

**In:** KSC-BC-2020-06

**The 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:** Counsel for Hashim Thaci  
Counsel for Kadri Veseli  
Counsel for Rexhep Selimi  
Counsel for Jakup Krasniqi

**Date:** 14 February 2023

**Language:** English

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**Joint Urgent Preliminary Defence Response to SPO Application for  
Admission of Material through the Bar Table**

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## I. INTRODUCTION

1. The SPO's Bar Table Application,<sup>1</sup> submitted by the SPO less than 21 days before the start of the trial, encompasses 1260 items totaling approximately 13,500 pages.
2. The right to adequate time and facilities, within the context of a bar table motion, presupposes that the Defence is provided adequate time and information to provide meaningful comments on the criteria for admission, for each item tendered. In the absence of sufficient time, the process is transformed into a simple rubber stamping of the Prosecution case, in violation of the principle of adversarial proceedings.
3. The volume of the current bar table and breadth and complexity of issues encompassed by its content, renders it impossible for the Defence to provide meaningful comment or indeed any comments on the items tendered for admission in line with the timetable ordered by the Trial Panel, namely by 22 February 2023.<sup>2</sup>
4. There are, in addition, several issues that require resolution before the substantive Defence response to the Bar Table Motion is submitted, including:
  - a) Whether the format of the annexes complies with the letter and spirit of the Order on the Conduct of the Proceedings;
  - b) The disclosure of documentation necessary to assess the legality of the collection of evidence pursuant to Rule 138(2);

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<sup>1</sup> KSC-BC-2020-06/F01268, Prosecution application for admission of material through the bar table with public Annexes 5 and 8, and confidential Annexes 1-4, 6 and 7, 8 February 2023 ("Bar Table Motion").

<sup>2</sup> KSC-BC-2020-06, Status Conference, Trial Panel, 16 December 2023, T.1775.

- c) The legal status of expert statements/witness statements from the ICTY and domestic case files, and the criteria which should be applied to admission, including counter-balancing measures to preserve the rights of the Defence.
5. The submission of this application, immediately before the start of the trial, also severely disrupts critical Defence preparation for the first tranche of witnesses. The Bar Table Motion is tantamount to a parallel trial process. Apart the negative impact on the time and resources of the team, such parallel litigation also deprives the four accused of the right of sufficient time to meaningfully participate in their own defence.
6. Pursuant to Rule 9 of the Rules, there is good cause to:
  - a) Suspend the deadline for response until the issues set out below are resolved or adjudicated; and
  - b) Allocate the Defence a proportionate deadline based an objective assessment of the necessary time to review these documents.

## II. SUBMISSIONS

- A. The amount of time currently allocated to the Defence fails to secure their fundamental right to be heard in relation to the criteria for admission for each item of evidence**
7. The Panel's rational for inviting the SPO to file a bar table application before the start of the trial hinged on its belief that this would assist the Defence by promoting the timely disclosure of the SPO's position concerning the relevance and probative value of the tendered items. This objective can and should be achieved in a manner that is consistent with the right of the Defence to adequate time and facilities to prepare its response to the application.

8. The Trial Panel, in its current composition, delineated its approach to the adjudication of bar table motions in the *Haradinaj & Gucati* case.<sup>3</sup> This approach is based on an assessment as concerns whether each tendered item fulfilled the four cumulative requirements of Rule 138(1) of the Rules:<sup>4</sup> items were not assessed in a bulk manner or by reference to general categories.
9. It follows that in order for the Defence to be afforded a meaningful right to be heard, the Defence must have sufficient time to review each item with a view to formulating specific and focused submissions as concerns whether these four cumulative requirements are met and whether there might be an independent bar to admission (for example, matters related to the legality of the collection of evidence, or the protection of the presumption of innocence of co-defendants or uncharged perpetrators).
10. The amount of time required will also depend on the type of evidence concerned. For example, given the technical and specialized nature of expert reports, the Defence has the right to instruct experts to assist the Defence to understand the basis of the conclusions and prepare its response, and to have adequate time to do so.<sup>5</sup>
11. As set out by the Defence previously, the Defence estimates that it can properly read and analyse 150 pages of SPO transcripts per person, per day to the exclusion of all other work.<sup>6</sup> However, this figure relates to transcript pages of

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<sup>3</sup> KSC-BC-2020-07/F00334, Decision on the Prosecution Request for Admission of Items Through the Bar Table, 29 September 2021 (“Haradinaj and Gucati BTM Decision”).

<sup>4</sup> Haradinaj and Gucati BTM Decision, para. 11.

<sup>5</sup> See ICTY, *Prosecutor v. Karadzic*, IT-95-5118-PT, Decision on Accused's Motion for Extension of Time to Respond to Rule 92 bis Motion for Expert Witnesses and to Exclude the Reports of Kathryn Barr, 2 September, paras. 6-10.

<sup>6</sup> KSC-BC-2020-06/F01271, Joint Defence Request for Relief Pursuant to Article 21(4) of the Law and Rule 143 of the Rules, 9 February 2022, para. 33.

a single witness. When different documents are being assessed as is the case here, the rate is much lower. In relation to multiple documents, many of which are in different formats and contain dense information, the Defence estimates that it can properly read and analyse a maximum of 110 pages a day. Based on a rate of average of around 11 pages for each document, this equates to 10 documents a day, or 126 working days to review the totality of the 1260 documents in the Bar Table Motion. This would require four team members to work approximately 32 days each, or the equivalent of six full weeks, simply reviewing the relevant documents.

12. The Panel should also assess this request in light of the cumulative impact of various matters that are presently before the Defence. The filing of multiple poorly described and oversized SPO applications in the same time period has a multiplier effect as concerns the impact on Defence time and resources. The Defence is forced to divert time to disclosure requests, applications for particulars, applications for the extension of time, and finding information that has been improperly excluded from the application. This diminishes the time available for preparing the substantive response and the time available for preparing other core Defence activities.
13. This erosion of time is particularly problematic give the SPO's foreshadowed intent to call witnesses, whose identities were withheld until 30 days before the start of trial, as their first witnesses. This development, when viewed in the context of the current volume and intensity workload triggered by recent SPO applications, vitiates the Pre-Trial Judge's conclusion that the Defence would have sufficient time to review the unredacted materials and take necessary investigative steps before the commencement of their testimony.

14. The Defence therefore requests the Trial Panel to grant the requested extension of time in relation to the Defence response to the Bar Table Motion and, at the same time, consider the impact of the time needed to prepare such responses, when adjudicating the Defence application to adjourn the commencement of witness testimony. This would be consistent with ICTY precedent accepting that bar table responses absorb a significant amount of time and resources from a Defence team, impacting on the team's ability to attend to other core tasks related to the trial, and that it may therefore be necessary to grant extensions of time not just for the response itself but also the significant trial related activity occurring during the same period.<sup>7</sup>

**B. The deadline should be suspended pending the Panel's resolution of the appropriate procedural process for motions admitting evidence from the bar table**

15. In addition to the vast quantity of items tendered by the SPO in the Bar Table Motion, the format, process and underlying information provided by the SPO in relation to these materials renders a meaningful response impossible. Resolution of the following issues would be required by the Trial Panel before the SPO is ordered to re-file its motion. While this list is not exhaustive, it does demonstrate the significant failings inherent in the Bar Table Motion. It would be in the interests of justice to resolve such issues now, to avoid the spectre and disruption of lengthier and unnecessary litigation in the future.

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<sup>7</sup> See for example, ICTY, *Prosecutor v. Tolimir*, IT-05-88/2-T, 'Consolidated Decision on Prosecution's Bar Table Motions and the Accused's Motion for Extension of Time', 14 May 2012, where the Trial Chamber granted extensions of time both for the response to admit 16 items from the bar table and the Defence final brief.

**1. The Bar Table Motion fails to provide the relevant information required by the Trial Panel**

**a. Absence of link between the tendered documents and first 40 SPO witnesses or presentation of its case**

16. On 16 December 2022, the SPO was invited to file a bar table motion “pertaining to: A, proposed exhibits on its list of exhibits which it intends to use for any of its first 40 witnesses; B, evidentiary material that the SPO considers important to the clear and effective presentation of its case at this stage.”<sup>8</sup>

17. In its Bar Table Motion the SPO has conspicuously neglected to provide any information as to why any of these documents would fulfil either of these criteria. Given their confused and evasive responses to repeated exhortations by the Trial Panel to explain how they will present their case, the absence of this information is even more surprising and prejudicial to the Defence. Specific information in relation to both of these is criteria on a document by document level is essential.

**b. Relevance of the documents to the Indictment**

18. The SPO is obliged to cite indictment paragraphs when seeking to tender exhibits through the bar table.<sup>9</sup> This is intended for the Defence and indeed the Trial Panel to identify the specific relevance of each document tendered.

19. However, throughout the annexes, the SPO merely suggests a range of paragraphs encapsulating a wide range of alleged conduct and background information without even attempting to identify the specific Indictment

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<sup>8</sup> KSC-BC-2020-06, Status Conference, Trial Panel, 16 December 2023, T.1775.

<sup>9</sup> KSC-BC-2020-06/F01226, Annex 1 to Order on the Conduct of Proceedings, 25 January 2023, para. 62(ii) (“Annex 1 to Order on the Conduct of Proceedings”).

paragraph(s) to which the documents relate.<sup>10</sup> This prejudices the Defence's ability to meaningfully respond to such admission.

**c. Absence of specific identification of relevant sections of books or lengthy documents**

20. The Panel has clearly held that "in relation to lengthy documents or books of which only a part is relevant or relied upon by the Party, the offering Party shall indicate the pages of the document, in both the original language and in English, which it seeks to have admitted into evidence."<sup>11</sup>
21. This has not been provided by the SPO which has sought instead to tender the entire versions of books.<sup>12</sup> This significantly prejudices the Defence's ability to review and respond to the tendered items and violates the specific directions given by the Trial Panel.

**d. Absence of complete translations**

22. The SPO has tendered multiple partial translations into English of Albanian original documents of documents contained in the Bar Table Motion.<sup>13</sup> The

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<sup>10</sup> See, for instance, Annex 1 to Bar Table Motion, where SPO identifies that item 1 (ERN U016-2551-U016-2818) refers to the Indictment Primary Paragraphs "AAJCE, SR, WC". To decode the abbreviation and to find the range of the relevant Indictment paragraphs the Defence needs to refer to Annex 7. According to the latter, the above is an abbreviation for "Evidence related to the Joint Criminal Enterprise and Aiding and Abetting, Evidence related to Superior Responsibility, Evidence related to the existence of an armed conflict" which is relevant to the whole range of Indictment paras, in particular to paras 32-54, 55 and 18-31 accordingly. Similarly, in the same Annex, SPO identifies that item 40 (ERN 043805- 043805) refers to the Indictment paragraphs "CBQB, AAJCE, SR", which according to Annex 7 are relevant to the Indictment paragraphs 76, 110-111, 32-54 and 55 accordingly.

<sup>11</sup> Annex 1 to Order on the Conduct of Proceedings, para. 50.

<sup>12</sup> See, for instance, Annex 6 to Bar Table Motion, item 9, ERN U015-8743-U015-9047. The item is described by the SPO as a book that is being tendered in the Albanian language in its totality. See also, item 336, ERN SPOE00128571-00128954, and item 395, ERN SPOE00055678-00056018 both of which are books tendered in their totality.

<sup>13</sup> See, for instance, Annex 6 to Bar table motion, item 9, ERN U015-8743-U015-9047. The item is described by the SPO as a book which is being tendered in Albanian language in its totality. Further, item 10-16 of the Annex 1 are merely some extracts of the above book translated into English with ERNs U015-9042-U015-9045-ET, U015-9034-U015-9034-ET, U015-9029-U015-9029-ET, U015-8989- U015-8989-ET, U015-8989- U015-8989-ET, U015-8943-U015-8944-ET, U015-8943- U015-8944-ET accordingly. If the



obligation is on the tendering party to tender an entire translation into English and not just a partial translation, otherwise the Defence is deprived of the context which is relevant to a holistic assessment of the relevant.

**2. The Bar Table Motion fails to provide sufficient information in relation to Rule 138(2)**

23. Rule 138(2) sets out a compulsory exclusionary rule as concerns evidence that was obtained by means which violates the 'Law or the Rules or international human rights law'. Given the mandatory nature of this provision, the Panel has an independent duty to ensure that its judgment is not tainted through reliance on evidence that falls foul of this provision.<sup>14</sup> Once the Defence raises issues under Rule 138(2), the Prosecution must establish that those issues do not preclude the submission of its evidence.<sup>15</sup> This is particularly true when the

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SPO intends to tender and rely upon the above book in its totality, then English translation of the book in its totality should as well be on the list of the tendered items and similarly if the SPO intends to rely upon only certain parts of the book, then only such extracts in Albanian (original) language should be tendered. Similarly, item 336, ERN SPOE00128571-00128954, is tendered by the SPO in its totality with items 337-360 of the Annex 1 being merely certain extracts of the above book translated into English. See also, item 395, ERN SPOE00055678 -00056018 with further English translation of the extracts of the book tendered as items and further items 396-414 containing English translation of only extracts of the book tendered under item 395.

<sup>14</sup> ICC, *Prosecutor v. Lubanga*, ICC-01/04-01/06, Decision on the admission of material from the "bar table", 24 June 2009, para. 8. See also *Prosecutor v. Bemba*, ICC-01/05-01/08, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, 15 June 2009, para. 46, referring to independent power and duty of the Chamber to detect whether there are grounds for determining that evidence is inadmissible (see also para. 49), and *Prosecutor v. Ruto et al.*, ICC-01/09-01/11, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, 23 January 2012, para. 62 referring to the same.

<sup>15</sup> ICC, *Prosecutor v. Ruto & Sang*, ICC-01/09-01/11, Reasons for the Decision on Admission of Certain Evidence Connected to Witness 495, rendered on 17 November 2014, 11 December 2014, paras. 25-26, 29-30; *Prosecutor v. Katanga & Chui*, ICC-01/04-01/07, Decision on the Prosecutor's Bar Table Motions, 17 December 2010, paras 55-65. See also *Prosecutor v. Bemba*, ICC-01/05-01/08 OA 5 OA 6, Judgment on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against the decision of Trial Chamber III entitled "Decision on the admission into evidence of materials contained in the prosecution's list of evidence", 3 May 2011, para. 73 ("Bemba Judgement"); *Prosecutor v. Lubanga*, ICC-01/04-01/06, Corrigendum to Decision on the admissibility of four documents, 20 January 2011, para. 25: 'If a challenge is made to the admissibility of evidence, it appears logical that the burden rests with the party seeking to introduce the evidence.'

evidence is alleged to be the product of coercion.<sup>16</sup> For suspect interviews, the burden falls squarely on the Prosecution to demonstrate ‘convincingly and beyond a reasonable doubt’ that the procedural requirements were fulfilled, and explain or justify any deficiencies.<sup>17</sup>

24. In the context of challenges to the legality of the collection of evidence, the Prosecution is also required to disclose any information or evidence in its possession that might be relevant to such challenges.<sup>18</sup>
25. On cursory review of the Annexes, it would appear that there are multiple items that could fall within the ambit of this provision, including items that

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<sup>16</sup> See ICTY, *Prosecutor v. Mucic*, ‘Decision on Zdravko Mucic’s Motion for the Exclusion of Evidence’, 2 Sep 1997, paras 41-42 (*Mucic*); *Prosecutor v. Martić*, Annex A: Guidelines on the Standards Governing the Admission of Evidence’, 19 Jan 2006, para. 9; *Prosecutor v. Oric*, ‘Order Concerning Guidelines on Evidence and the Conduct of Parties During Trial Proceedings’, 21 Oct 2004, Section III, para (x).

<sup>17</sup> ICTR, *Prosecutor v. Bagasora*, Decision on the Prosecutor’s Motion for the Admission of Certain Materials under Rule 89(c), para. 17 (*Bagasora*); ICTY, *Mucic*, para. 42: ‘[T]he Prosecution claiming voluntariness on the part of the Accused/suspect, or absence of oppressive conduct, is required to prove it convincingly and beyond reasonable doubt.’ See also ICC, ICC-01/09-01/11, Reasons for the Decision on Admission of Certain Evidence Connected to Witness 495, rendered on 17 November 2014, 11 December 2014, paras 25-26, 29-30 (finding averments of OTP investigators insufficient); SCSL, *Prosecutor v. Sesay*, Decision on the Admissibility of Certain Prior Statements of the Accused given to the Prosecution, paras 42-43 (*Sesay*).

<sup>18</sup> ICC, *Prosecutor v. Lubanga*, ICC-01/04-01/06, Decision on the Defence Request for Order to Disclose Exculpatory Materials, 2 November 2006, p. 4; *Prosecutor v. Mbarushimana*, ICC-01/04-01/10, Decision on the Defence Request for Disclosure, 27 January 2011, para. 16; *Prosecutor v. Bemba et al.*, ICC-01/05-01/13, Decision on the Bemba Defence Request for Disclosure of Communication with the Dutch Authorities, 12 January 2016, para. 11; STL, *Prosecutor v. Ayyash et al.*, Decision Reconsidering ‘Decision on the Oneissi Defence Motion for Disclosure of Requests for Assistance’, 7 November 2014, 6 March 2015, para. 20. See also ECtHR, *Bykov v. Russia*, App. No. 4378/02, 10 March 2009, para. 90: “In determining whether the proceedings as a whole were fair, regard must also be had to whether the rights of the defence were respected. It must be examined in particular whether the applicant was given the opportunity of challenging the authenticity of the evidence and of opposing its use. In addition, the quality of the evidence must be taken into consideration, including whether the circumstances in which it was obtained cast doubt on its reliability or accuracy”.

were seized from the homes of Mr. Krasniqi and Mr. Selimi and statements from other suspects or co-accused.<sup>19</sup>

26. In this regard, the obligation remains on the SPO to demonstrate that any documents which were obtained pursuant to a search and seizure fully complied with the applicable provisions when it seeks the admission of these documents and therefore, it must fully disclose to the Defence all relevant information in its possession or control relating to this question pursuant to Rules 102(1)(b), 102(3) and 103. Absent this information, it must not be made incumbent on the Defence to prove the existence of an illegality.

**3. Admission of expert testimony from other proceedings**

27. The SPO seeks to admit various expert testimony and evidence in the Bar Table Motion.
28. Article 37 of the Law on Specialist Chambers and Specialist Prosecutor's Office provides as follows:

1. Evidence collected in criminal proceedings or investigations within the subject matter jurisdiction of the Specialist Chambers prior to its establishment by any national or international law enforcement or criminal investigation authority or agency including the Kosovo State Prosecutor, any police authority in Kosovo, the ICTY, EULEX Kosovo or by the SITF may be admissible before the Specialist Chambers. Its admissibility shall be decided by the assigned panels pursuant to international standards on the collection of evidence and Article 22 of

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<sup>19</sup> See KSC-BC-2020-06/F01286 Joint Defence Response to Prosecution Submission of List of First 12 Witnesses and Associated (F10243), With Confidential Annexes 1-12, 13 February 2023, para 27.

the Constitution. The weight to be given to any such evidence shall be determined by the assigned panels.

2. In principle, all evidence should be produced in the presence of the accused with a view to adversarial argument. Exceptions may be provided in the Rules of Procedure and Evidence adopted pursuant to Article 19 in compliance with human rights standards.

3. Subject to judicial determination of admissibility and weight in paragraphs 1 and 2,

a. transcripts of testimony of witnesses given before the ICTY and records of depositions of witnesses made before the ICTY in accordance with Rule 71 of the ICTY Rules of Procedure and Evidence may be admissible before the Specialist Chambers provided that the testimony or deposition is relevant to a fact at issue in the proceedings before the Specialist Chambers; b. transcripts of testimony of witnesses given before a Kosovo court, including pre-trial testimony or testimony preserved as part of a Special Investigative Opportunity under any criminal procedure code applicable in Kosovo at the relevant time, may be admissible before the Specialist Chambers, regardless of whether the judges sitting on the Panel heard the original testimony;

c. original documents, certified copies, certified electronic copies and copies authenticated as unaltered in comparison to their originals and forensic evidence collected by any authority listed in paragraph 1 may be admissible in proceedings before the Specialist Chambers; and d. the report or statement of an expert witness admitted into evidence at the ICTY or the testimony of an expert before the ICTY may be admissible before the Specialist Chambers, whether or not the expert attends to give oral evidence before the Specialist Chambers.

29. Although paragraph 3 states that transcripts and reports may be ‘admissible’, this possibility is made expressly subject to the requirements set out in paragraphs 1 and 2. The first set of requirements, provided for in paragraph 1, is that the standards for admission must comply with Article 22 of the Constitution and international standards for evidence collection. These international standards as encapsulated by ECHR jurisprudence demonstrate the right of the accused to confront evidence. As held in *Khodorkovskiy and Lebedev v. Russia*,<sup>20</sup>

500. Pursuant to Article 6 § 3 (d), before an accused can be convicted, all evidence against him must normally be produced in his presence at a public hearing with a view to adversarial argument. Exceptions to this principle are possible but must not infringe upon the rights of the defence, which, as a rule, require that the accused should be given an adequate and proper opportunity to challenge and question a witness against him, either when that witness makes his statement or at a later stage of proceedings (*Al-Khawaja and Tahery v. the United Kingdom* [GC], 2011, § 118; *Hümmer v. Germany*, 2012, § 38; *Lucà v. Italy*, 2001, § 39; *Solakov v. the former Yugoslav Republic of Macedonia*, 2001, § 57).

30. Paragraph 2 then adds an additional layer of protection in emphasizing the principle of orality, and clarifying that any exceptions to this principle must be set out in the rules. The only express exceptions to the principle of orality for testimonial evidence are Rules 154, 155, and 156.

31. It follows that paragraph 3 does not create a free-standing basis for admission. Instead, it empowers the Panel to consider the admission of such materials, applying the protections set out in Article 37(1), and, as required by Article

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<sup>20</sup> ECtHR, *Khodorkovskiy and Lebedev v. Russia*, (No. 2), App. No. 51111/07 and 42757/07, 14 January 2020, para. 500.

37(2), through one of the express exceptions to the principle of orality set out in the Rules of Procedure and Evidence (namely Rules 154, 155, and 156).<sup>21</sup>

32. Expert, as opposed to fact, testimony is opinion evidence based on information available to a particular expert at the particular time that the opinion is provided. It is susceptible to being changed and updated based on new information available as well as the development of particular techniques, especially in the field of forensics.
33. To assess whether particular expert evidence, given in prior proceedings, meets the test for admission, the SPO must provide information on whether the particular expert concerned still maintains the opinion expressed at the time his or her evidence was given, as well as the evidence relied upon to produce that conclusion.
34. The extensive reliance upon such evidence by the SPO in the Bar Table Motion without providing the relevant information would substantially undermine the ability of the Defence to assess and make submissions on this evidence. It must be provided by the SPO in advance, or as part of, the refiled SPO Bar Table Motion.

### **C. Confidentiality**

35. These submissions are filed publicly as they do not contain any confidential information although they may refer to confidential issues. Indeed, as required by the Trial Panel<sup>22</sup> they are specifically drafted to be public.

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<sup>21</sup> This is consistent with the approach adopted by the ICC Appeals Chamber in relation to similar provisions: see Bemba Judgement, paras 3, 75-79.

<sup>22</sup> Annex 1 to Order on the Conduct of Proceedings, para. 2.

### III. CONCLUSION AND RELIEF REQUESTED

36. The Panel informed the SPO that in evaluating the documents it would seek to tender for admission:

“the Trial Panel encourages the Parties and participants to set for themselves a high threshold of evaluation so as to ensure that only evidence of high probative value is tendered.”

37. However, given the sheer volume of information tendered, its format and the absence of rhyme or reason in the documents selected, it is impossible to definitively tell from the Bar Table Motion whether this is the case. To assist the Trial Panel in expediting the proceedings and limiting in-court discussion of documents, the SPO must live up to its burden of providing the relevant information to the Defence and Trial Panel.

38. Therefore, the Defence hereby requests the Trial Panel to:

- (i) ORDER the SPO to re-file the Bar Table Motion, to include:
  - a. Specification as to how each document relates to the First 40 Witnesses or the clear and effective presentation of its case at this stage;
  - b. Identification of the specific paragraphs of the Indictment to which each document relates rather than generic ranges of paragraphs;
  - c. Identification of the specific pages of a document, in both the original language and in English, which it seeks to have admitted into evidence for books and length document as well as information on translations and

- d. Disclosure of all evidence relevance to Rule 138(2);
  - e. Disclosure of all relevant evidence relating to expert evidence from other proceedings, including the underlying materials relied upon by the expert and whether or not the expert opinion expressed is maintained;
- (ii) EXTEND the deadline for the Defence to respond to the refiled Bar Table Motion to six weeks after its re-filing based on an estimate of four team members working full time on a review of these documents.

Word count: 4,524

Respectfully submitted on 14 February 2023,



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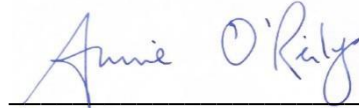
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