



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

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

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

**Registrar:** Dr Fidelma Donlon

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

**Date:** 5 December 2025

**Language:** English

**Classification:** Public

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**Prosecution request to present and for admission of rebuttal evidence  
with confidential Annex 1**

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## I. INTRODUCTION

1. The Specialist Prosecutor's Office ('SPO') requests leave to tender and for the Panel to admit rebuttal evidence pursuant to Rules 127(2)(d), 133, and 137-138 of the Rules.<sup>1</sup> The Proposed Evidence<sup>2</sup> comprises a spreadsheet with information concerning Prosecution exhibit list items<sup>3</sup> that were obtained from the workstation seized at Jakup KRASNIQI's residence ('Spreadsheet'),<sup>4</sup> with a corresponding SPO Official Note ('Official Note').<sup>5</sup> As detailed below and in the Official Note, the Spreadsheet was attached to an email and relates to two forensic reports admitted in the KRASNIQI Decision.<sup>6</sup>

2. The Proposed Evidence is limited in scope, documentary in nature, and concerns a discrete issue arising directly from recently admitted Defence evidence.<sup>7</sup> It is therefore necessary to complete the evidentiary record, thereby allowing the Parties to make, and the Panel to assess, submissions regarding the relevance and weight to be accorded to the relevant Defence exhibits. Accordingly, the Proposed Evidence – which is relevant, *prima facie* authentic, and has probative value that is not outweighed by any prejudice<sup>8</sup> – should be admitted in the interests of justice and on an exceptional basis.<sup>9</sup>

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

<sup>2</sup> SPOE00408881-00408890, found in Annex 1, is referred to throughout this Motion as the 'Proposed Evidence.' It was disclosed in Package 1838.

<sup>3</sup> Many of these items have now been admitted.

<sup>4</sup> Annex 1 (SPOE00408881-SPOE00408890, pp.SPOE00408883-SPOE00408890).

<sup>5</sup> Annex 1 (SPOE00408881-SPOE00408890, pp.SPOE00408881-SPOE00408882). As explained in the Official Note, the Spreadsheet is tendered in PDF format. The SPO can provide versions in Excel format to the Panel and Parties upon request.

<sup>6</sup> Decision on Krasniqi Defence Second Application for Admission of Material through the Bar Table, KSC-BC-2020-06/F03602, 1 December 2025 ('KRASNIQI Decision'), paras 91, 95(e). *See also* para.3 below.

<sup>7</sup> *See, similarly, Specialist Prosecutor v. Mustafa*, Public redacted version of Decision on Prosecution request to present evidence in rebuttal, KSC-BC-2020-05/F00424/RED, 27 May 2022 ('*Mustafa* Decision'), para.9. *See also* ICTY, *Prosecutor v. Delalić et al.*, Judgement, IT-96-21-A, 20 February 2001 ('*Delalić* AJ'), para.273.

<sup>8</sup> Rule 138(1).

<sup>9</sup> Rule 133 provides that leave to call rebuttal evidence shall only be granted 'in the interests of justice and on an exceptional basis.'

## II. SUBMISSIONS

### A. THE PROPOSED EVIDENCE IS LIMITED IN SCOPE AND ARISES DIRECTLY FROM DEFENCE EVIDENCE

3. The Proposed Evidence – which is ten pages in total – arises directly from evidence presented by the KRASNIQI Defence, namely Items 115, 123, and 124 ('Admitted Items') tendered in the KRASNIQI Motion,<sup>10</sup> and admitted in the KRASNIQI Decision.<sup>11</sup> Specifically:

- a. the Spreadsheet – which includes hash values,<sup>12</sup> file names and paths, and corresponding ERNs of Prosecution exhibit list items obtained from the seized workstation – was part of the file entitled 'JK workstation.7z' attached to Admitted Item 115, an email sent by the SPO to the KRASNIQI Defence;<sup>13</sup>
- b. Admitted Item 123 is an external forensic report detailing the process for creation of a digital forensic copy of data from the KRASNIQI workstation, from which the items in the Spreadsheet were obtained;<sup>14</sup> and

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<sup>10</sup> Krasniqi Defence Second Application for Admission of Material through the Bar Table, KSC-BC-2020-06/F03556/A01, 3 November 2025 ('KRASNIQI Motion'); ANNEX 1 to Krasniqi Defence Second Application for Admission of Material through the Bar Table, KSC-BC-2020-06/F03556/A01, 3 November 2025, Confidential, Items 115 (DJK01962-DJK01963), 123 (113365-113374), 124 (113728-113734) (individually, 'Admitted Item'; collectively, 'Admitted Items'). Exhibit numbers have not yet been assigned.

<sup>11</sup> KRASNIQI Decision, KSC-BC-2020-06/F03602, paras 91, 95(e). *See also* paras 72, 74-75, 81-83, 87-88, 90.

<sup>12</sup> *See* Admitted Item 124 (113728-113734), p.113732, fn.1 ('A hash value is a unique identifier that is generated for data using a mathematical algorithm that produces a fixed length string of letters and numbers. This string is known as the hash value. Hash values provide a way to verify the integrity of digital files including forensic images. By comparing the hash value of an original forensic image to the hash value of a copied version of the forensic image, one can determine whether it is identical to the original.'). *See also* Admitted Item 115 (DJK01962-DJK01963).

<sup>13</sup> Annex 1: Official Note, SPOE00408881-SPOE00408890, para.1.

<sup>14</sup> The items listed on pages SPOE00408883-SPOE00408889 of the Spreadsheet were obtained directly by the SPO from this forensic copy, while the items on page SPOE00408890 of the Spreadsheet were recovered by a third party company from the forensic copy, as detailed in Admitted Item 124 (113728-

- c. Admitted Item 124 is another external forensic report outlining how deleted files were recovered and extracted from the forensic copy of the seized workstation, and identifying ten recovered files by, *inter alia*, file name, extension, and hash value.<sup>15</sup> Seven of these files were on the Prosecution exhibit list,<sup>16</sup> have been admitted into evidence,<sup>17</sup> and are included on the last page of the Spreadsheet, which provides corresponding ERNs for each document.<sup>18</sup>

4. In response to the KRASNIQI Motion, the SPO noted the incomplete nature of the Admitted Items, in particular the lack of any information tendered by the KRASNIQI Defence connecting the documents concerned by, in particular, Admitted Item 124 with admitted evidence.<sup>19</sup> The SPO specifically noted that the information contained in the Spreadsheet had been provided to the Defence and was attached to Admitted Item 115, but not tendered by the KRASNIQI Defence.<sup>20</sup> In the KRASNIQI Decision, the Panel noted 'that the Defence has provided a very limited explanation regarding the relevance of [Admitted Items 123-124], which the Panel understands to go to the question of the authenticity of certain items found on a computer at Mr

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113734), p.113731. *See also* Annex 1: Official Note, SPOE00408881-SPOE00408890, para.2 (explaining that the Excel attached to Admitted Item 115 included two tabs, with the first tab corresponding to pp.SPOE00408883-SPOE00408889 and the second tab corresponding to p.SPOE00408890 of the Spreadsheet).

<sup>15</sup> Admitted Item 124 (113728-113734), p.113733.

<sup>16</sup> The remaining three files identified in Admitted Item 124 (with file names 001775.doc, 002082.emf, and 002090.emf) were not included on the Prosecution exhibit list and are therefore not part of the Spreadsheet. For reference, they were disclosed as SPOE00248508-00248509, SPOE00248511-00248511, and SPOE00248512-00248512, respectively.

<sup>17</sup> These seven items were admitted (in the order they are listed on p.SPOE00408890 of the Spreadsheet) as P01110 (SPOE00248501-00248501), P00613 (SPOE00248502-00248502), P00611 (SPOE00248503-00248503), P02913 (SPOE00248504-00248504), P02772 (SPOE00248505-00248505), P00610 (SPOE00248506-00248506), and P01174 (SPOE00248507-00248507).

<sup>18</sup> Annex 1: Spreadsheet, SPOE00408881-SPOE00408890, p.SPOE00408890 (as noted in fn.14 above, this page corresponds to the second tab of the Excel attached to Admitted Item 115).

<sup>19</sup> Prosecution response to 'Krasniqi Defence Second Application for Admission of Material through the Bar Table' (F03556), KSC-BC-2020-06/F03573, 10 November 2025 ('Response'), para.15, fn.38; ANNEX 1 to Prosecution response to 'Krasniqi Defence Second Application for Admission of Material through the Bar Table' (F03556), KSC-BC-2020-06/F03573/A01, 10 November 2025, Confidential, Items 115, 123-124.

<sup>20</sup> Response, KSC-BC-2020-06/F03573, fn.38.

Krasniqi's home.'<sup>21</sup> In this respect, the Spreadsheet not only identifies the 'certain items' discussed in the KRASNIQI Decision, but also connects Admitted Items 123-124 with other admitted evidence, by cross-referencing the files recovered from the seized workstation with those admitted in these proceedings. The Proposed Evidence therefore provides the minimum context necessary for understanding the relevance and weight to be accorded to the Admitted Items.

B. THE PRESENTATION OF THE PROPOSED EVIDENCE IS IN THE INTERESTS OF JUSTICE

5. Given the incomplete and irregular manner in which the Admitted Items were presented by the KRASNIQI Defence, the SPO could not have anticipated the need to adduce the Proposed Evidence during its case.<sup>22</sup> In this respect, the Panel noted in the KRASNIQI Decision that: (i) it 'would welcome further clarifications in the Parties' final submissions regarding the relevance' of, *inter alia*, the Admitted Items; and (ii) 'it is not clear [...] what the Defence's arguments in relation to the inferences that may, or not, be drawn from the material seized from Mr Krasniqi's residence and workstation are.'<sup>23</sup> Without the Proposed Evidence, the Parties would be unable to adequately provide the clarifications invited by the Panel regarding the relevance and weight of the Admitted Items or their connection to other admitted evidence, and the Panel's assessment of any submissions made would be similarly impaired. Accordingly, it is in the interests of justice to allow the SPO to present the Proposed Evidence.<sup>24</sup>

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<sup>21</sup> KRASNIQI Decision, KSC-BC-2020-06/F03602, para.72 (noting further that the Panel expects 'the Defence to clearly articulate what its case is in respect of these documents and how they relate to matters already decided by this Panel or other Panels of this court.').

<sup>22</sup> *Mustafa* Decision, paras 9, 11; *Delalić* AJ, para.273.

<sup>23</sup> KRASNIQI Decision, KSC-BC-2020-06/F03602, para.75.

<sup>24</sup> *See, similarly, Mustafa* Decision, KSC-BC-2020-05/F00424, para.9.

C. THE PROPOSED EVIDENCE IS ADMISSIBLE

6. For the reasons articulated above, the Proposed Evidence is relevant to the Parties' submissions on and the Panel's assessment of Admitted Items 115, 123, and 124. Further, the Proposed Evidence is *prima facie* authentic, as the Official Note bears an SPO header, is dated and signed, and confirms that the Spreadsheet – the contents of which are derived directly from Admitted Items 123 and 124 – was attached to Admitted Item 115. The authenticity of the Admitted Items to which the Proposed Evidence relates is not dispute. The Proposed Evidence, therefore, has probative value and, as it is limited in scope and complements Defence exhibits, its admission would not cause any prejudice.

III. CLASSIFICATION

7. The Proposed Evidence and Annex 1 are confidential, as they detail internal SPO processes, and relate to and contain confidential details from the confidential Admitted Items.<sup>25</sup>

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<sup>25</sup> See also Admitted Item 123 (113365-113374), p.113371; Admitted Item 124 (113728-113734), p.113728.

IV. RELIEF REQUESTED

8. For the foregoing reasons, the Panel should permit the SPO to tender and admit the Proposed Evidence.

**Word count: 1583**



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Kimberly P. West

Specialist Prosecutor

Friday, 5 December 2025

At The Hague, the Netherlands.