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Date original: 03/11/2025 15:58:00
Date public redacted version: 03/12/2025 10:55:00

In:	**KSC-BC-2020-06**
	Specialist Prosecutor v. Hashim Thaçi, Kadri Veseli, Rexhep Selimi and Jakup Krasniqi
Before:	**Trial Panel II**
	Judge Charles L. Smith III, Presiding
	Judge Christoph Barthe
	Judge Guénaël Mettraux
	Judge Fergal Gaynor, Reserve Judge
Registrar:	Dr. Fidelma Donlon
Filing Participant:	Defence Counsel for Jakup Krasniqi
Date:	03 November 2025
Language:	English
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Public Redacted Version of 'Krasniqi Defence Second Application for Admission of Material through the Bar Table with Confidential Annex 1'

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I. INTRODUCTION

1. In accordance with Rule 138 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ("Rules"),[1] and the Trial Panel's 'Order Revising the Deadline for the Filing of Bar Table Motions',[2] the Krasniqi Defence hereby requests the admission of the items listed in Annex 1 through the bar table.

2. Annex 1 contains items originating from Kosovo and international news media,[3] international reports,[4] KLA documents,[5] and additional items relevant to the Defence case.[6]

3. All of the Proposed Exhibits in Annex 1 are *prima facie* authentic, relevant, and have probative value that is not outweighed by any prejudicial effect. The Defence has also listed the current classification of each item as registered on Legal Workflow.

4. Pursuant to Rule 82(4) of the Rules, this motion is classified as confidential. A public redacted version will be filed in due course.

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[1] KSC-BD-03/Rev3/2020, Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, 2 June 2020 ("Rules").
[2] F03535, Trial Panel II, *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, public ("Order Revising Bar Table Motion Deadlines").
[3] Annex 1, Items 1-44.
[4] Annex 1, Items 45-98.
[5] Annex 1, Items 99-108.
[6] Annex 1, Items 109-145.

PUBLIC
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PROCEDURAL HISTORY

5. On 22 July 2025, the Defence notified the Panel and the Parties of its intention to file one or more bar table motions, anticipating to file a residual bar table motion at the close of its case.[7]

6. On 19 August 2025, the Defence informed the Panel and the Parties that the majority of the documents on its Revised Exhibit List would be tendered through the bar table.[8]

7. On 23 October 2025, the Trial Panel issued the Order Revising Bar Table Motion Deadlines.

8. On 29 October 2025, the Defence inquired *inter partes* whether the Specialist Prosecutor's Office ("Prosecution") would dispute the admission of items on the consolidated Provisional Krasniqi list of items to be tendered through the bar table.[9]

9. On 3 November 2025, the Prosecution responded to specify that it does not object to the admission of several of the proposed items, which is indicated in Annex 1.[10]

II. APPLICABLE LAW

10. Rule 138 of the Rules provides that evidence submitted to the Panel shall be admitted if it is relevant, authentic, has probative value and its probative value is not outweighed by its prejudicial effect.

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[7] Transcript of 22 July 2025, confidential, p. 26391; see also Transcript of 19 August 2025, confidential, p. 26459.
[8] Transcript of 19 August 2025, confidential, p.26467.
[9] Krasniqi Defence email to the Prosecution, dated 29 October 2025 at 10:31h.
[10] Prosecution email to the Krasniqi Defence, dated 03 November 2025 at 12:44h.

PUBLIC
Date original: 03/11/2025 15:58:00
Date public redacted version: 03/12/2025 10:55:00

11. Evidence is relevant where it is connected (directly or indirectly) to the elements of the crime or the mode of liability pleaded in the Indictment, or other facts or circumstances material to the parties' case.[11]

12. Evidence is authentic "if it is what it professes to be in origin or authorship."[12] Whilst absolute proof of authenticity is not required for admissibility,[13] the tendering party must establish a *prima facie* case of authenticity in order for an item to be admitted.[14]

13. Evidence has probative value when "it tends to prove or disprove an issue which is relevant to the case. Probative value is determined by: the prima facie reliability of the tendered evidence; and the measure by which that evidence is likely to influence the determination of a particular issue in dispute in the case."[15]

14. Evidence has a prejudicial effect if it adversely impacts the fairness or expeditiousness of the proceedings.[16]

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[11] KSC-BC-2020-05, F00281RED, Trial Panel I, *Public Redacted Version of Decision on the Admission of Evidence Collected Prior to the Establishment of the Specialist Chambers and Other Material* ("Mustafa Decision on Admission"), 13 December 2021, public, para. 11; KSC-BC-2020-07, F00334, Trial Panel II, *Decision on the Prosecution Request for Admission of Items Through the Bar Table* ("*Gucati and Haradinaj* SPO Bar Table Decision"), 29 September 2021, public, para. 12; KSC-BC-2020-06, F01409, *Decision on Specialist Prosecutor's Bar Table Motion*, 31 March 2023, para. 10.
[12] F01409, *Decision on Specialist Prosecutor's Bar Table Motion*, 31 March 2023, para. 11.
[13] F01596, Trial Panel II, *Second Decision on Specialist Prosecutor's Bar Table Motion*, 9 June 2023, confidential and *ex parte*, para. 82.
[14] KSC-BC-2020-07, F00502, Trial Panel II, *Decision on the Defence Request for Admission of Items through the Bar Table and Related Matters* ("*Gucati and Haradinaj* Defence Bar Table Decision"), 17 December 2021, public, para. 11; F01409, *Decision on Specialist Prosecutor's Bar Table Motion*, 31 March 2023, para. 11.
[15] F01409, *Decision on Specialist Prosecutor's Bar Table Motion*, 31 March 2023, para. 12.
[16] *Gucati and Haradinaj Defence Bar Table Decision*, para. 13; F01409, *Decision on Specialist Prosecutor's Bar Table Motion*, 31 March 2023, para. 13

III. SUBMISSIONS

A. Application for admission of material through the bar table

15. The Defence submits that the items listed in Annex 1 fulfil the requirements of *prima facie* authenticity, relevance, and probative value and are not outweighed by any prejudicial effect.

16. The Proposed Exhibits – organised to the extent possible in thematic and chronological order – corroborate and compliment witness and documentary evidence to substantiate the Defence's case and/or contradict the Prosecution's narrative.

i) The Proposed Exhibits are prima facie authentic

17. The Proposed Exhibits are contemporaneous to various activities and events during the Indictment Period, including alleged crimes. They originate from media outlets,[17] international observers present in Kosovo,[18] and the KLA.[19] Items marked as 'residual items' emanate from additional sources, including Kosovo courts,[20] *inter-partes* communications between the Prosecution and the Defence, and communications between the Defence and Third Party States. As outlined in Annex 1, all of the tendered items bear sufficient *indicia* of authenticity and reliability.

18. Many of the proposed exhibits were provided to the Prosecution and subsequently disclosed to the Defence, or were sourced from the public domain and bear the appropriate indications of that provenance.

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[17] *E.g.,* Annex 1, Items 1-43.
[18] *E.g.,* Annex 1, Items 44-98.
[19] *E.g.,* Annex 1, Items 99-108.
[20] *E.g.,* Annex 1, Items 110-111, 113-115.

PUBLIC
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19. The Defence reiterates its previous assertion that the possibility of authentication through witnesses is limited at this stage of the trial.[21] It further recalls the Panel's finding that such items are not required to be authenticated through witnesses.[22]

ii) The Proposed Exhibits are relevant

20. The Proposed Exhibits are relevant to substantiate the Defence case and to contradict various aspects of the case presented by the Prosecution.

21. Several of the proposed items are probative of the high prevalence of interpersonal conflicts, blood feuds, and revenge undertaken on an individual level during the Indictment Period,[23] rather than conduct attributable to any KLA policy, as alleged by the Prosecution.

22. Following the arguments laid out in its first bar table motion,[24] items tendered for admission further demonstrate the chaotic conditions that arose after the return of refugees into Kosovo in the summer of 1999,[25] supporting the assertion that crimes took place in circumstances beyond the ability of the Accused to exercise effective control.

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[21] F03474, Krasniqi Defence, *First Krasniqi Defence Application for Admission of Material through the Bar Table and Related Request to Amend the Revised Exhibit List with Confidential Annex 1*, 13 September 2025, confidential, para. 11 ("Krasniqi First Bar Table Application")
[22] F01409, Trial Panel II, *Decision on Specialist Prosecutor's Bar Table Motion*, 31 March 2023, confidential, para. 12.
[23] *E.g.,* Annex 1, Items 32, 71.
[24] Krasniqi First Bar Table Application, para. 14.
[25] Annex 1, Items 3, 85.

PUBLIC
Date original: 03/11/2025 15:58:00
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23. A number of the proposed items illustrate ongoing cooperation between members of the KLA (including Mr. Krasniqi specifically[26]) and those affiliated with the LDK,[27] including items which show the KLA cooperating with the LDK to form a united Albanian platform.[28] These documents therefore contradict the Prosecution's assertions that the KLA targeted members of the LDK.

24. The Proposed Exhibits further contradict allegations of targeting of opponents and demonstrate a lack of effective control over KLA members by those in the General Staff. They support assertions by witnesses that Zone Commanders acted independently and absent centralised control.[29]

25. Finally, several items are tendered which impact on the credibility of Prosecution witnesses who have testified in this trial. For example, Item 120 in Annex 1 shows that [REDACTED] did not file a criminal complaint [REDACTED] regarding his alleged kidnapping. This fundamentally contradicts his testimony to the Prosecution.[30] Equally, Items 121 and 122 demonstrate that [REDACTED] misrepresented to the Prosecution that he had [REDACTED].'[31] Collectively, these inconsistencies undermine the credibility of the witnesses and the veracity of their statements to the Prosecution.

26. The Defence submits a detailed indication of item-by-item relevance in Annex 1 to this motion.

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[26] Annex 1, Items 88, 90, 119.
[27] Annex 1, Items 7, 112.
[28] Annex 1, Items 40, 80.
[29] *See, for example,* Transcript of 2 December 2024, p. 23130; Transcript of 26 March 2024, p. 13794, lines 3-8.
[30] [REDACTED]
[31] [REDACTED]

PUBLIC
Date original: 03/11/2025 15:58:00
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iii) Probative value of the proposed material is not outweighed by prejudicial effect

27. The Proposed Exhibits largely corroborate the testimonies of Prosecution witnesses and already admitted exhibits. They were either obtained by the Prosecution and disclosed to the Defence, or originate from the public domain. Their admission would thus not create any prejudicial effect. At the conclusion of the trial, the Trial Panel will assess what weight to assign admitted exhibits in light of the case record.[32]

B. Request for leave to add two items to the Krasniqi Defence Revised Exhibit List

28. Pursuant to Rule 119(5) of the Rules, the Defence seeks leave to add four (4) items to a Revised Exhibit List, namely DJK02032-DJK02037, DJK02041- DJK02042, DJK01245-TR, and DJK02109. The first two items are revised translations which were disclosed to the Prosecution on 4 September 2025.[33] The second two items are transcripts of materials which have previously been notified to the Prosecution, and will be disclosed in due course.

IV. CONCLUSION

29. As demonstrated above and in the detailed submissions provided in Annex 1, the proposed exhibits fulfil the requirements of Rule 138 of the Rules, are *prima facie* authentic, relevant and have probative value that is not outweighed by any prejudice.

[32] F01983COR, Trial Panel II, Corrected Version of Sixth Decision on Specialist Prosecutor's Bar Table Motion, 5 December 2023, paras 85, 111, 119.
[33] Disclosure Batch 1764, disclosed on 4 September 2025 at 20:32h.

PUBLIC
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30. The Defence respectfully requests the Trial Panel to:

i) **ADMIT** the proposed exhibits listed in Annex 1.

ii) **GRANT** the Krasniqi Defence leave to amend its Exhibit List, as outlined above.

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Venkateswari Alagendra

Wednesday, 03 November 2025

The Hague, the Netherlands

Aidan Ellis

Monday, 03 November 2025

The Hague, the Netherlands.

Shyamala Alagendra Khan

Monday, 03 November 2025

The Hague, the Netherlands.

Victor Băieșu

Monday, 03 November 2025

The Hague, the Netherlands.