



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA 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: 1 December 2025

Language: English

Classification: Public

**Decision on Thaçi Defence Second Request for Admission of Documents Through
the Bar Table**

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 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 3 November 2025, in line with an order from the Panel,¹ the Defence for Mr Hashim Thaçi (“Thaçi Defence” and “Mr Thaçi”) filed a second request for admission of documents through the bar table (“Request”).²
2. On 10 November 2025, the Specialist Prosecutor’s Office (“SPO”) responded (“Response”).³
3. On 11 November 2025, the Thaçi Defence requested leave to reply to F03572.⁴
4. On 12 November 2025, the Panel allowed the reply in relation to certain discrete issues.⁵
5. On 13 November 2025, the Thaçi Defence presented its submissions in reply (“Reply”).⁶

¹ F03535, Panel, *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* (“Order of 23 October 2025”), 23 October 2025, paras 23, 26(b).

² F03555, Specialist Counsel, *Thaçi Defence Second Request for Admission of Documents Through the Bar Table*, 3 November 2025, with Annexes 1-5, confidential.

³ F03572, Specialist Prosecutor, *Prosecution Response to ‘Thaçi Defence Second Request for Admission of Documents Through the Bar Table’ (F03555)*, 10 November 2025. *See also* Order of 23 October 2025, paras 23, 26(b).

⁴ F03575, Specialist Counsel, *Thaçi Defence Request for Leave to Reply to F03572*, 11 November 2025. *See also* Order of 23 October 2025, para. 23.

⁵ Transcript of Hearing, 12 November 2025, p. 27963, lines 6-10.

⁶ Transcript of Hearing, 13 November 2025, p. 28016, line 20 to p. 28017, line 6.

II. SUBMISSIONS

6. The Thaçi Defence requests that the Panel admit through the bar table one-hundred and sixty-six (166) items listed in Annexes 1-5 to the Request (“Proposed Exhibits”).⁷ The Thaçi Defence submits that the Proposed Exhibits are *prima facie* authentic, relevant, and have probative value that is not outweighed by any prejudice.⁸ The Thaçi Defence further submits that it does not oppose reclassification of certain Proposed Exhibits as public.⁹

7. The SPO opposes admission of several Proposed Exhibits in Annexes 1 and 2¹⁰ on the basis of the purported lack of relevance,¹¹ incomplete information as to authenticity,¹² length of the Proposed Exhibits,¹³ or inappropriateness for admission through bar table.¹⁴ The SPO does not oppose the admission of the remaining Proposed Exhibits in Annexes 1 and 2, nor the Proposed Exhibits in Annexes 3-5.¹⁵ Furthermore, the SPO does not object to reclassification of some Proposed Exhibits as public,¹⁶ but maintains that other Proposed Exhibits must retain their current classifications on the basis of restrictions imposed by the Rule 107 providers.¹⁷

⁷ Request, paras 1, 30. *See also* Annexes 1-5 to the Request.

⁸ Request, paras 14-27, 29.

⁹ Request, para. 4. *See also* Annex 1 to the Request, Proposed Exhibits 5, 7, 25; Annex 2 to the Request, Proposed Exhibits 1, 11-13, 24, 30; Annex 3 to the Request, Proposed Exhibits 1, 2, 6; Annex 4 to the Request, Proposed Exhibits 4, 6, 7, 10-15, 18-20; Annex 5 to the Request, Proposed Exhibits 3, 7, 12, 13, 15, 24, 27, 28, 30, 32, 33, 36, 40, 41, 46-48, 50, 57.

¹⁰ Response, paras 1, 9.

¹¹ Response, paras 3-5, 7, fns 7-9.

¹² Response, paras 2, 5, 7.

¹³ Response, para. 2, fn. 5.

¹⁴ Response, para. 6.

¹⁵ Response, para. 1, fn. 2.

¹⁶ Response, para. 8, fn. 25.

¹⁷ Response, para. 8, fn. 26.

8. The Thaçi Defence replies that Proposed Exhibit 26 in Annex 1 is not a summary of a witness's in-court testimony, but rather information given to a newspaper, and is therefore admissible.¹⁸

III. APPLICABLE LAW

9. 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 as laid out in the Panel's prior decisions.¹⁹

IV. DISCUSSION

10. The Thaçi Defence submits that the Proposed Exhibits are grouped thematically in the Annexes and relate to, *inter alia*: (i) the existence of the armed conflict;²⁰ (ii) statements made by or attributed to Mr Thaçi;²¹ (iii) statements attributed to the Kosovo Liberation Army ("KLA") or its members;²² (iv) the level of organisation and command structure of the KLA;²³ and (v) other residual matters.²⁴

A. ANNEX 1 PROPOSED EXHIBITS

11. Regarding the forty-two (42) Proposed Exhibits in Annex 1 ("Annex 1 Proposed Exhibits"),²⁵ the Panel notes that they consist of: (i) book extracts ("Book

¹⁸ Transcript of Hearing, 13 November 2025, p. 28016, line 20 to p. 28017, line 6.

¹⁹ 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.

²⁰ Annex 1 to the Request.

²¹ Annex 2 to the Request.

²² Annex 3 to the Request.

²³ Annex 4 to the Request.

²⁴ Annex 5 to the Request.

²⁵ The Panel notes that in relation to Annex 1 Proposed Exhibit 1, the Thaçi Defence tenders pp. DHT08576-DHT08577, DHT08650, DHT08661-DHT08671. In relation to Annex 1 Proposed

Extracts”);²⁶ (ii) documents originating from international organisations, such as reports, minutes of meetings, bulletins, cables, factsheets and statements of the officials (“International Organisations Documents”);²⁷ (iii) reports and fact sheets originating from national authorities (“National Authorities Documents”);²⁸ (iv) media articles (“Media Articles”);²⁹ and (v) a video.³⁰

12. The SPO does not object to the admission of Annex 1 Proposed Exhibits 1-8, 16, 17 (p. DHT07084), 19, 21, 25, 27-33, 36, and 38.³¹ The SPO objects to the remaining Annex 1 Proposed Exhibits³² on the basis that: (i) some are only relevant to the crimes committed by Serb forces or unidentified perpetrators, evidence, which is in the SPO’s view irrelevant to the charges or the KLA;³³ (ii) some contain opinions of third states and international organisations made after the conflict has ended in a different jurisdictional context, or otherwise, which renders them irrelevant and not probative;³⁴ and (iii) some consist of summaries and quotations of witness testimony before the International Criminal Tribunal for the Former

Exhibit 2, the Taçi Defence only tenders pp. 1D00-0272-1D00-0274, 1D00-0283-1D00-0291, 1D00-0491-1D00-0493, 1D00-0566-1D00-0569, 1D00-0634-1D00-0635. In relation to Annex 1 Proposed Exhibit 4, the Taçi Defence tenders paras 82-83, 90-91. In relation to Annex 1 Proposed Exhibit 5, the Taçi Defence only tenders pp. SPOE00215037-SPOE00215040, SPOE00215046-SPOE00215048, SPOE00215054-SPOE00215056, SPOE00215058-SPOE00215060, SPOE00215068-SPOE00215069, SPOE00215072-SPOE00215074, SPOE00215077-SPOE00215079, SPOE00215083. In relation to Annex 1 Proposed Exhibit 6, the Taçi Defence only tenders p. DHT02889. In relation to Annex 1 Proposed Exhibit 10, the Taçi Defence only tenders pp. DHT10287, DHT10292. In relation to Annex 1 Proposed Exhibit 17, the Taçi Defence only tenders pp. DHT07084, DHT07128. In relation to Annex 1 Proposed Exhibit 19, the Taçi Defence only tenders pp. DHT06151-DHT06152, DHT06164. In relation to Annex 1 Proposed Exhibit 42, the Taçi Defence only tenders pp. DHT11633, DHT11643-DHT11644.

²⁶ Annex 1 to the Request, Proposed Exhibits 1-3, 12-15.

²⁷ Annex 1 to the Request, Proposed Exhibits 4, 5, 7, 10, 11, 17-19, 21, 24, 25, 27, 29-35, 37, 38, 40-42.

²⁸ Annex 1 to the Request, Proposed Exhibits 6, 9, 20, 22, 36, 39.

²⁹ Annex 1 to the Request, Proposed Exhibits 8, 23, 26, 28.

³⁰ Annex 1 to the Request, Proposed Exhibit 16.

³¹ Response, para. 1.

³² Response, paras 1, 9.

³³ Response, paras 3-4, fns 7, 9, 10.

³⁴ Response, para. 5.

Yugoslavia (“ICTY”) and their admission through the bar table circumvents Rules 153-155.³⁵

13. As noted above, the Thaçi Defence replies that Annex 1 Proposed Exhibit 26 is admissible given that it contains material that was provided to a newspaper and does not contain witness testimony.³⁶

1. Relevance

14. The Thaçi Defence submits that the Proposed Exhibits in Annex 1 are relevant to: (i) the oppression and/or atrocities committed by the Serbian regime and/or civilians against the Kosovo Albanian population in 1998 and 1999, which place in the historical context the creation and functioning of the KLA and the sentiment of ethnic hatred and revenge among the Kosovo Albanian population;³⁷ (ii) provide an overview of key developments of the armed conflict, the circumstances leading up to the Rambouillet conference, the North Atlantic Treaty Organisation (“NATO”) intervention, and the withdrawal of the Serbian troops in June 1999;³⁸ (iii) the temporal scope of the armed conflict;³⁹ (iv) the specific features and/or consequences of the Serbian military offensives, or the effect the Serbian military offensives on organisational and operational capabilities of the KLA;⁴⁰ and (v) the return of refugees to Kosovo after the suspension of the NATO bombing campaign and throughout the summer of 1999 and the chaos and lawlessness that ensued as a result.⁴¹ The Panel further observes that the Proposed Exhibits in Annex 1 are also said to be relevant to: (i) Mr Thaçi’s alleged role and authority as KLA Commander-in-Chief while he was Prime Minister after

³⁵ Response, para. 6.

³⁶ Transcript of Hearing, 13 November 2025, p. 28016, line 20 to p. 28017, line 6.

³⁷ Request, para. 17, fn. 11.

³⁸ Request, para. 18, fn. 13.

³⁹ Request, para. 19, fns 15-17.

⁴⁰ Request, para. 20, fns 18-20.

⁴¹ Request, para. 21, fn. 21.

March 1999;⁴² and (ii) the threat presented by the existence of collaborators within the KLA.⁴³

15. The SPO objects to Annex 1 Proposed Exhibits 9-15, 18, 20, 22-24, 26, 34, 35, 37, and 39-42. In particular, the SPO contends that Annex 1 Proposed Exhibits 9 and 37 are excessively long and no explanation is given that would justify the admission of all pages.⁴⁴ Regarding Annex 1 Proposed Exhibits 12, 13, and 17, the SPO submits that they are tendered without cover pages and incomplete source information is provided.⁴⁵ In relation to Annex 1 Proposed Exhibits 9-15, 18, 20, 22, 24, 34, 35, 37, 39, and 40-42, the SPO argues that these items are generally irrelevant as they are either not related to the issue of the existence of an armed conflict or concern the commission of crimes by Serbian forces or other unidentified perpetrators.⁴⁶ Furthermore, in relation to Proposed Exhibits 23 and 26, the SPO contends that they constitute witness statements and therefore cannot be tendered through bar table.⁴⁷

16. In relation to Annex 1 Proposed Exhibits 9-15, 18, 20, 22, 34, 35, and 39, the Panel recalls that it has previously ruled that evidence of alleged crimes committed by Serbian forces is generally irrelevant to the charges against the Accused unless it is otherwise probative of a fact or circumstance relevant to this case.⁴⁸ Having reviewed these items, the Panel observes that all of them relate to crimes allegedly committed by Serbian forces against ethnic Albanians or list victims of crimes allegedly committed by Serbian forces. While these items concern locations listed in the indictment (“Indictment”),⁴⁹ the crimes or facts

⁴² See *e.g.*, Annex 1 to the Request, Proposed Exhibit 2.

⁴³ See *e.g.*, Annex 1 to the Request, Proposed Exhibits 23, 26.

⁴⁴ Response, para. 2, fn. 5.

⁴⁵ Response, para. 2, fn. 6.

⁴⁶ Response, paras 3-5, fns 7, 9.

⁴⁷ Response, para. 6.

⁴⁸ Transcript of Hearing, 12 May 2023, p. 3746, line 14 to p. 3747, line 16.

⁴⁹ 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).

described therein are otherwise not relevant to the crimes charged in the present case. The Defence has failed to explain their relevance to any fact or circumstances material to this case. The Panel accordingly finds that the Defence has failed to establish the relevance of these Proposed Exhibits.

17. Regarding Annex 1 Proposed Exhibits 37, the Panel notes that it consists of an UNMIK Report on the financing of its activities and its content does not appear relevant to the present case, despite the claimed relevance by the Thaçi Defence.⁵⁰ Regarding Annex 1 Proposed Exhibit 40, the Panel notes that only page DHT03006 appears to be relevant to an issue in the case, namely, the alleged existence of an armed conflict post June 1999, while pages DHT03002 and DHT03003 may assist in establishing the origin and authenticity of the item. The Panel considers that the remaining pages do not contain material that the Defence has shown to be relevant to this case. In relation to Annex 1 Proposed Exhibit 42, the Panel considers that the tendered page DHT11643 is relevant as it contains information that could be relevant to the existence of an armed conflict in 1999. The Panel is also satisfied that page DHT11633 could assist in establishing the origin and authenticity of this item. The Panel is however not satisfied that page DHT11644 is relevant to the present case as it concerns, at most, crimes allegedly committed by Serb forces against Albanians. The Panel therefore considers that Annex 1 Proposed Exhibit 37 is not relevant, Annex 1 Proposed Exhibit 40 is relevant only as consisting of pages DHT03002, DHT03003, and DHT03006; and Annex 1 Proposed Exhibit 42 is relevant as only consisting of pages DHT11633 and DHT11643.

18. Further, concerning Annex 1 Proposed Exhibits 1, 3, 19, 21, 23, 24, 26, and 29, the Panel considers that the Thaçi Defence has not clearly articulated the relevance of these items, besides stating that they are relevant to the historical context of the

⁵⁰ Annex 1 to the Request, Proposed Exhibit 37.

armed conflict,⁵¹ the existence of an armed conflict,⁵² or the movement of refugees from Albania to Kosovo.⁵³ Nevertheless, the Panel, exercising its discretion, considers that historical background could be marginally relevant to the case as it provides information on, *inter alia*, the interplay between various political figures,⁵⁴ the Kosovo-Albanian quest for independence,⁵⁵ the fighting between the KLA and Serb forces in Drenica in 1998,⁵⁶ the alleged Serbian use of operatives in the KLA,⁵⁷ and the law applicable in Kosovo in the summer of 1999.⁵⁸ Similarly, the Panel notes that, while the tendered portion of Annex 1 Proposed Exhibit 17 (p. DHT07084) is relevant to the existence of an armed conflict, the remaining portion of this item (p. DHT07128) is marginally relevant to the historical background of the conflict. It is the Panel's expectation that the Thaçi Defence will explain in greater detail the relevance of these items to its case in its final trial brief, or final submissions. The Panel is satisfied, with the caveat noted above, that Annex 1 Proposed Exhibits 1, 3, 17, 19, 21, 24, and 29 are relevant to certain aspects of the charges as well as facts and circumstances material to the case.⁵⁹

19. Regarding the SPO's objection to Annex 1 Proposed Exhibits 23 and 26, the Panel recalls that it has defined witness statements as given in the context of legal proceedings which are meant to resolve a legal dispute through a judicial process, whether civil or criminal.⁶⁰ The Panel observes that Annex 1 Proposed Exhibits 23

⁵¹ Annex 1 to the Request, Proposed Exhibits 1, 3, 19, 21.

⁵² Annex 1 to the Request, Proposed Exhibit 24.

⁵³ Annex 1 to the Request, Proposed Exhibit 29.

⁵⁴ Annex 1 to the Request, Proposed Exhibits 1 and 21.

⁵⁵ Annex 1 to the Request, Proposed Exhibit 3.

⁵⁶ Annex 1 to the Request, Proposed Exhibit 19

⁵⁷ Annex 1 to the Request, Proposed Exhibits 23 and 26.

⁵⁸ Annex 1 to the Request, Proposed Exhibit 24. *Contra* Response, para. 5.

⁵⁹ Indictment, paras 13-16, 18, 27, 29.

⁶⁰ See Transcript of Hearing, 19 November 2025, p. 28307, line 19 to p. 28309, line 22; F01700, Panel, *Decision on Prosecution Motion for Admission of Evidence of W03724, W03832, W03880, W04368, W04566, and W04769 Pursuant to Rule 154*, 25 July 2023, para. 68, confidential (a public redacted version of the filing was filed on 7 November 2023, F01700/RED). See also KSC-BC-2020-07, F00334, Trial Panel II, *Decision on the Prosecution Request for Admission of Items Through the Bar Table*, 29 September 2021, paras 84-87.

and 26 are newspaper articles which reproduce observations by the press of a witness testimony in a trial before the International Criminal Tribunal for the Former Yugoslavia (“ICTY”). Having reviewed these two items, the Panel is not satisfied that they fall within the category of witness statements which would consequently foreclose their admission through bar table. The nature of the material in question and the question of the accuracy of the record of testimony are matters of weight and probative value, not admission. As to the relevance of the Annex 1 Proposed Exhibits 23 and 26, the Panel considers that these two items are marginally relevant to the alleged KLA’s policy against opponents.

20. Having reviewed the remaining Annex 1 Proposed Exhibits 2, 4-8, 16, 25, 27, 28, 30-33, 36, 38, and 41, the Panel finds that these items are relevant to the historical background of the conflict insofar as they provide relevant information regarding the main actors involved, the origin of the KLA, milestones leading up to the conflict and the formation of the KLA;⁶¹ and the temporal scope of the conflict.⁶² The Panel is satisfied that these items are relevant to certain facts and circumstances relevant to this case.⁶³

21. In light of the foregoing, the Panel finds Annex 1 Proposed Exhibits 1-8, 16, 17, 19, 21, 23-33, 36, 38, 40 (pp. DHT03002, DHT03003, and DHT03006), 41, and 42 (pp. DHT11633 and DHT11643) relevant. The Panel does not find Annex 1 Proposed Exhibits 9-15, 18, 20, 22, 34, 35, 37, 39, and the remaining tendered portions of Annex 1 Proposed Exhibits 40 and 42 to be relevant.

2. Authenticity

22. Regarding the authenticity of the Book Extracts,⁶⁴ the Panel notes that Annex 1 Proposed Exhibits 1 and 2 contain details regarding their authorship and

⁶¹ See e.g., Annex 1 Proposed Exhibits 2, 4-8, 16, 25, 27, 28, 30, 32.

⁶² See e.g., Annex 1 Proposed Exhibits 5, 30, 33, 37.

⁶³ Indictment, paras 13-16, 18, 27, 29.

⁶⁴ Annex 1, Proposed Exhibits 1-3.

publication, including publisher details and the year of publication. The Panel notes that Annex 1 Proposed Exhibit 3 does not contain a cover page or information as to the date of the publication, publisher details or information as to its authorship. The Thaçi Defence indicates that the extract originates from a collection of documents contained in a book titled “Contested Statehood: Kosovo’s Struggle for Independence” authored by Marc Weller. The Panel notes that the indicia of authenticity is not immediately discernible from the tendered extract and the Panel orders the Thaçi Defence to supplement this item with the cover page by Wednesday, 3 December 2025.

23. In relation to the International Organisations Documents,⁶⁵ the Panel notes that most of the items contains either a logo or the name of the originating institution, seals, stamps and/or letterheads, the name of the author, and are dated. Some of these items are also signed.⁶⁶ Regarding Annex 1 Proposed Exhibit 17, the Panel notes that the Thaçi Defence tendered this item without its front page from which authenticity may be readily discernible. The Panel therefore orders the Thaçi Defence to supplement this item with pages DHT07081 and DHT07082 by Wednesday, 3 December 2025.

24. Regarding National Authorities Documents,⁶⁷ the Panel notes that both items contain the name of the national institution from which they originate, as well as a letterhead from the relevant institution and are dated.

25. Concerning Media Articles,⁶⁸ the Panel observes that each bears an indication regarding the origin of the item, the date of publication, the name of the publication, the content of the item, and/or the name of the author.

⁶⁵ Annex 1, Proposed Exhibits 4, 5, 7, 17, 19, 21, 24, 25, 27, 29-33, 38, 40-42.

⁶⁶ Annex 1, Proposed Exhibit 5.

⁶⁷ Annex 1, Proposed Exhibits 6 and 36.

⁶⁸ Annex 1, Proposed Exhibits 8, 23, 26, 28.

26. Turning to the video,⁶⁹ the Panel recalls that the admissibility of videos generally requires information regarding their origin and integrity.⁷⁰ The Panel notes in this regard that the logo of the broadcaster is included on the video, the video contains a watermark and the events to which the video relate, including the dates of such events, are discernible from the video's content.

27. In light of the foregoing, the Panel is satisfied that the Thaçi Defence has established that Annex 1 Proposed Exhibits 1-8, 16, 17, 19, 21, 23-33, 36, 38, 40 (pp. DHT03002, DHT03003, and DHT03006), 41 and 42 (pp. DHT11633 and DHT11643) are *prima facie* authentic.

3. Probative value not outweighed by prejudicial effect

28. Having found Annex 1 Proposed Exhibits 1-8, 16, 17, 19, 21, 23-33, 36, 38, 40 (pp. DHT3002, DHT3003, and DHT3006), 41, and 42 (pp. DHT11633 and DHT11643) to be relevant and *prima facie* authentic,⁷¹ the Panel is satisfied that these items also bear probative value regarding facts and circumstances relevant to this case, as outlined above at paragraphs 14 and 17-20, which is not outweighed by any prejudicial effect.⁷²

4. Conclusion

29. In light of the above, the Panel admits Annex 1 Proposed Exhibits 1-8, 16, 17, 19, 21, 23-33, 36, 38, 40 (pp. DHT03002, DHT03003, and DHT03006), 41 and 42 (pp. DHT11633 and DHT11643) pursuant to Rule 138(1). The Panel denies the admission of Annex 1 Proposed Exhibits 9-15, 18, 20, 22, 34, 35, 37, 39, and the remaining tendered portions of Annex 1 Proposed Exhibits 40⁷³ and 42.⁷⁴

⁶⁹ Annex 1, Proposed Exhibit 16.

⁷⁰ Decision on Bar Table Motion, para. 26.

⁷¹ See *above*, paras 17-21, 27.

⁷² See also Request, paras 16-21; Annex 1 to the Request, Proposed Exhibits 1-8, 17, 19, 21, 23-33, 36, 38, 40 (pp. DHT03002, DHT03003, DHT03006) and 42 (pp. DHT11633, DHT11643).

⁷³ In particular, Annex 1 Proposed Exhibit 40 (pp. DHT03004-DHT03005, DHT03007-DHT03009).

⁷⁴ In particular, Annex 1 Proposed Exhibit 42 (p. DHT11644).

B. ANNEX 2 PROPOSED EXHIBITS

30. Regarding the thirty-eight (38) Proposed Exhibits in Annex 2 (“Annex 2 Proposed Exhibits”), the Panel notes that they consist of: (i) documents, such as reports and code cables originating from international organisations (“International Organisations Documents”);⁷⁵ (ii) articles, reports, and an image from domestic as well as international media outlets (“Media Articles”);⁷⁶ (iii) videos (“Videos”);⁷⁷ and (iv) a letter signed by Mr Thaçi and other relevant actors.⁷⁸

31. The SPO objects to Annex 2 Proposed Exhibit 5 based on the lack of indicia of authenticity and relevance.⁷⁹ The SPO does not object to the remaining Annex 2 Proposed Exhibits.⁸⁰

1. Relevance

32. The Thaçi Defence submits that the Annex 2 Proposed Exhibits are relevant to: (i) Mr Thaçi’s role as a politician and interlocutor with internationals as well as his efforts towards peace and reconciliation in post-war Kosovo, condemnation of crimes and violence, and calls for support for a multi-ethnic Kosovo;⁸¹ (ii) Mr Thaçi’s cooperation with international community and willingness to work with Ibrahim Rugova in the context of the provisional government;⁸² (iii) the security situation in Kosovo after the withdrawal of the Serb forces;⁸³ (iv) the

⁷⁵ Annex 2 to the Request, Proposed Exhibits 11, 17, 24, 28, 30, 33.

⁷⁶ Annex 2 to the Request, Proposed Exhibits 2-4, 6, 7-9, 13-16, 18-23, 25, 27, 29, 31, 32, 34-36, 38.

⁷⁷ Annex 2 to the Request, Proposed Exhibits 5, 10, 12, 26.

⁷⁸ Annex 2 to the Request, Proposed Exhibit 1.

⁷⁹ Response, para. 7.

⁸⁰ Response, para. 1.

⁸¹ Request, para. 22, fn. 22.

⁸² Request, para. 22, fn. 23.

⁸³ Request, para. 23, fn. 24.

temporal scope of the armed conflict;⁸⁴ (v) the demilitarisation of the KLA;⁸⁵ and (vi) the testimony of 1DW-007.⁸⁶

33. Regarding Annex 2 Proposed Exhibit 5, the SPO contends that the lack of indicia of authenticity of this item renders it irrelevant, as the date of the referenced meeting cannot be verified.⁸⁷ The Thaçi Defence submits that the referenced meeting is supported by 1D00233.⁸⁸ The Panel notes that the date of the video as submitted by the Thaçi Defence, which is pertinent to establishing the relevance of this item, is corroborated by 1D00233. The Panel finds this item to be relevant to the issue of Mr Thaçi's role and what the Defence says are his efforts toward reconciliation, facts which could, in turn, be relevant to the question of Mr Thaçi's responsibility.

34. Having reviewed Annex 2 Proposed Exhibits 1-38, the Panel is satisfied that each and all items are relevant to certain facts and circumstances material to the case.⁸⁹

2. Authenticity

35. Regarding Annex 2 Proposed Exhibit 1, the Panel notes that it constitutes an open letter to the displaced residents of Kosovo which contains signatures of different actors, including what appear to be the signatures of Mr Thaçi and Ibrahim Rugova.

36. Regarding the International Organisations Documents,⁹⁰ the Panel notes that they either contain letterheads of the originating organisation as well as reference

⁸⁴ Request, para. 23, fn. 25.

⁸⁵ Request, para. 23, fn. 26.

⁸⁶ Request, para. 23, fn. 27.

⁸⁷ Response, para. 7.

⁸⁸ Annex 2 to the Request, Proposed Exhibit 5.

⁸⁹ See e.g. Indictment, paras 16, 18, 24, 26, 29-33, 50, 55-57; F01050, Specialist Counsel, *Pre-Trial Brief of Mr Hashim Thaçi* ("Thaçi Pre-Trial Brief"), 21 October 2022, confidential, paras 11, 12, 55-59, 78, 98, 120, 132, 133 (a public redacted version was filed on 8 November 2022, F01050/RED).

⁹⁰ Annex 2 to the Request, Proposed Exhibits 11, 17, 24, 28, 30, 33.

numbers⁹¹ or they contain the name of the relevant organisation from which the document originated⁹² and each of these items are dated.

37. Concerning the Media Articles,⁹³ the Panel observes that each item includes indications of its origin, the date of publication, the name of the publication, the content of the item, and/or the name of the author.

38. Turning to the Videos,⁹⁴ the Panel first recalls the standard on the assessment of authenticity of the videos.⁹⁵ The Panel observes that Annex 2 Proposed Exhibit 10 is a still of video footage containing a logo of the broadcaster and a watermark. In addition, the Thaçi Defence has provided a transcript of the video. In relation to Annex 2 Proposed Exhibits 12 and 26, the Panel notes that each video contains a logo of the broadcaster, and the Thaçi Defence has provided transcripts of the videos. In relation to Annex 2 Proposed Exhibit 5, the Panel recalls its consideration of its authenticity above⁹⁶ and additionally notes that the logo of the broadcaster is visible in the video.

39. In light of the foregoing, the Panel is satisfied that the Thaçi Defence has established that Annex 2 Proposed Exhibits 1-38 are *prima facie* authentic.

3. Probative value not outweighed by prejudicial effect

40. Having found Annex 2 Proposed Exhibits 1-38 to be relevant and *prima facie* authentic,⁹⁷ the Panel is satisfied that these items also bear probative value regarding facts and circumstances relevant to this case as outlined above at paragraphs 32-33, which is not outweighed by any prejudicial effect.⁹⁸

⁹¹ Annex 2 to the Request, Proposed Exhibits 11, 24, 28, 30.

⁹² Annex 2 to the Request, Proposed Exhibits 17 and 33.

⁹³ Annex 2 to the Request, Proposed Exhibits 2-4, 6, 7-9, 13-16, 18-23, 25, 27, 29, 31, 32, 34-38.

⁹⁴ Annex 2 to the Request, Proposed Exhibits 5, 10, 12, 26.

⁹⁵ *See above*, para. 26.

⁹⁶ *See above*, para. 26.

⁹⁷ *See above*, paras 33-34, 39.

⁹⁸ *See also* Request, paras 22-23; Annex 2 to the Request, Proposed Exhibits 1-38.

4. Conclusion

41. In light of the above, the Panel admits Annex 2 Proposed Exhibits 1-38 pursuant to Rule 138(1).

C. ANNEX 3 PROPOSED EXHIBITS

42. At the outset, the Panel notes that the SPO does not object to the Proposed Exhibits in Annex 3.⁹⁹

43. The Panel further notes that the six Proposed Exhibits in Annex 3 (“Annex 3 Proposed Exhibits”) consist of: (i) reports and a code cable originating from international organisations (“International Organisations Documents”);¹⁰⁰ and (ii) media articles originating from international news outlets (“Media Articles”).¹⁰¹

1. Relevance

44. The Thaçi Defence submits that the Annex 3 Proposed Exhibits provide evidence of the content of public statements and communications from the KLA or its members, and actions attributed to the KLA, including in relation to the protection of minorities.¹⁰² The Thaçi Defence submits that these items are relevant to the allegations of the existence of a KLA policy against certain categories of individuals and the attributability of such conduct to the Accused.¹⁰³

45. Having reviewed Annex 3 Proposed Exhibits 1-6, the Panel is satisfied that each of them is relevant to certain facts and circumstances material to the case.¹⁰⁴

⁹⁹ Response, para. 1.

¹⁰⁰ Annex 3 Proposed Exhibits 1, 3, 4, 6.

¹⁰¹ Annex 3 Proposed Exhibits 2 and 5.

¹⁰² Request, para. 24, fns 28-31.

¹⁰³ Request, para. 25. *See also* Annex 3 to the Request, Proposed Exhibits 1-6.

¹⁰⁴ *See e.g.* Indictment, paras 16, 27, 30, 32-34, 50.

2. Authenticity

46. Regarding the International Organisations Documents,¹⁰⁵ the Panel notes that most of these items either include the letterhead of the originating organisation or they contain the name of the organisation¹⁰⁶ and each of these items is dated. Regarding Annex 3 Proposed Exhibit 6, the Panel observes that it does not contain the letterhead or logo of the originating organisation. However, the name of the institution is discernible from the content of the document.

47. Concerning the Media Articles,¹⁰⁷ the Panel observes that each bears an indication of the item's origin, the date and name of the publication, the content of the item, and/or the name of the author.

48. In light of the foregoing, the Panel is satisfied that the Thaçi Defence has established that Annex 3 Proposed Exhibits 1-6 are *prima facie* authentic.

3. Probative value not outweighed by prejudicial effect

49. Having found Annex 3 Proposed Exhibits 1-6 to be relevant and *prima facie* authentic,¹⁰⁸ the Panel is satisfied that these items also bear probative value regarding facts and circumstances relevant to this case as outlined above at paragraph 44, which is not outweighed by any prejudicial effect.¹⁰⁹

4. Conclusion

50. In light of the above, the Panel admits Annex 3 Proposed Exhibits 1-6 pursuant to Rule 138(1).

¹⁰⁵ Annex 3 Proposed Exhibits 1, 3, 4, 6.

¹⁰⁶ Annex 3 Proposed Exhibits 1, 3, 4.

¹⁰⁷ Annex 3 Proposed Exhibits 2 and 5.

¹⁰⁸ See above, para. 45, 48.

¹⁰⁹ See also Request, paras 24-25; Annex 3 to the Request, Proposed Exhibits 1-6.

D. ANNEX 4 PROPOSED EXHIBITS

51. The Panel notes that the SPO does not object to the Proposed Exhibits in Annex 4.¹¹⁰

52. The Panel notes that the twenty (20) Proposed Exhibits in Annex 4 (“Annex 4 Proposed Exhibits”) consist of: (i) video extracts (“Video Extracts”);¹¹¹ (ii) reports and assessments originating from international organisations (“International Organisations Documents”);¹¹² and (iii) a newspaper article from the Los Angeles Times (“Article”).¹¹³

1. Relevance

53. The Panel notes that the Thaçi Defence submits that the Annex 4 Proposed Exhibits are relevant to: (i) the level of organisation and command structure of the KLA at various times during the Indictment period;¹¹⁴ (ii) the authority and powers of certain individuals within the KLA, including Mr Thaçi;¹¹⁵ and (iii) internal divisions within the KLA.¹¹⁶

54. Having reviewed the Annex 4 Proposed Exhibits 1-20, the Panel is satisfied that these items are relevant to facts and circumstances material to the case.¹¹⁷

2. Authenticity

55. Regarding the authenticity of the Video Extracts,¹¹⁸ the Panel notes that Annex 4 Proposed Exhibits 1 and 3 do not contain dates or broadcaster information. Nevertheless, their format appears consistent with previously

¹¹⁰ Response, para. 1.

¹¹¹ Annex 4 to the Request, Proposed Exhibits 1-3.

¹¹² Annex 4 to the Request, Proposed Exhibits 4-15 and 17-20.

¹¹³ Annex 4 to the Request, Proposed Exhibit 16.

¹¹⁴ Request, para. 26, fns 32, 33.

¹¹⁵ Request, para. 26, fn. 34.

¹¹⁶ Request, para. 26, fn. 35.

¹¹⁷ See *e.g.* Indictment, paras 16, 32-35, 37, 50, 55.

¹¹⁸ Annex 4 to the Request, Proposed Exhibits 1-3.

admitted extracts of the documentary.¹¹⁹ Regarding Annex 4 Proposed Exhibit 2, the Panel observes that the date of the broadcast as well as the name of the documentary and the subtitles are superimposed on the video. The Thaçi Defence has provided transcripts of the Video Extracts.¹²⁰

56. Regarding the authenticity of the International Organisations Documents,¹²¹ the Panel observes that each of these items includes the letterhead of the originating organisation or they contain the logo and/or the name of the organisation¹²² and each of these items is dated.

57. Concerning the Article, the Panel notes that the extract tendered by the Thaçi Defence contains the name of the news agency and the name of the author. The Panel further considers that the approximate date of the article can be discerned from the internal references to the Račak killings.

58. In light of the foregoing, the Panel is satisfied that the Thaçi Defence has established that the Annex 4 Proposed Exhibits 1-20 are *prima facie* authentic.

3. Probative value not outweighed by prejudicial effect

59. Having found Annex 4 Proposed Exhibits 1-20 to be relevant and *prima facie* authentic,¹²³ the Panel is satisfied that these items also bear probative value regarding the facts and circumstances relevant to this case as outlined above at paragraph 5,¹²⁴ which is not outweighed by any prejudicial effect.

4. Conclusion

60. In light of the above, the Panel admits the Annex 4 Proposed Exhibits 1-20 pursuant to Rule 138(1).

¹¹⁹ Annex 4 to the Request, Proposed Exhibits 1 and 3, *referring to* 1D00024 and 1D00028.

¹²⁰ Annex 4 to the Request, Proposed Exhibits 1-3.

¹²¹ Annex 4 to the Request, Proposed Exhibits 4-15, 17-20.

¹²² Annex 4 to the Request, Proposed Exhibits 4-15, 17-20.

¹²³ *See above*, paras 54, 58.

¹²⁴ *See also* Request, para. 26; Annex 4 to the Request, Proposed Exhibits 1-20.

E. ANNEX 5 PROPOSED EXHIBITS

61. The Panel notes that the SPO does not object to the Proposed Exhibits in Annex 5.¹²⁵

62. The Panel further notes that the sixty (60) Proposed Exhibits in Annex 5 (“Annex 5 Proposed Exhibits”)¹²⁶ consist of: (i) extracts of books (“Book Extracts”);¹²⁷ (ii) media items (“Media Items”);¹²⁸ (iii) memoranda, reports, code cables, briefing notes and faxes originating from international organisations (“International Organisations Documents”);¹²⁹ (iv) code cables and minutes from national authorities (“National Authorities Documents”);¹³⁰ (v) a draft Rambouillet delegation list;¹³¹ (vi) a video;¹³² and (vii) a speech made by the then President of Montenegro.¹³³

1. Relevance

63. The Thaçi Defence submits that the Annex 5 Proposed Exhibits are relevant to: (i) the demilitarisation of the KLA;¹³⁴ (ii) the Rambouillet negotiations;¹³⁵ (iii) the role and authority of various individuals within the KLA, including

¹²⁵ Response, para. 1.

¹²⁶ In relation to Annex 5 Proposed Exhibit 2, the Thaçi Defence only tenders pp. DHT11257, DHT11275, DHT11103-DHT11632, DHT11257, DHT11275, DHT11305, DHT11368, DHT11418-DHT11419, DHT11433-DHT11434, DHT11437-DHT11439, DHT11500-DHT11502, DHT11507-DHT11517, DHT11519, DHT11546-DHT11547, and DHT11556. In relation to Annex 5 Proposed Exhibit 5, the Thaçi Defence only tenders pp. DHT08897-DHT08947. In relation to Annex 5 Proposed Exhibit 12, the Thaçi Defence only tenders pp. SITF00173420-SITF00173421. In relation to Annex 5 Proposed Exhibit 31, the Thaçi Defence only tenders DHT06333-DHT06335, DHT06340, DHT06349, DHT06351-DHT06352, DHT06361-DHT06364, DHT06367, DHT06374-DHT06375, DHT06382-DHT06387, DHT06399, DHT06402-DHT06403, DHT06407, DHT06410-DHT06411, and DHT06418. In relation to Proposed Exhibit 47, the Thaçi Defence only tenders p. SITF00388277.

¹²⁷ Annex 5 to the Request, Proposed Exhibits 1, 2, 5, 6, 14.

¹²⁸ Annex 5 to the Request, Proposed Exhibits 3, 4, 16-18, 21, 23, 39, 45, 51, 52.

¹²⁹ Annex 5 to the Request, Proposed Exhibits 7-9, 11-13, 15, 19, 20, 22, 24-31, 33, 35-37, 40, 41, 43, 44, 46-50, 53-60.

¹³⁰ Annex 5 to the Request, Proposed Exhibits 10, 34.

¹³¹ Annex 5 to the Request, Proposed Exhibit 32.

¹³² Annex 5 to the Request, Proposed Exhibit 38.

¹³³ Annex 5 to the Request, Proposed Exhibit 42.

¹³⁴ Request, para. 27, fn. 36.

¹³⁵ Request, para. 27, fn. 37.

Mr Thaçi;¹³⁶ (iv) the mandate of UNMIK and concerns around their staffing and resources;¹³⁷ (v) Mr Thaçi's cooperation with the international community and his efforts towards reconciliation;¹³⁸ (vi) the security situation in Kosovo in the summer of 1999 and revenge crimes after the withdrawal of the Serb forces;¹³⁹ (vii) the evidence of 1DW-004, 1DW-008, and 1DW-007;¹⁴⁰ and (viii) the alleged policy of the KLA towards certain categories of individuals and the attributability of such conduct to the Accused or those associated with them.¹⁴¹

64. While noting that the SPO does not object to the Annex 5 Proposed Exhibits, the Panel notes that without more information from the Thaçi Defence, some Annex 5 Proposed Exhibits appear only marginally relevant. In particular, in relation to Annex 5 Proposed Exhibit 8, the Panel observes that the item refers to parallel structures in Kosovo until 2000 and therefore could be relevant to the existence of a common criminal purpose. Similarly, in relation to Annex 5 Proposed Exhibits 29 and 37, the Panel notes that they refer to the presence of gangs allegedly committing crimes at border crossings¹⁴² and the security situation in Kosovo in June 1999,¹⁴³ which could be relevant to the joint criminal enterprise and the armed conflict. Furthermore, regarding Annex 5 Proposed Exhibits 41 and 43, the Panel notes that these two items pertain to the lack of UNMIK civilian police staffing on the ground, matters on which 1DW-004 testified,¹⁴⁴ which again appears to be put forth as being relevant to the joint criminal enterprise and superior responsibility. While the relevance of these items is not entirely clear from the Thaçi Defence's submissions, the Panel will exercise its discretion to

¹³⁶ Request, para. 27, fn. 38.

¹³⁷ Request, para. 27, fn. 39.

¹³⁸ Request, para. 27, fn. 40.

¹³⁹ Request, para. 27, fn. 41.

¹⁴⁰ Request, para. 27, fns 42, 43.

¹⁴¹ Request, para. 27, fn. 44.

¹⁴² Annex 5 to the Request, Proposed Exhibit 29.

¹⁴³ Annex 5 to the Request, Proposed Exhibits 29 and 37.

¹⁴⁴ Transcript of Hearing, 30 September 2025, p. 27407, line 21 to p. 27409, line 10.

admit those while making it clear that any reliance it could place on those items would depend on the Defence further specifying the matters or facts to which those items relate.

65. In relation to Annex 5 Proposed Exhibits 28, 36, and 50, the Panel notes that the reports and events referenced therein date to 19 October 1999,¹⁴⁵ 15 December 1999,¹⁴⁶ and 25 November 1999,¹⁴⁷ which fall outside the scope of the Indictment. The Defence has failed to explain why and how those would nevertheless be relevant to this case. Therefore, the Panel does not find these items to be relevant to the present case.

66. Regarding Annex 5 Proposed Exhibit 18, the Panel notes that the SPO does not object to the admission of pages 2-3 of this item.¹⁴⁸ Having reviewed Annex 5 Proposed Exhibit 18, the Panel considers that only pages DHT04115-DHT04117 are relevant to the present case in that they describe crimes committed by the KLA, including in the context of crimes committed by Serbian forces.

67. In addition to Annex 5 Proposed Exhibits 8, 18 (pp. DHT04115-DHT04117), 29, 37, 41, and 43, having reviewed the remaining Annex 5 Proposed Exhibits 1-7, 9-17, 19-27, 30-35, 38-40, 42, 44-49, and 51-60, the Panel is satisfied that each item is relevant to the contextual elements, charges and/or modes of liability in the Indictment, including the alleged responsibility of Mr Thaçi and his alleged participation in the joint criminal enterprise, matters related to the demilitarisation of the KLA, and/or to submissions made by the Thaçi Defence.¹⁴⁹

68. In light of the foregoing, the Panel finds Annex 5 Proposed Exhibits 1-17, 18 (pp. DHT04115-DHT04117), 19-27, 29-35, 37-49, and 51-60 relevant. The Panel does

¹⁴⁵ Annex 5 to the Request, Proposed Exhibit 36.

¹⁴⁶ Annex 5 to the Request, Proposed Exhibit 28.

¹⁴⁷ Annex 5 to the Request, Proposed Exhibit 50.

¹⁴⁸ Annex 5 to the Request, Proposed Exhibit 18.

¹⁴⁹ See e.g. Indictment, paras 16, 32-35, 37, 50, 55; Thaçi Pre-Trial Brief, paras 97-98, 132-144.

not find Annex 5 Proposed Exhibits 28, 36, 50, and the remaining pages of Annex 5 Proposed Exhibit 18 to be relevant.

2. Authenticity

69. Regarding the authenticity of the Book Extracts,¹⁵⁰ the Panel notes that each book extract bears details regarding its authorship and publication, including publisher details and the year it was published. Moreover, in relation to Annex 5 Proposed Exhibit 2, the Panel notes that 1DW-007 confirmed authorship of the book.¹⁵¹ Similarly, in relation to Annex 5 Proposed Exhibits 5 and 6, the Panel notes that 1DW-008 was able to comment on these items during his testimony.¹⁵²

70. Regarding the Media Items,¹⁵³ the Panel observes that each item bears indicia of its origin, including the name and date of publication and/or the name of the author.

71. In relation to the International Organisations Documents,¹⁵⁴ the Panel notes that each of these items is dated and includes either a logo or the name of the originating institution, seals, stamps and/or letterheads, and the name of the author.

72. Turning to the National Authorities Documents,¹⁵⁵ the Panel notes that both items are dated and originate from the same governmental agency. Annex 5 Proposed Exhibit 1 contains the seal of the agency and Annex 5 Proposed Exhibit 34 contains a reference to the same agency as well as security classification information.

¹⁵⁰ Annex 5 to the Request, Proposed Exhibits 1, 2, 5, 6, 14.

¹⁵¹ Transcript of Hearing, 17 November 2025, p. 28185, lines 14-15.

¹⁵² Transcript of Hearing, 10 November 2025, p. 27666, line 8 to p. 27674, line 13.

¹⁵³ Annex 5 to the Request, Proposed Exhibits 3, 4, 16-18, 21, 23, 39, 45, 51, 52.

¹⁵⁴ Annex 5 to the Request, Proposed Exhibits 7-9, 11-13, 15, 19, 20, 22, 24-27, 29-31, 33, 35, 37, 40, 41, 43, 44, 46-49, 53-60.

¹⁵⁵ Annex 5 to the Request, Proposed Exhibits 10 and 34.

73. In relation to the draft Rambouillet delegation list,¹⁵⁶ the Panel observes that while it does not contain information as to its origin, it is dated, contains information as to its last update and the list of delegations contains known actors in this case, including witnesses in the present proceedings, such as 1DW-008. Regarding the video,¹⁵⁷ the Panel notes that it contains the logo of the relevant agency, and a source reference.¹⁵⁸ The Panel also notes that the Thaçi Defence provided a transcript of the video.¹⁵⁹ Turning to the speech made by the then President of Montenegro,¹⁶⁰ the Panel observes that it was published on the official website of the Council of Europe, includes the organisation's logo, and is dated.

74. In light of the foregoing, the Panel is satisfied that the Thaçi Defence has established that Annex 5 Proposed Exhibits 1-17, 18 (pp. DHT04115-DHT04117), 19-27, 29-35, 37-49, and 51-60 are *prima facie* authentic.

3. Probative value not outweighed by prejudicial effect

75. Having found Annex 5 Proposed Exhibits 1-17, 18 (pp. DHT04115-DHT04117), 19-27, 29-35, 37-49, and 51-60 to be relevant and *prima facie* authentic,¹⁶¹ the Panel is satisfied that these items also bear probative value regarding facts and circumstances relevant to this case as outlined above at paragraphs 63-64 and 66-67, which is not outweighed by any prejudicial effect.¹⁶²

4. Conclusion

76. In light of the above, the Panel admits Annex 5 Proposed Exhibits 1-17, 18 (pp. DHT04115-DHT04117), 19-27, 29-35, 37-49, and 51-60 pursuant to Rule 138(1).

¹⁵⁶ Annex 5 to the Request, Proposed Exhibit 32.

¹⁵⁷ Annex 5 to the Request, Proposed Exhibit 38.

¹⁵⁸ *See above*, para. 26.

¹⁵⁹ Annex 5 to the Request, Proposed Exhibit 38.

¹⁶⁰ Annex 5 to the Request, Proposed Exhibit 42.

¹⁶¹ *See above*, paras 64, 66-68, 74.

¹⁶² *See also* Request, para. 27; Annex 5 to the Request, Proposed Exhibits 1-60.

The Panel does not admit Annex 5 Proposed Exhibits 28, 36, 50, and the remaining pages of Annex 5 Proposed Exhibit 18.¹⁶³

V. CLASSIFICATION

77. The Panel notes that the Thaçi Defence does not oppose the reclassification of the following Proposed Exhibits from confidential to public: (i) Annex 1 Proposed Exhibits 5, 7, and 25; (ii) Annex 2 Proposed Exhibits 1, 11-13, 24, and 30; (iii) Annex 3 Proposed Exhibits 1, 2, and 6; (iv) Annex 4 Proposed Exhibits 4, 6, 7, 10-15, and 18-20; and (v) Annex 5 Proposed Exhibits 3, 7, 12, 13, 15, 24, 27, 28, 30, 32, 33, 36, 40, 41, 46-48, 50, and 57.

78. The SPO does not object to the reclassification of: (i) Annex 2 Proposed Exhibits 1, 11, and 24; (ii) Annex 3 Proposed Exhibits 2 and 6; (iii) Annex 4 Proposed Exhibit 14; and (iv) Annex 5 Proposed Exhibits 12, 13, 15, 27, 32, 33, 41, 47, and 57.¹⁶⁴ However, due to restrictions imposed by the Rule 107 providers, the SPO objects to the reclassification of the following remaining items: (i) Annex 1 Proposed Exhibits 5, 7, and 25; (ii) Annex 2 Proposed Exhibits 12, 13, and 30; (iii) Annex 3 Proposed Exhibit 1; (iv) Annex 4 Proposed Exhibits 4, 6-8, 10-13, 15, and 18-20; and (v) Annex 5 Proposed Exhibits 3, 7, 28, 30, 33, 36, 40, 46, 48, and 50.

79. The Panel notes that the SPO objects to the reclassification of Annex 2 Proposed Exhibits 12 and 13 and Annex 5 Proposed Exhibit 3. However, the Panel observes that these items consist of newspaper articles¹⁶⁵ and video¹⁶⁶ and no Rule 107 provider restrictions are apparent. The Panel therefore orders the SPO to clarify by Wednesday, 3 December 2025 whether it maintains its objection on reclassification of those items as public.

¹⁶³ In particular, Annex 5 Proposed Exhibit 18 (pp. DHT04118-DHT04122).

¹⁶⁴ Response, para. 8, fn. 25.

¹⁶⁵ Annex 2 Proposed Exhibit 13 and Annex 5 Proposed Exhibit 3.

¹⁶⁶ Annex 2 Proposed Exhibit 12.

80. Having reviewed the remaining listed Proposed Exhibits, and considering the submissions by the Thaçi Defence and the SPO, the Panel instructs the Registry to reclassify the following Proposed Exhibits as public: (i) Annex 2 Proposed Exhibits 1, 11, and 24; (ii) Annex 3 Proposed Exhibits 2 and 6; (iii) Annex 4 Proposed Exhibit 14; and (iv) Annex 5 Proposed Exhibits 12, 13, 15, 27, 32, 33, 41, 47, and 57. The Panel orders that the remaining Proposed Exhibits shall retain their current classifications.

VI. DISPOSITION

81. In light of the foregoing, the Panel hereby:

- a) **GRANTS**, in part, the Request;
- b) **ADMITS** the following Proposed Exhibits: (i) Annex 1 Proposed Exhibits 1-8, 16, 17, 19, 21, 23-33, 36, 38, 40 (pp. DHT3002, DHT3003, and DHT3006), 41 and 42 (pp. DHT11633 and DHT11643); (ii) Annex 2 Proposed Exhibits 1-38; (iii) Annex 3 Proposed Exhibits 1-6; (iv) Annex 4 Proposed Exhibits 1-20; and (v) Annex 5 Proposed Exhibits 1-17, 18 (pp. DHT04115-DHT04117), 19-27, 29-35, 37-49, and 51-60;
- c) **DENIES** the admission of the following Proposed Exhibits: (i) Annex 1 Proposed Exhibits 9-15, 18, 20, 22, 34, 35, 37, 39, and the remaining tendered portions of Annex 1 Proposed Exhibits 40 and 42; and (ii) Annex 5 Proposed Exhibits 28, 36, 50, and the remaining pages of Annex 5 Proposed Exhibit 18;
- d) **ORDERS** the Thaçi Defence to supplement: (i) Annex 1 Proposed Exhibit 3 with the cover page; and (ii) Annex 1 Proposed Exhibit 17 with pages DHT07081 and DHT07082 by Wednesday, 3 December 2025;
- e) **INSTRUCTS** the Registry to reclassify the following Proposed Exhibits as public: (i) Annex 2 Proposed Exhibits 1, 11, and 24; (ii) Annex 3

- Proposed Exhibits 2 and 6; (iii) Annex 4 Proposed Exhibit 14; and (iv) Annex 5 Proposed Exhibits 12, 13, 15, 27, 32, 33, 41, 47, and 57;
- f) **ORDERS** the SPO to clarify by Wednesday, 3 December 2025 whether it maintains its objection on reclassification as public of: (i) Annex 2 Proposed Exhibit 12; (ii) Annex 2 Proposed Exhibit 13; and (iii) Annex 5 Proposed Exhibit 3; and
- g) **ORDERS** that the remaining Proposed Exhibits shall retain their current classification.



Judge Charles L. Smith, III

Presiding Judge

Dated this Monday, 1 December 2025

At The Hague, the Netherlands.