additionally relevant as they provide additional context for the

¹¹ Annex 1, Item nos. 1-4, 6-16, 18-22, 25, 32, 34-35, 39.

¹² F01050, Pre-Trial Brief of Mr Hashim Thaçi, 21 October 2022.

¹³ E.g. see Annex 1, Item nos. 2, 6, 8, 30.

evidence of the Thaçi Defence witnesses that have testified so far as well as the forthcoming Thaçi Defence witnesses.

19. Other items in Annex 1 are relevant to temporal scope of the armed conflict, and particularly to establish that there was no armed conflict after 20 June 1999.¹⁴ Evidence of this type includes authoritative statements of various informed individuals, organisations and institutions that have found or established that the armed conflict in Kosovo did not extend beyond June 1999;¹⁵ minutes of meetings of the VJ with KFOR reflecting that the withdrawal of Serb troops was completed by 20 June as stipulated in the Military Technical Agreement and that there was no real risk of resumption of hostilities after the completion of this withdrawal;¹⁶ and documents originating from international organisations involved in the conflict or post-conflict setting clearly stating or implying that the conflict ended by 20 June 1999.¹⁷

20. Other items in this Annex relate to specific features or consequences of the military Serb offensives, such as the participation of armed Serb civilians in military operations¹⁸ or in attacks to the civilian populations,¹⁹ or the effect the Serb military offensives or modes of operations on the recruitment, organisation and operational capabilities of the KLA.²⁰

21. Lastly, some of the documents in Annex 1 detail the return of refugees to Kosovo starting from the suspension of NATO bombing campaign and continuing throughout the summer of 1999, which contributed to the situation of chaos and

¹⁴ Annex 1, Items no. 5, 17

¹⁵ Annex 1, Items nos. 33, 40-42.

¹⁶ Annex 1, Item no. 5.

¹⁷ Annex 1, Items no. 24, 30, 37

¹⁸ Annex 1, Item no. 31.

¹⁹ Annex 1, Item no. 38.

²⁰ Annex 1, Item nos. 23, 26-29, 36.

lawlessness that reigned over Kosovo during that timeframe.²¹

Annex 2 – Statements made by or attributed to Mr Thaçi

22. Annex 2 Proposed Exhibits consist of statements made by Mr Thaçi to the public, or in the context of political meetings, which are primarily relevant to prove Mr. Thaçi's role as politician and interlocutor with internationals; Mr. Thaçi's efforts towards peace and reconciliation in post-conflict Kosovo, including through public condemnation of crimes and violence, and calls for support for a multiethnic Kosovo;²² Mr. Thaçi's cooperation with the international community and willingness to work with Ibrahim Rugova in the context of the provisional government.²³ As such, these items are relevant to Mr Thaçi's alleged liability for the charged crimes through joint criminal enterprise.

23. Some of the items in Annex 2 are additionally relevant to the security situation in Kosovo after the withdrawal of the Serb forces,²⁴ the temporal scope of the armed conflict,²⁵ the KLA demilitarisation,²⁶ and to the forthcoming testimony of 1DW-007.²⁷

Annex 3 – Documents relevant to actions or statements attributed to the KLA or individual KLA members

24. Items in Annex 3 provide evidence of the content of public statements and public communications from the KLA²⁸ or individual high-ranking members of the

²¹ Annex 1, Item nos. 4, 9, 29.

²² Annex 2, Items no. 1-21, 24-30, 32-38.

²³ Annex 2, Items no. 12, 22-23, 31.

²⁴ Annex 2, Items no. 6, 8, 14.

²⁵ Annex 2, Item no. 3.

²⁶ Annex 2, Items no. 18-21, 26.

²⁷ Annex 2, Item no. 3.

²⁸ Annex 3, Item no. 1.

KLA,²⁹ and of actions attributed to KLA members, including in relation to cooperation with the international community on the ground in Kosovo,³⁰ and in the protection of minorities.³¹

25. These items are relevant to the allegations of existence of any KLA policy to target certain categories of individuals; the attributability of such conduct to the Accused or those associated with them; and to the accused's alleged liability for the charged crimes through joint criminal enterprise.

Annex 4 – Documents relevant to KLA structure

26. Documents in Annex 4 are relevant to the level of organisation and command structure of the KLA at various times during the Indictment period, in general terms,³² and with reference to specific areas or location;³³ in this group of Proposed Exhibits are also items relevant to the authority and powers of certain individuals within the KLA, including Mr Thaçi;³⁴ and to internal divisions within the KLA.³⁵

Annex 5 - Residual category

27. Annex 5 contains documents that are relevant to several issues, including those covered by document in other Annexes, such as: the KLA demilitarisation;³⁶ circumstances around the Rambouillet negotiations;³⁷ the role and authority of various

²⁹ Annex 3, Item nos. 2, 4-5.

³⁰ Annex 3, Items no. 2-6.

³¹ Annex 3, Item no. 3

³² E.g. Annex 4, Items no. 1-4, 6-9, 11

³³ E.g. Annex 4, Items no. 5, 10.

³⁴ E.g. Annex 4, Items no. 9, 12, 17.

³⁵ E.g. Annex 4, Items no. 10, 11.

³⁶ E.g. Annex 5, Items no. 2, 3, 13-14, 19, 23, 27, 31.

³⁷ E.g. Annex 5, Items no. 1, 10, 32, 34, 45, 51-52.

individuals within the KLA, including Mr Thaçi;³⁸ the mandate of UNMIK and concerns around their staffing and resources;³⁹ Mr Thaçi's cooperation with the international community and his efforts towards reconciliation;⁴⁰ the security situation in Kosovo in the summer of 1999 and the widespread nature of revenge crimes after the withdrawal of the Serb forces;⁴¹ the evidence of 1DW-004;⁴² the forthcoming testimony of 1DW-008 and 1DW-007;⁴³ the allegations of a KLA's policy to target certain categories of individuals and the attributability of such conduct to the Accused or those associated with them.⁴⁴

IV. CLASSIFICATION

28. Annexes 1-5 are classified as confidential pursuant to Rule 82, because they contain identifying information about a witness whose identity is currently not public and to protect the confidentiality of material referred therein.

V. CONCLUSION AND RELIEF SOUGHT

29. The Proposed Exhibits in Annexes 1 to 5 are *prima facie* authentic, relevant and have probative value that is not outweighed by any prejudice.

30. For the foregoing reasons, the Defence requests that the Trial Panel **ADMIT** the Proposed Exhibits listed in Annexes 1 to 5.

[Word count: 2143 words]

³⁸ E.g. Annex 5, Items no. 1-3, 9, 19, 56, 59.

³⁹ E.g. Annex 5, Items no. 31, 43, 54.

⁴⁰ E.g. Annex 5, Items no. 7, 21-22, 30, 53, 57.

⁴¹ E.g. Annex 5, Items no. 11, 18-26, 42, 53.

⁴² E.g. Annex 5, Items no. 9, 15, 22, 33, 35.

⁴³ E.g. Annex 5, Items no. 10, 17, 34, 38,

⁴⁴ E.g. Annex 5, Items no. 28, 36.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Luka Misetic', is centered on the page. The signature is fluid and cursive.

Luka Misetic

Counsel for Hashim Thaçi

Monday, 3 November 2025

At New York, United States